

SWIDLER BERLIN SHEREFF FRIEDMAN, LLP

THE WASHINGTON HARBOUR
3000 K STREET, NW, SUITE 300
WASHINGTON, DC 20007-5116
TELEPHONE (202) 424-7500
FACSIMILE (202) 424-7643
WWW.SWIDLAW.COM

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

December 18, 2002

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Notice of Ex Parte Meetings

CC Docket Nos. 01-338, 96-98, 98-147, 95-20, 98-10 and WC Docket
No. 02-33

Dear Ms. Dortch:

Pursuant to Section 1.1206 of the Commission's rules, 47 C.F.R. § 1.1206, this will provide notice that on December 18, 2002, Pantios Manias, Senior Vice President for Carrier Relations, Regulatory and Business Development, of El Paso Global Networks ("EPGN") and the undersigned met with Lisa Zaina from the Office of Commissioner Adelstein to discuss regulatory issues relating to the above-referenced dockets. Consistent with the Commission's rules, EPGN is electronically filing an this notice with the Office of the Secretary.

EPGN discussed its concerns in the Commission's triennial review proceeding and discussed some of the highlights of its comments, reply comments and previous *Ex Parte* submissions it has filed in these proceedings. In particular, EPGN stressed that requesting carriers in the markets EPGN serves would be impaired if competitors did not have access to dark fiber UNEs and that CLECs must make significant investments in their own facilities in order to use unbundled dark fiber.

Further, EPGN also outlined difficulties it has experienced in obtaining parity access to other UNEs, particularly in regards to the recent proliferation of "no facilities policies" from ILECs and urged the Commission to strengthen its UNE rules to protect the availability of network elements on reasonable terms and on parity with the access available to the incumbent LECs.

Also discussed at this meeting was EPGN's difficulties obtaining unbundled network elements to serve Commercial Mobile Radio Service carrier "cell sites"; and EPGN's opposition

Marlene H. Dortch
December 18, 2002
Page 2

to use restrictions on EEL combinations and EPGN's request that the Commission rectify these issues through its order in the proceedings referenced above.

With respect to the issues in CC Docket Nos. 95-20, 98-10 and WC Docket No. 02-33, EPGN expressed its position that the current framework in the Commission's rules has worked well and is supported by nearly thirty years of Commission judicial precedent. EPGN stressed that to the extent the Commission determines that providing a combined internet access service with a high speed telecommunications facilities is an information service, the Commission should make sure the facilities continue to be available to CLECs as unbundled network elements pursuant to section 251 of the Act.

EPGN provided the participants in the meeting with duplicate copies of the *Ex Parte* filings it has made in these proceedings as well as other material. This other material, included with this letter, is a PowerPoint presentation EPGN used in these meetings.

Sincerely,

/s/
Patrick J. Donovan
Counsel for El Paso Global Networks

Enclosure

cc: Lisa Zaina