



January 13, 2003

Ms. Marlene H. Dortch
Federal Communications Commission
445 12th Street, S.W., Room 1-A836
Washington, D.C. 20554

Re: Notice of *Ex Parte* Presentation in CC Docket Nos. 01-338, 02-33

Dear Ms. Dortch:

Pursuant to Sections 1.1206(b)(2) of the Commission's Rules, this letter is to provide notice in the above-captioned docketed proceedings of an *ex parte* meeting on January 10, 2003, by John Windhausen and Jonathan Askin of the Association for Local Telecommunications Services (ALTS) with Commissioner Kevin Martin and Dan Gonzalez. During the meeting, ALTS generally discussed CLEC concerns regarding the above-captioned proceedings. More detailed discussions of the parties' positions are contained in ALTS' comments and reply comments and prior written *ex parte* submissions in the above-captioned proceedings.

ALTS emphasized the need for the FCC to ensure that ILECs provide unbundled access to loops, transport and enhanced extended links. ALTS stressed that the FCC fill the existing loopholes that effectively preclude CLECs from obtaining UNEs and UNE combinations (*e.g.*, erroneous Bell arguments that facilities are not available for a wholesale customer seeking UNEs, but would be available for a retail customer seeking special access; misapplication of use restrictions to preclude CLEC access to EELs). ALTS discussed the inevitable setbacks to telecom competition if the FCC were to deny CLECs unbundled access to these essential facilities. The parties stressed that the facts show that access to unbundled loops, transport and EELs is still critical to CLECs' ability to compete. Furthermore, ALTS indicated that, whatever new rules or rule modifications the FCC adopts, the FCC must not allow the ILECs to find ever new loopholes to effectively preclude CLEC access to UNEs and UNE combinations. ALTS further emphasized the need for clear presumptions favoring UNE provisioning and procedures to ensure swift enforcement of the FCC UNE provisioning rules.

If you have any questions about this matter, please contact me at 202-969-2587.

Respectfully submitted,
/s/
Jonathan Askin

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