

September 24, 2000

Via Electronic Filing

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Ex Parte Presentation in CC Docket No. 96-98

Dear Ms. Salas:

Pursuant to Section 1.1206 of the Commission's rules, the Competitive Telecommunications Association ("CompTel") hereby gives notice that on September 22, 2000, its representatives had two meetings with Commission staff to discuss CompTel's Petition for Reconsideration in the above-referenced proceeding. Separately, CompTel met with Rebecca Beynon, Legal Advisor to Commissioner Furchtgott-Roth, and Jordan Goldstein, Legal Advisor to Commissioner Ness.

In these meetings, CompTel reiterated its request that the Commission find that competitors will be impaired in their ability to provide service to customers requiring voice grade analog service on a "per line" basis, unless they are able to access the unbundled local switching element to serve customers with at least 20 lines in all areas of the country, including Zone 1 in the top 50 MSAs. CompTel explained that unless carriers are allowed access to unbundled local switching to serve customers requiring as many as 20 lines, these carriers will be impaired in their ability to provide service to the both the small end (1-3 lines) as well as the remaining portion (4-20 lines) of the mass market. If a carrier cannot provide service to the maximum potential number of customers possible off of its already-substantial minimum viable scale investment in UNEP-supporting facilities, then it is questionable whether such an investment would be justified to address an artificially restricted portion of the "natural" market for UNEP-based carriers. This "natural" market includes all consumers who purchase voice-grade analog lines, or whose telecommunications needs otherwise require less than a DS1 level of capacity.

CompTel also explained that the Commission should begin considering another issue for which CompTel has requested reconsideration in the above-referenced proceeding—an alternative interpretation of Rule 315(b) that would require ILECs to not separate elements which are ordinarily combined in the ILEC network. Thus, if the ILEC normally provides UNEs, in combination, for either itself, any of its affiliates, or retail

customers, then the ILEC must provide requesting carriers with the option of taking delivery of these elements in a combined state.

CompTel also asked the Commission to clarify that any line restriction on the availability of unbundled local switching must apply on an address served basis, and not a customer name basis. Furthermore, CompTel asked that the Commission clarify that any restriction would not inhibit competitors from providing for the natural growth needs of end users. Thus, any restriction would only apply to conversions of existing ILEC customers with greater than 20 lines, or CLEC orders for greater than 20 lines. Once the CLEC is serving a customer, the end-user customer must be able to receive the same service configurations from the UNEP-based CLEC that the customer could receive from the ILEC.

Representing CompTel were Robert Aamoth of Kelley Drye & Warren, and the undersigned attorney. CompTel also distributed unsigned copies of signed member company declarations that it had previously filed in this proceeding. Copies of what were distributed are attached to this letter.

Sincerely,

Jonathan Lee
Vice President,
Regulatory Affairs