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1401 H Street NW  
Suite 600  
Washington DC  
20005-2164

Tel (202) 326-7300  
Fax (202) 326-7333  
www.usta.org

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

July 26, 2001

**NOTICE OF EX PARTE PRESENTATION**

Magalie Roman Salas  
Secretary  
Federal Communications Commission  
445 - 12<sup>th</sup> Street, SW, TW-A325  
Washington, DC 20554

Re: *Access Charge Reform*  
*Reform of Access Charges Imposed by Competitive Local Exchange Carriers*  
CC Docket No. 96-262 /

Dear Ms. Salas:

On July 25, 2001, the undersigned and Francis D. R. Coleman, Esq., Vice President of Regulatory Affairs, Mpower Communications Corp., on behalf of the United States Telecom Association, met with Jack S. Zinman, Counsel to the Common Carrier Bureau Chief, and Tamara L. Preiss, Deputy Chief, Competitive Pricing Division, CCB, to discuss several issues arising out of the Federal Communications Commission's *Seventh Report and Order* in the above-referenced proceeding.

Specifically, the following points were presented by the USTA representatives:

1. USTA continues to believe that in competitive markets price regulation is unwarranted. Accordingly, CLEC access rates should not be subject to price regulation. Notwithstanding the foregoing, since the FCC has imposed a tariff benchmark mechanism for CLEC access rates, such a mechanism should operate in the least burdensome manner and not create disincentives for CLECs to provide competitive local exchange services.
2. The phase down in CLEC access rates prescribed by the *Report and Order* should be more gradual.
3. Safe harbor rates should be available to all CLECs in all areas, both existing and new markets.
4. A contamination rule should be applied that does not unreasonably penalize rural CLECs who have a limited presence in non-rural markets, as the term is defined in the *Report and Order*.
5. Guidance should be offered as to how the reasonableness of CLEC access rates in effect during the period prior to the effective date of the *Report and Order* is to be assessed.

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In accordance with Commission Rule 1.1206(b)(2), an original and one copy of this summary of the *ex parte* presentation are being filed with you for inclusion in the record of the above-referenced proceeding. Please contact me if you have questions.

Sincerely,

A handwritten signature in cursive script that reads "Lawrence E. Sarjeant".

Lawrence E. Sarjeant  
Vice President Regulatory Affairs  
and General Counsel

cc: Jack S. Zinman  
Tamara L. Preiss