

ORIGINAL

SWIDLER BERLIN SHEREFF FRIEDMAN, LLP 

THE WASHINGTON HARBOUR  
3000 K STREET, NW, SUITE 300  
WASHINGTON, DC 20007-5116  
TELEPHONE (202) 424-7500  
FAX (202) 424-7645  
WWW.SWIDLAW.COM

NEW YORK OFFICE  
THE CHRYSLER BUILDING  
405 LEXINGTON AVENUE  
NEW YORK, NY 10174  
(212) 973-0111 FAX (212) 891-9598

RECEIVED

APR 26 2002

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

April 26, 2002

EX PARTE OR LATE FILED

Marlene R. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, DC 20554

Re: *Ex Parte*  
CC Docket Nos. 98-147, 01-  
321, 01-337, 01-338, 02-33

Dear Ms. Dortch:

Pursuant to Section 1.1206 of the Commission's rules, this will provide notice that on April 25, 2002, Wanda Montano, Vice President, Regulatory Affairs, US LEC Corporation, and the undersigned met with Commissioner Kathleen Abernathy and Matthew Brill; Kyle Dixon Office of the Chairman; Jordan Goldstein, Office of Commissioner Michael Copps; and with Uzoma Onyeije, Renee Crittendon, Mark Stone, Pam Megna, Cathy Zima, and Jermone Stanshine, Wireline Competition Bureau, concerning issues in the above-captioned proceedings. We urged the Commission to promptly adopt performance metrics with adequate penalties governing ILEC provisioning of interstate special access service, especially in light of continuing outages experienced in service received from BellSouth. We stressed the importance of

402126v1

Marlene R. Dortch  
April 26, 2002  
Page 2

other key issues before the Commission as set forth in the attached document which was provided at the meetings.

Sincerely,

*Patrick J. Donovan* <sup>com</sup>

Patrick J. Donovan

cc: Hon. Kathleen Abernathy  
Matthew Brill  
Kyle Dixon  
Jordan Goldstein  
Uzoma Onyeije  
Renee Crittendon  
Mark Stone  
Cathy Zima  
Pam Megna  
Jerome Stanshine



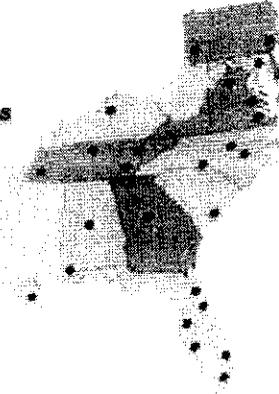
**US LEC CORP.**

- Aaron Cowell, President
- Wanda Montano, Vice President Regulatory Affairs
  - April 25, 2002

# US LEC CORP. COMPANY OVERVIEW

WELCOME TO US LEC.

*We are a telecommunications carrier providing integrated voice, data and Internet services. Headquartered in Charlotte, NC, we serve major cities throughout the southeastern and mid-Atlantic United States.*



- Headquartered in Charlotte, NC
- 7,000 medium- and large-sized business customers
- 70 markets served
- Offers local, long distance, calling card, dedicated Internet access, digital private line and frame relay services
- Net revenue for 4<sup>th</sup> Quarter 2001 totaled \$51.5 million
- Fully funded business plan

# US LEC CORP.

## CRITICAL REGULATORY ISSUES

- Special access performance metrics
- Strong enforcement
- Dominant treatment of ILEC wholesale high-capacity services
- Facilities-based competition initially requires use of ILEC facilities
- Continued Title II regulation of broadband
- Access to high capacity loops and transport
- “Fresh Look”