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September 28, 2001

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

VIA COURIER

Dorothy Attwood
Chief, Common Carrier Bureau
Federal Communications Commission
445 12th St., SW
Washington, DC 20554

Re: Ex Parte
Verizon "No Facilities" Policy
CC Docket Nos. 96-98 and 01-138
CCB/CPD No. 01-06

Dear Ms. Attwood:

Recently a number of the undersigned CLECs, met with you to discuss greatly increased instances in which Verizon refuses to provide broadband loop UNEs based on "no facilities." The circumstances of this practice, an explanation of why it is unlawful, and the disadvantage it causes to CLECs is more particularly explained in the attached letter.

Before the meeting with you, and since, a number of the undersigned CLECs have attempted to engage Verizon in negotiations and discussions looking toward possible remedies to Verizon's "no facilities" policy. These discussions have not been productive, for the most part because Verizon has not responded at all to CLECs endeavors to negotiate. For example, Verizon stated that it would get back to Network Plus on or about September 19, 2001 with responses to Network Plus' concerns, but, as a result of the attack on the World Trade Center, failed to do so. Network Plus has tried to restart these negotiations, or at a minimum set a timeframe around it, but has not received a response from Verizon.

The undersigned CLECs are very aware that the efforts to engage Verizon in negotiations on this issue were approximately coincident with the terrorist attack on the World Trade Center in New York City and its aftermath. The undersigned CLECs greatly appreciate Verizon's efforts to restore service following the attack.

Nonetheless, the undersigned CLECs believe that issues raised by Verizon's recently expanded "no facilities" policy should be promptly addressed by the Commission for all the reasons stated in the attached letter. The instances in which Verizon declines to provide broadband loop UNEs appears to be increasing. The undersigned CLECs have determined that they should not delay further seeking prompt Commission attention to this matter. In particular, the circumstances in which ILECs may reasonably decline to provide UNEs when they must modify existing facilities in order to do so has not been adequately clarified by the Commission. Accordingly, the undersigned CLECs submit the attached letter for your consideration at this time.

Sincerely,


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