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December 17, 2002

RECEIVED

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VIA COURIER

Marlene H. Dortch, Secretary
Federal Communications Commission
The Portals, 445 12th Street, S.W.
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

**Re: Notice of Ex Parte Conversation (WC Docket No. 02-340, WC Docket No. 02-304,
WC Docket No. 02-317, WC Docket No. 02-319)**

Dear Ms. Dortch:

In accordance with Section 1.1206 of the Commission Rules, US LEC Corp., through its attorneys, files this notice of *ex parte* conversation. On December 16, 2002, Wanda Montano (Vice President-Regulatory, US LEC Corp.) spoke with Sam Feder (Legal Advisor to Commissioner Martin). They discussed the possibility that, in lieu of rejecting the proposed ILEC tariff revisions, the Commission might issue guidelines or a policy statement to the industry concerning possible acceptable changes to the current tariff provisions on security deposits. Ms. Montano noted that if the Commission were to proceed in this manner, it must recognize that CLECs do not have any power to force the ILECs to abide by the same security deposit guidelines. Any guidelines, such as a requirement for advanced payment for usage, must be made symmetrical since, in many instances, the CLEC may bill more usage to the ILEC than it is billed. ILECs should not be permitted to use the dispute process as a means to slow pay CLECs.

In order to be implemented, guidelines would need to be reflected in tariffs. The issuance of guidelines may, therefore, result in further litigation.

Pursuant to Section 1.1206(a)(i) of the Commission's Rules, an original and one (1) copy of this letter is being submitted to the Secretary for filing in the each of the above-referenced proceedings.

Sincerely,



Richard M Rindler

RMR/kas
Enclosures

cc: Chairman Michael K. Powell
Commissioner Kathleen Q. Abernathy
Commissioner Michael J. Copps
Commissioner Kevin J. Martin
Commissioner Jonathan S. Adelstein
Sam Feder

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