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November 27, 2002

EX PARTE

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
Room TW-A325
445 12th Street, S.W.
Washington, D.C. 20554

Re: CC Docket Nos. 96-98; 96-45; 01-337; 01-338; 02-33

Dear Ms. Dortch:

On November 8, 2002, the attached *Ex Parte* letter was electronically filed with the Commission on behalf of Allegiance Telecom. However, it has come to my attention that ECFS was not functioning properly that day and many filings, including ours, was not accepted by the system. At the request of the Commission staff, I am hereby resubmitting the attached *ex parte*. Accordingly, I request that the attached be accepted as filed in the above-referenced dockets on November 8, 2002.

A copy of the original filing was sent to Jordan Goldstein, as listed on the original letter.

If you have any questions, please do not hesitate to contact me. Thank you for your assistance in this matter.

Sincerely,

/s/
Thomas Jones

Attachment

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Re: CC Docket Nos. 96-98; 96-45; 01-337; 01-338; 02-33

Dear Ms. Dortch:

On November 7, 2002, Kevin Joseph of Allegiance Telecom and I met with Jordan Goldstein, Legal Advisor to Commissioner Michael Copps. During the meeting, we reiterated the arguments made by Allegiance in its comments and reply comments in the above-referenced Triennial Review, Broadband and Universal Service dockets. In addition, we made the following three points. First, we argued that the FCC should rule in the Triennial Review proceeding that Verizon's "no facilities" policy is unlawful under Section 251(c). Second, we reiterated that, in assessing whether requesting carriers are impaired in the absence of unbundled interoffice transport, the Commission must adopt a route-by-route definition of the relevant geographic market. Third, we reiterated that the integrated access broadband services Allegiance provides are in a different product market than residential/mass market broadband products (e.g., ADSL and cable modem service) and enterprise broadband products (e.g., ATM and Frame Relay). We also reiterated that the ILECs do not face intermodal competition in the integrated access product market and that they are generally the only providers of the T-1 loops needed to provide such services. The ILECs must therefore be treated as dominant in the market for integrated access and similar (i.e., substitute) broadband services.

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

NEW YORK WASHINGTON, DC PARIS LONDON MILAN ROME FRANKFURT