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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

July 20, 2001

EX PARTE

Magalie Roman Salas
Secretary
Federal Communications Commission
Room TW-A325
445 Twelfth Street, S.W.
Washington, D.C. 20554

Re: CC Docket No. 96-262 & CCB/CPD No. 01-02

Dear Ms. Salas:

On July 19, 2001, Larissa Herda, Don Shephard, and Kelsi Reeves of Time Warner Telecom ("TWTC") discussed the Commission's policies regarding CLEC access charges with Commissioner Copps and Jordan Goldstein, advisor to Commissioner Copps. During the meeting, TWTC explained that (1) an IXC cannot foreclose the argument that it has constructively ordered access services from a CLEC simply because it has not submitted an Access Service Request ("ASR") for those services; (2) the holding of the *AT&T v. Business Telecom, Inc.* (FCC 01-185) should be limited to the facts of that case and should not be applied broadly to other CLECs; and (3) IXCs should not be allowed to exercise self-help by withholding payments for access charges incurred before the effective date of the Commission's order regulating CLEC access rates.

Pursuant to Section 1.1206(b)(1) of the Commission's rules, 47 C.F.R. § 1.1206(b)(1), an original and one copy of this letter are being provided for inclusion in the public record of each of the above-referenced proceedings.

Sincerely,



Christi Shewman

cc: Commissioner Michael J. Copps
Jordan Goldstein

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