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October 11, 2002

VIA ELECTRONIC SUBMISSION

Ms. Marlene H. Dortch
Secretary
Office of the Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: **Ex Parte Communication**

CC Docket No. 01-338, *Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers*

CC Docket No. 96-98, *Implementation of the Local Competition Provisions in the Telecommunications Act of 1996*

CC Docket No. 98-147, *Deployment of Wireline Services Offering Advanced Telecommunications Capability*

Dear Ms. Dortch:

On September 23, 2002, Howard Shelanski representing SBC, BellSouth and Verizon met with Michelle Carey, Tom Navin, Rob Tanner, Claudia Pabo, Elizabeth Yockus, Ian Dillner, Daniel Shiman, Brent Olson, Mike Engel, Ben Childers, Julie Veach and Jeremy Miller of the Competition Policy Division of the Wireline Competition Bureau and Jerry Stanshine, Jeff Goldberg and Shanti Gupta of the Network Telecommunications Division of the Office of Engineering and Technology. He also met with Simon Wilkie and Bob Pepper of the Office of Plans and Policy as well as legal advisors Chris Libertelli, Dan Gonzalez and Matthew Brill.

The meetings were devoted to discussion of (1) the definition of competitive "impairment" and (2) transition mechanisms for ending UNE-P availability. As to the definition of impairment, Shelanski argued that the Commission should adopt a definition that focuses on the relevant market as a whole and asks whether competitive entry into the market is impaired without UNEs. He argued against adopting a definition of impairment that focuses on whether a particular competitor is impaired. Shelanski also discussed options for transition mechanisms and noted that nothing should prevent ILECs and CLECs from negotiating an agreement for access that substitutes for UNE-P.

Pursuant to Section 1.1206(b) of the Commission's rules, this letter is being electronically filed. I ask that this letter be recognized with the proceedings identified above.

Please contact the undersigned at (202) 326-8847 should you have any questions.

Sincerely,

/s/ Brian J. Benison

CC: Michelle Carey
Tom Navin
Rob Tanner
Claudia Pabo
Elizabeth Yockus
Ian Dillner
Daniel Shiman
Brent Olson
Mike Engel
Ben Childers
Julie Veach
Jeremy Miller
Jerry Stanshine
Jeff Goldberg
Shanti Gupta
Simon Wilkie
Bob Pepper
Chris Libertelli
Dan Gonzalez
Matthew Brill