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December 4, 2001

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

**By Hand**

Ms. Magalie Roman Salas, Secretary  
Office of the Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

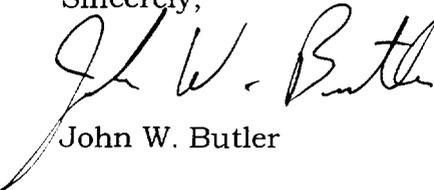
**Re: Ex Parte Presentation in GN Docket No. 00-185**

Dear Ms. Salas:

In accordance with the Commission's regulations, this filing describes a permitted *ex parte* meeting regarding the above-referenced docket. On December 3, 2001, Dave Baker, Vice President for Law and Public Policy for EarthLink, Inc. ("EarthLink"), and the undersigned met with Commissioner Michael Capps and his senior legal advisor, Jordan Goldstein. The discussion focused on the need for the Commission to acknowledge promptly that existing law requires cable companies that offer Internet access to the public using their own network transmission facilities to sell transport over those facilities to other ISPs on nondiscriminatory terms and conditions. The EarthLink representatives provided to the Commissioner a copy of the written *ex parte* filed by EarthLink on November 8, 2001 in this docket (letter to Mr. W. Kenneth Ferree).

Please direct any inquiries regarding this filing to the undersigned.  
Thank you for your kind assistance.

Sincerely,



John W. Butler

Counsel to EarthLink, Inc.

cc: Qualex International  
Jordan Goldstein

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