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January 14, 2003

Ms. Marlene Dortch, Secretary  
Federal Communications Commission  
450 12<sup>th</sup> Street S.W.  
Washington, D.C. 20554

**NOTICE OF EX PARTE PRESENTATION**  
**Triennial Review, CC Docket Nos. 01-338, 96-98, 98-147**

Dear Ms. Dortch:

On October 1 and October 21, 2002, Allegiance Telecom submitted ex partes in the above referenced dockets discussing Verizon's "no facilities" policy and the negative impact that it has on the ability of CLECs to compete. We are writing today to update the record and advise the Commission of the UNE DS1 rejection rates Allegiance experienced in Verizon territories in the months of October and November 2002:

<u>Market</u>	<u>October Rejection Rate</u>	<u>November Rejection Rate</u>
New Jersey	63.89%	48.15%
Massachusetts	53.33%	45.45%
Maryland	11.48%	21.62%
Pennsylvania	26.53%	45.45%
District of Columbia	22.50%	30.12%
New York	40.30%	31.37%

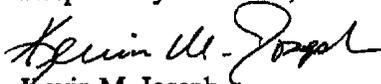
Allegiance submits that these rejection rates continue to be unacceptably high and unreasonably foreclose the ability of CLECs to compete in the broadband market.

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Allegiance urges the Commission to address this issue as quickly as possible and more clearly define the limitations on the ability of ILECs to deny access to UNEs consistent with the recommendation made by Allegiance in its October 1, 2002 submission.

Respectfully submitted,

  
Kevin M. Joseph

cc: William Maher  
Thomas Navin  
Robert Tanner  
Jeremy Miller  
Julie Veach  
Daniel Shiman  
Chris Libertelli  
Matt Brill  
Jordan Goldstein  
Dan Gonzales