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November 9, 2001

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

**BY HAND DELIVERY**

Magalie Roman-Salas  
Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

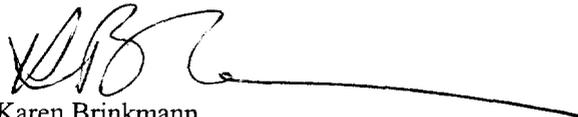
Re: Petition for Rulemaking by ACS of Alaska, Inc., ACS of Fairbanks, Inc. and ACS of the Northland, Inc. [collectively, "ACS"] to Amend Section 51.405 of the Commission's Rules to Implement the Eighth Circuit's Decision in *Iowa Utilities Board v. FCC* Regarding the Burden of Proof in Rural Exemption Cases Under Section 251(f)(1) of the Communications Act (CC Docket No. 96-98) - Petition for Reconsideration (FCC Public Notice Rep. No. 2508, rel. Oct. 19, 2001) - Notice of Ex Parte Communications

Dear Ms. Salas:

This is to inform the Commission of *ex parte* communications concerning the above-captioned petition for reconsideration on November 6 and 8, 2001. Wesley E. Carson and Leonard A. Steinberg, both of ACS, and I met on behalf of the ACS petitioners with: Kyle Dixon of the Chairman's office (Nov. 6), Commissioner Abernathy and Matthew Brill (Nov. 8), Commissioner Martin and Sam Feder (Nov. 8), Commissioner Copps and Jordan Goldstein (Nov. 8), Dorothy Attwood, Jeffrey Carlisle, and Ann Stevens of the Common Carrier Bureau (Nov. 6), and Linda Kinney, Debra Wiener and Sonja Rifken of the Office of General Counsel (Nov. 8). The substance of these communications was reiteration of the arguments raised in the petition, including the public interest in a national rule on the burden of proof in rural exemption termination cases, and the need for prompt Commission action on ACS's petition for reconsideration.

We believe that these communications are exempt from *ex parte* restrictions pursuant to Section 1.1204(b)(2) of the Commission's rules, as they concern a petition for rulemaking. We note that the Commission's Public Notice of the ACS petition for reconsideration, cited above, was silent as to the applicability of the *ex parte* rules to this proceeding. Nevertheless, we are filing this notice in duplicate in the interest of full disclosure. Please direct any questions concerning this matter to me.

Very truly yours,

  
Karen Brinkmann

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**LATHAM & WATKINS**

Magalie Roman-Salas, Secretary

November 9, 2001

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cc: Office of the Chief, Common Carrier Bureau  
Office of the Chief, Policy and Program Planning Division, Common Carrier Bureau  
Office of Chairman Powell  
Office of Commissioner Abernathy  
Office of Commissioner Copps  
Office of Commissioner Martin