

# WILLKIE FARR & GALLAGHER

Three Lafayette Centre  
1155 21st Street, NW  
Washington, DC 20036-3384

202 328 8000  
Fax: 202 887 8979

November 16, 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 Nos. 96-98; 96-262

Dear Ms. Salas:

On November 15, 2001, on behalf of Time Warner Telecom (TWTC), I discussed the need for national business rules (defining how performance should be tracked and reported) and performance benchmarks (defining standard time intervals and other performance requirements) for interstate special access with Commissioner Kevin Martin. I explained to Commissioner Martin that (1) ILECs have adopted the position that they need not construct new UNE facilities, and (2) even where ILEC facilities are in place, enhanced extended loops often constitute new combinations, which ILECs refuse to provide. Neither the new construction nor the new combination restriction applies to special access service. Thus, no amount of improvement in the ILECs' wholesale provision of UNEs (as defined under current law) will make unbundled high-capacity loops and transport viable substitutes for special access.

Pursuant to Section 1.1206(b)(2) of the Commission's rules, 47 C.F.R. § 1.1206(b)(2), a copy of this letter is being filed electronically for inclusion in the public record of the above-referenced proceedings.

Sincerely,

/s/

Thomas Jones

cc: Kevin Martin