

# WILLKIE FARR & GALLAGHER

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April 1, 2002

William F. Caton  
Acting Secretary  
Federal Communications Commission  
Room TW-A325  
445 Twelfth Street, S.W.  
Washington, DC 20554

Re: CC Docket Nos. 96-98; 01-338; 98-147; 01-337

Dear Mr. Caton:

On March 29, 2002, Kevin Joseph of Allegiance Telecom (“Allegiance”) and I met with Jordan Goldstein, Legal Advisor to Commissioner Michael Copps. During the meeting, we argued that the Commission must ensure that Section 251(c) unbundling obligations apply to the ILECs in all cases where the ILECs have market power, including instances where the requesting carrier seeks to use the elements to provide broadband services. Specifically, we argued that there is virtually no intramodal competition in the provision of broadband service to the small and medium sized businesses targeted by Allegiance and that the intramodal competitors are reliant on bottleneck facilities controlled by the ILECs. Those bottleneck facilities must therefore be subject to unbundling. Finally, we also expressed concern that the Commission’s broadband initiatives will give the ILECs opportunities to engage in anti-competitive behavior.

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 each of the above-referenced proceedings.

Sincerely,

/s/

Thomas Jones

cc: Jordan Goldstein