



Legal Department

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

November 30, 2001

Magalie R. Salas
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Re: *Ex Parte*
CC Docket No. 01-117

Dear Ms. Salas:

Pursuant to Section 1.1206 of the Commission's rules, this will provide notice of the attached email communication of November 29, 2001 to Kyle Dixon, Office of the Chairman concerning issues in the above-captioned proceeding.

Sincerely,

Francis D. R. Coleman
Vice President - Regulatory Affairs

FDRC/PJD:aeg-392086.1

cc: Kyle Dixon (w/encl)

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List A B C D E

Donovan, Patrick

From: Coleman, Francis [fcoleman@mpowercom.com]
Sent: Thursday, November 29, 2001 1:40 PM
To: 'Kyle Dixon'
Cc: 'Patrick Donovan'
Subject: FLEX Contract Rulemaking

Dear Kyle

Some weeks ago we spoke by telephone on the status of Mpower's petition for a rulemaking on FLEX contracts. FLEX contracts between ILECs and CLECs would be subject to opt-in but not subject to pick-and-choose. They would be a voluntary alternative to UNEs, but not a substitute

Mpower is an independent, UNE-based CLEC. Mpower's petition was widely supported by RBOCs, by the USTA, and by the USTA's CLEC Council which consists of 27 CLECs, many of them UNE-based. Mpower's petition was opposed by a few CLECs.

Mpower believes that a rulemaking is important in order to develop a simple, effective framework in which such voluntary FLEX contracts can begin to function on market-based principles - while all sides continue to grapple with difficult issues surrounding broadband UNEs.

We believe that expeditious treatment of our petition could provide this Commission with an important tool to help the local telephone service industry move itself towards market based pricing - cautiously and voluntarily.

Please let me know if there is anything I can do to facilitate the FCC's consideration of Mpower's petition for a rulemaking.

Yours sincerely

Fran
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