Ann D. Berkowitz
Project Manager – Federal Affairs

1300 I Street, NW
Suite 400 West
Washington, DC 20005
(202) 515-2539
(202) 336-7922 (fax)

January 23, 2003

Ex Parte

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

Re: *Application by Verizon for Authorization To Provide In-Region, InterLATA Services in the State of Maryland, the District of Columbia and West Virginia*, WC Docket No. 02-384

Dear Ms. Dortch:

At the request of the Wireline Competition Bureau staff, Verizon is providing the attached are copies of: 1) WorldCom's letter filed with the DC Public Service Commission on January 14, 2003; 2) Verizon DC's response to WorldCom filed on January 17, 2003; 3) AT&T's letter to Verizon dated January 13, 2003; and 4) Verizon DC's response to AT&T filed with the DC Public Service Commission on January 14, 2003. Please let me know if you have any questions. The twenty-page limit does not apply as set forth in DA 02-3511.

Sincerely,

Attachments

cc: G. Cohen
G. Gooke
G. Remondino
V. Schlesinger
J. Dygert

962-T 700

WORLDCOM

PUBLIC SERVICE COMMISSION
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Chana S. Wilkerson
Senior Attorney
Law & Public Policy

1133 19th Street NW
Washington, DC 20036
202 736-6739 Ph
202 736 6242 Fx
chana.s.wilkerson@wcom.com

January 14, 2003

Via E-Docket

Sanford M. Speight, Esq.
Acting Secretary
The Public Service Commission
of the District of Columbia
1333 H Street, NW
Second Floor, West Tower
Washington, DC 20005

Re: ***Formal Case No. TIA 99-10: Interconnection Agreement Between Verizon-Washington-DC, Inc. and PaeTec Communications, Inc. – Amendment No. 2; Request for Expedited Approval***

Formal Case No. 962 – In the Matter of the Implementation of the District of Columbia Telecommunications Act of 1996 and Implementation of the Telecommunications Act of 1996

Formal Case No. 1011 – In the Matter of Verizon-Washington-DC's Compliance with the Conditions Established In Section 271 of the Federal Telecommunications Act of 1996

Dear Mr. Speight:

On January 9, 2003 Verizon Washington DC, Inc. ("Verizon") filed for expedited approval of an interconnection agreement amendment ("Amendment") with PaeTec Communications, Inc.("PaeTec") who has agreed to adopt the New York Benchmark interim unbundled network element ("UNE") rates that Verizon announced it would be charging District of Columbia competitive local exchange carriers ("CLECs") when it filed its application for long

distance authority with the Federal Communications Commission ("FCC").[1] Verizon advised the Commission that the Amendment was consistent with the Telecommunications Act of 1996 and the public interest, convenience, and necessity because *inter alia*, the same Amendment was offered to all CLECs in the District of Columbia.

The offer Verizon makes reference to is its December 18, 2002 notice ("Notice") to CLECs that it will begin charging revised UNE rates in the event of a petition of reconsideration which by operation of law would stay the Commission's recently adopted permanent UNE rates in *Formal Case No. 962 – In the Matter of the Implementation of the District of Columbia Telecommunications Act of 1996 and Implementation of the Telecommunications Act of 1996.*[2] Verizon's Notice further states that it will unilaterally start billing CLECs its "New York Benchmark" UNE rates and CLEC payments of such bills will be construed as acceptance of the "New York Benchmark" UNE rates and incorporated as part of the parties interconnection agreement (subject to Commission approval) until such time as the Commission issues its ruling on reconsideration in *Formal Case No. 962.*

Notwithstanding Verizon's characterization of its action as an offer, these unilaterally imposed rate changes violate Commission Order No. 12626 expressly prohibiting Verizon from using New York unbundled network element rates or any other unbundled network element rates, unless approved by the Commission.[3] The New York Benchmark rates will be charged and billed without Commission approval; thus, Verizon will have implemented the rates without Commission approval. Moreover, the changes set forth in Verizon's notice violate the parties' interconnection agreements and the process by which these agreements are modified. Furthermore, while WorldCom, Inc. has not received the December 18, 2002 Notice from Verizon, WorldCom does not agree to modify its interconnection agreement to incorporate the New York Benchmark UNE rates. If Verizon chooses to bill WorldCom the New York Benchmark rates, payment by WorldCom of its Verizon DC bills in no way constitutes acceptance of or agreement with Verizon's unilaterally imposed UNE rates.

At this time, PaeTec is the only CLEC that has agreed to adopt Verizon's New York Benchmark UNE rates and has submitted an interconnection amendment with such rates for approval. Accordingly, upon Commission approval, PaeTec will be the only CLEC legally subjected to those rates. Because WorldCom supports the permanent UNE rates adopted by the Commission in *Formal Case No. 962* and urges the Commission to act now to reject Verizon's Application for Reconsideration, reinstate the UNE rates adopted in the December 6, 2002, decision in

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[1] *In the Matter of the Application of Verizon Maryland, Verizon Washington DC, Inc., and Verizon West Virginia, Inc., et al. Pursuant to Section 271 of the Telecommunications Act of 1996 to Provide In-Region InterLATA Services in Maryland, Washington, D.C. and West Virginia, WC 02-384, Verizon Brief at 47.*

[2] See, *Formal Case No. 962 – In the Matter of the Implementation of the District of Columbia Telecommunications Act of 1996 and Implementation of the Telecommunications Act of 1996,* Order No. 12610.

[3] See, *Formal Case No. 962 – In the Matter of the Implementation of the District of Columbia Telecommunications Act of 1996 and Implementation of the Telecommunications Act of 1996;and Formal Case No. 1011 – In the Matter of Verizon-Washington-DC's Compliance with the Conditions Established In Section 271 of the Federal Telecommunications Act of 1996,* Order No. 12626 at p. 3.

Formal Case No. 962 and order that those rates be incorporated into parties' interconnection agreements.

Respectfully submitted,

Chana S. Wilkerson

Chana S. Wilkerson (DC Bar No. 464141)
WorldCom, Inc.
1133 19th Street, NW
Washington, DC 20036
(202) 736-6739

Counsel for WorldCom, Inc.

cc: Attached Service List

CERTIFICATE OF SERVICE

I hereby certify that a copy of WorldCom, Inc.'s Letter was mailed first class U.S. Mail postage pre-paid or Federal Express to the following parties on this 14th day of January 2003:

Sabrina McClendon, Esq.
Office of the General Counsel
The Public Service Commission
Of District of Columbia
1333 H. Street, NW 7th Flr.
Washington, DC 20005

Natalie O. Ludaway, Esq.
Leftwich & Douglas. PLLC
1400 New York Ave., Suite 600
Washington, DC 20005

Elizabeth A. Noel, Esq.
Sandra Mattavous-Frye, Esq.
Brenda Pennington, Esq.
Joy Ragsdale, Esq.
People's Counsel
Office of People's Counsel
1133 15th Street, NW
Washington, DC 20005

J. Henry Ambrose
VP Regulatory Matters
Verizon-Washington, DC, Inc.
1710 H St., NW, 11th Flr.
Washington DC 20006-4601

Mark A. Keffer
Michael A. McRae, Esq.
AT&T Communications of
Washington, DC Inc.
3033 Chain Bridge Road, Room 3D
Oakton, VA 22185

David A. Hill, Esq.
VP & General Counsel
Verizon-Washington, DC, Inc.
1710 H St., NW, 11th Flr.
Washington DC 20006-4601

Morton J. Posner
Regulatory Counsel
Allegiance Telecom, Inc.
1919 M Street, NW, Suite 420
Washington, DC 20036

Christopher T. McKee
Net2000
2180 Fox Mill Road
Herndon, VA 20171

David M. Janas
Lisa N. Anderson
Christopher R. Bjornson
Mintz, Levin, Cohn, Ferris,
Glovsky, and Popeo, PC
701 Pennsylvania Ave., NW
Washington, DC 20004

Robin F. Cohn, Esq.
Counsel for Starpower Communications,
LLC
Swidler & Berlin
3000 K. Street, NW, Suite 300
Washington, DC 20006

Edward Donohue
Counsel for XO DC, Inc.
Cole, Raywid & Braverman, LLP
1919 Pennsylvania Ave., NW Suite 200
Washington, DC 20006

Catherine Kane Ronis
Wilmer, Culter & Pickereing LLP
2445 M St., NW
Washington, DC 20037

Ross A. Buntrock
Counsel for eSpire Communications, Inc.
Kelley, Drye & Warren, LLC
1200 19th St., NW, Suite 500
Washington, DC 20036

Andrew M. Klein
John S. Ramsey
Kelley, Drye & Warren, LLC
1200 19th St., NW, Suite 500
Washington, DC 20036

Anthony Hansel
Covad Communications Group, Inc.
Hamilton Square
600 14t St., NW Suite 750
Washington, DC 20005

Joseph O. Kahl, Director
RCN Inc.
105 Carnegie Center
Princeton, NJ 08540

Mitchell F. Bercher, Esq.
Microwave Services
Greenberg & Traurig
800 Connecticut Ave., NW
Washington, DC 20036

LEFTWICH & DOUGLAS, P.L.L.C.

SUITE 600
1401 NEW YORK AVENUE, N.W.
WASHINGTON, D.C. 20005-6200

(202) 434-9100
FACSIMILE (202) 783-3420

WILLIE L. LEFTWICH, P.C.
RETIRED

PUBLIC SERVICE COMMISSION
RECEIVED
03 JAN 17 PM 4:57
CHIEF CLERK

January 17, 2003

BY HAND

Sanford M. Speight, Esquire
Acting Secretary
The Public Service Commission
of the District of Columbia
1333 H Street, N.W.
Second Floor, West Wing
Washington, D.C. 20005

Re: Formal Case Nos. 962 and 1011

Dear Mr. Speight:

Enclosed for filing are the original and fifteen (15) copies of Verizon Washington, DC Inc.'s response to WorldCom's letter dated January 14, 2003. WorldCom filed its letter with the Public Service Commission of the District of Columbia's Secretary on January 14, 2003.

If you have any questions regarding this filing, please call me.

Respectfully,

Natalie O. Ludaway /LZH

Natalie O. Ludaway

Enclosure

cc: See Service List

David A. Hill
Vice President & General Counsel

1710 H Street, NW, Floor 11
Washington, DC 20006

Phone 202.392.5296
Fax 202.887.9195
david.a.hill@verizon.com

January 17, 2003

PUBLIC SERVICE COMMISSION
RECEIVED
03 JAN 17 PM 4:57
CHIEF CLERK

Chana S. Wilkerson, Esquire
Senior Attorney
Law & Public Policy
WorldCom
1133 19th Street, NW
Washington, DC 20036

Re: Formal Case Nos. TIA 99-10; 962; and 1011

Dear Ms. Wilkerson:

This responds to your letter of January 14, 2003 to the Public Service Commission of the District of Columbia ("Commission") regarding Verizon Washington, DC Inc.'s ("Verizon DC") December 18, 2002 Notice to Competitive Local Exchange Carriers ("CLECs").

By your letter, WorldCom has elected to reject Verizon DC's offer of lower interim UNE rates benchmarked to New York TELRIC rates to be effective while the UNE rates prescribed by the Commission on December 6, 2002 are stayed. Instead, you have elected to continue to be charged the higher "FCC proxy" rates in effect in the District of Columbia before December 6, 2002. As Verizon DC explained in its January 7, 2003 compliance filing with the Commission, any CLEC has the option to reject the lower rates that Verizon DC has offered. Verizon DC will honor WorldCom's request for higher interim rates.

While your letter makes a variety of mistaken statements about UNE rates in the District, Verizon DC has responded to these arguments elsewhere and will not repeat those responses here. Your letter is also mistaken in claiming that PaeTec is the only CLEC that has agreed to accept Verizon DC's offer of lower interim rates during the stay. Because CLECs will be able to receive UNE rates that are lower than they would otherwise be entitled to receive during the period of the stay, the Commission's approval of the amendments to the PaeTec and Allegiance interconnection agreements is in the

public interest because this action will further foster competition in the District of Columbia.

Sincerely,

David A. Hill/CZH

David A. Hill

cc: Sanford Speight, Esquire
All Certificated CLECs in DC

CERTIFICATE OF SERVICE

I certify that on this 17th day of January, 2003, copies of Verizon Washington, DC Inc.'s response to WorldCom's letter dated January 14, 2003 were hand-delivered to those indicated by [*] and mailed first class, postage prepaid, to all parties as indicated by [*] and mailed first class, postage prepaid, to all parties as indicted below.

Charniele L. Herring

Charniele L. Herring

*Sebrina A. McClendon, Esq.
Lara Walt, Esq.
The Public Service Commission
of the District of Columbia
1333 H Street, N.W.
7th Floor
Washington, D.C. 20005

Elizabeth A. Noël, Esq.
Sandra Mattavous-Frye, Esq.
Brenda Pennington, Esq.
Joy Ragsdale, Esq.
Office of People's Counsel
1133 15th Street, N.W., Suite 500
Washington, D.C. 20005

Chana S. Wilkerson, Esq.
WorldCom
1133 19th Street, N.W.
11th Floor
Washington, D.C. 20036

Mark A. Keffer, Esq.
Michael A. McRae, Esq.
AT&T Communications of
Washington, D.C., Inc.
3033 Chain Bridge Road
Room 3D
Oakton, VA 22185

Jeffrey Blumenfeld, Esq.
Christy C. Kunin, Esq.
Gary, Cary, Warer & Freidenrich. LLP
1625 Massachussetts Avenue, N.W.
Suite 300
Washington, DC 20036

David M. Janas
Lisa N. Anderson
Christopher R. Bjornson
Mintz, Levin, Cohn, Ferris,
Glovsky & Popeo, P.C.
701 Pennsylvania Avenue, NW
Washington, DC 20004

Craig D. Dingwall, Esq.
Sprint Communications Co., L.P.
401 9th Street, N.W.
Suite 400
Washington, DC 20004

Robin F. Cohn, Esq.
Ronald J. Jarvis, Esq.
Andrew D. Lipman
Swidler Berlin Shereff Friedman, LLP
3000 K Street, N.W.
Suite 300
Washington, D.C. 20007-5116

Anthony Richard Petrilla, Esq.
COVAD Communications
Group Inc.
Hamilton Square
600 14th Street
Suite 750
Washington, D.C. 20005

Michael J. Ettner
General Services Administration
18th & F Street, N.W.
Suite 4002
Washington, D.C. 20405

Joseph O. Kahl, Director
Residential Communications
Network, Inc.
105 Carnegie Center
Princeton, NJ 08540

Cynthia A. Coe, Esq.
5406 Kirkwood Drive
Bethesda, MD 20816

Mitchell Bercher, Esq.
Greenberg & Traurig
800 Connecticut Avenue, N.W.
Washington, DC 20036

Ralph McMillan, Chief
Chuck Clinton, Director
D.C. Energy Office
2001 14th Street, N.W.
3rd Floor
Washington, D.C. 20009

Roderic Woodson, Esq.
Holland & Knight
2100 Pennsylvania Avenue, N.W.
Washington, D.C. 20037

Edward Donohue
Counsel for XO DC, Inc.
Cole, Raywid & Braverman, L.L.P.
1919 Pennsylvania Avenue, N.W.
Suite 200
Washington, D.C. 20006

Angela Lee, Esq.
State Director of Government Affairs
AT&T Communications of Washington, D.C., Inc.
1120 20th Street, N.W., Suite 1000
Washington, D.C. 20036

Esther Bushman, Esq.
Committee Clerk
D.C. Council Committee on Consumer Regulatory Affairs
1350 Pennsylvania Avenue, N.W.
Suite 102
Washington, D.C. 20004

Cherie R. Kiser
Counsel for Intermedia Communications
Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.
701 Pennsylvania, Avenue, N.W.
9th Floor
Washington, D.C. 20004

John S. Ramsey
Winstar Communications, Inc.
1200 19th Street, N.W., Suite 500
Washington, D.C. 20036

Morton J. Posner, Esq.
Allegiance Telecom, Inc.
1919 M Street, NW
Suite 420
Washington, DC 20036

Lisa N. Anderson
Counsel for Net 2000 Communications of Virginia, LLC
Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.
701 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

Kelly Faul
Intermedia Communications
1 Intermedia Way
Tampa, FL 33647

Ross A. Buntrock
Counsel for E. Spire Communications, Inc.
Kelley Drye & Warren, LLC
1200 19th Street, N.W.
Suite 500
Washington, D.C. 20036

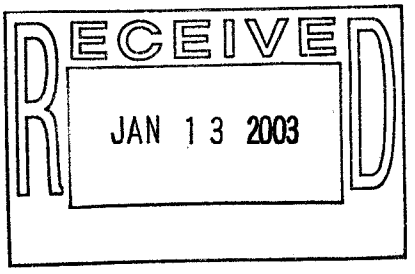
David Meyer
Tax & Policy Administration
Office of the Chief Financial Officer
1350 Pennsylvania Avenue, N.W.
Room 209
Washington, D.C. 20004

Gale Smith Kalitsi
Focal Communications Corporation
200 N. LaSalle Street
Suite 1100
Chicago, IL 60601

Mark A. Keffer
Law & Government Affairs
Vice President
Atlantic Region

Room 3-D
3033 Chain Bridge Road
Oakton, VA 22185
703 691-6046
FAX 703 691-6093
Email Fax No. 202 263-2692
mkeffer@att.com

January 13, 2003



BY FACSIMILE

Mr. John C. Peterson
Director-Contract Performance and Administration
Verizon Wholesale Markets
600 Hidden Ridge – HQEWMNOTICES
Irving, TX 75038

Re: DC Formal Case No. 962 and Formal Case No. 1011

Dear Mr. Peterson:

AT&T is aware of Verizon DC's notice to CLECs operating in the District of Columbia of Verizon's intention to begin charging UNE rates which are somewhat lower than the "FCC proxy" rates Verizon DC has had in place since 1996. The new UNE rates Verizon proposes to charge (herein, the "New York Benchmark rates"), are substantially higher than UNE rates prescribed as just and reasonable by the Public Service Commission of the District of Columbia on December 6, 2002, by Order No. 12610 in Formal Case 962. Verizon has filed a petition asking the PSC to reconsider those rates. By operation of District law, Verizon's petition for reconsideration has resulted in an automatic stay of the PSC-approved new rates.

Verizon's December 18, 2002 notice asserts that any CLEC that pays a bill reflecting Verizon's slightly-reduced "New York Benchmark" UNE rates will thereby implicitly consent to amend its interconnection agreement with Verizon to accept the "New York Benchmark" UNE rates until such time as the DC PSC issues its ruling on reconsideration. AT&T believes that the rate changes set forth in Verizon's notice are both illegal (because they are unauthorized by the PSC) and unlawful (because the changed rates are still far above the levels prescribed as just and reasonable by the PSC). Moreover, Verizon has no legal authority for unilaterally decreeing that a CLEC's payment of a Verizon invoice *ipso facto* constitutes acceptance of a change in the parties' interconnection agreement. Interconnection agreements are modified in the same manner that they are made – by written agreements executed by both parties.

What Verizon is attempting to do here is an obvious attempt to circumvent the intent of the DC PSC. The PSC's recent orders have given Verizon two clear choices: (1) implement the UNE rate reductions prescribed by the PSC on December 6, 2002,

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subject to the PSC's review on reconsideration, or (2) allow Verizon's inflated and unlawful 1996 FCC proxy rates to remain in effect, with the consequence that the PSC will not support Verizon's 271 application. By contriving CLEC "consent" to Verizon's unilateral implementation of "New York benchmark" rates, Verizon seeks to limit its rate reductions to only those amounts calculated to win FCC approval of Verizon's 271 application, while continuing its scorched earth litigation tactics against the rate reductions prescribed by the PSC. The PSC made clear in its January 6 order, however, that Verizon's proposed "New York Benchmark" rates are both illegal and unlawful. The fake consent that Verizon now seeks to bootstrap from the CLECs is as illegitimate as the rates themselves.

To avoid any ambiguity on this issue, AT&T and its subsidiaries hereby notify Verizon that they expressly reject Verizon's proposal that AT&T and its subsidiaries agree to pay the "New York Benchmark" rates and agree to any amendment, implicit or otherwise, to the interconnection agreements between Verizon and AT&T and its affiliates. If Verizon unilaterally reduces the UNE rates it charges AT&T and its affiliates to the levels of the "New York Benchmark" rates, AT&T will view those rates as a unilateral amendment in AT&T's UNE rates, equivalent to a gift for which AT&T has provided no consideration.

Respectfully submitted,

AT&T COMMUNICATIONS
OF WASHINGTON, D.C., LLC

By Its Attorneys

Mark A. Keffer
Michael A. McRae
3033 Chain Bridge Road, 3D
Oakton, Virginia 22185

cc: Natalie O. Ludaway, Esq.
David A. Hill, Esq.
Steve Sisk
Certificated CLECs in DC

LEFTWICH & DOUGLAS, P.L.L.C.

SUITE 600
1401 NEW YORK AVENUE, N.W.
WASHINGTON, D.C. 20005-6200

(202) 434-9100
FACSIMILE (202) 783-3420

WILLIE L. LEFTWICH, P.C.
RETIRED

January 14, 2003

BY HAND

PUBLIC SERVICE COMMISSION
RECEIVED
03 JAN 14 PM 5:16
CHIEF CLERK

Sanford M. Speight, Esquire
Acting Secretary
The Public Service Commission
of the District of Columbia
1333 H Street, N.W.
Second Floor, West Wing
Washington, D.C. 20005

Re: Formal Case Nos. 962 Formal 1011

Dear Mr. Speight:

Enclosed for filing are the original and fifteen (15) copies of Verizon Washington, DC Inc.'s response to AT&T Communications of Washington, DC L.L.C.'s ("AT&T") letter dated January 13, 2002. AT&T filed its letter with the Public Service Commission of the District of Columbia's Secretary on January 13, 2003.

If you have any questions regarding this filing, please call me.

Respectfully,

Natalie O Ludaway

Natalie O. Ludaway

Enclosure

cc: See Service List

David A. Hill
Vice President & General Counsel

1710 H Street, NW, Floor 11
Washington, DC 20006

Phone 202.392.5296
Fax 202.887.9195
david.a.hill@verizon.com

January 14, 2003

PUBLIC SERVICE COMMISSION
RECEIVED
03 JAN 14 PM 5:16
CHIEF CLERK

Mark A. Keffer, Esquire
Law & Government Affairs
Vice President
AT&T Communications of Washington, DC Inc.
3033 Chain Bridge Road, 3D
Oakton, Virginia 22185

Re: Formal Case No. 962 & Formal Case No. 1011

Dear Mr. Keffer:

This responds to your letter of January 13, 2003 to John C. Peterson of Verizon's Contract Performance & Administration group.

By your letter, AT&T and its subsidiaries elected to reject Verizon Washington, DC's ("Verizon DC") offer of lower interim UNE rates benchmarked to New York TELRIC rates, to be effective while the UNE rates prescribed by the Public Service Commission of the District of Columbia on December 6, 2002 are stayed. Instead, you have elected to continue to be charged the higher "FCC proxy" rates in effect in the District of Columbia before December 6, 2002. As Verizon DC explained in its January 7, 2003 compliance filing with the DC Commission, any CLEC has the option to reject the lower rates that Verizon DC has offered. Verizon DC will honor AT&T's request for higher interim rates for itself and its subsidiaries.

In addition, while your letter makes a variety of mistaken statements about UNE rates in the District and mischaracterizes Verizon DC's actions in offering CLECs lower interim rates during the stay, Verizon DC has responded to your positions elsewhere and will not repeat those responses here.

Sincerely,

David A. Hill /NDC

cc: John C. Petersen
Certificated CLECs in the District of Columbia

CERTIFICATE OF SERVICE

I certify that on this 14th day of January, 2003, copies of Verizon Washington, DC's response to AT&T Communications of Washington, DC L.L.C.'s letter dated January 13, 2003 were hand delivered to those indicated by [*] and mailed first class, postage prepaid, to all parties as indicated below.

Charniele L. Herring

Charniele L. Herring

*Sebrina A. McClendon, Esq.
Senior Attorney Advisor
Office of the General Counsel
The Public Service Commission
of the District of Columbia
1333 H Street, N.W.
7th Floor
Washington, D.C. 20005

Elizabeth A. Noël, Esq.
Sandra Mattavous-Frye, Esq.
Brenda Pennington, Esq.
Joy Ragsdale, Esq.
Office of the People's Counsel
1133 15th Street, N.W.
Suite 500
Washington, D.C. 20005

Chana S. Wilkerson, Esq.
WorldCom
1133 19th Street, N.W.
11th Floor
Washington, D.C. 20036

Mark A. Keffer, Esq.
Michael A. McRae, Esq.
AT&T Communications of
Washington, D.C., Inc.
3033 Chain Bridge Road
Room 3D
Oakton, VA 22185

Jeffrey Blumenfeld, Esq.
Christy C. Kunin, Esq.
Gary, Cary, Warer & Freidendrich, LLP
1625 Massachusetts Avenue, N.W.
Suite 300
Washington, D.C. 20036

David M. Janas
Lisa N. Anderson
Christopher R. Bjornson
Mintz, Levin, Cohn, Ferris,
Glovsky & Popeo, P.C.
701 Pennsylvania Avenue, NW
Washington, DC 20004

Craig D. Dingwall, Esq.
Sprint Communications Co., L.P.
401 9th Street, N.W.
Suite 400
Washington, DC 20004

Robin F. Cohn, Esq.
Ronald J. Jarvis, Esq.
Andrew D. Lipman
Swidler Berlin Shereff Friedman, LLP
3000 K Street, N.W.
Suite 300
Washington, D.C. 20007-5116

Anthony Richard Petrilla, Esq.
COVAD Communications
Group Inc.
Hamilton Square
600 14th Street
Suite 750
Washington, D.C. 20005

Michael J. Ettner
General Services Administration
18th & F Street, N.W.
Suite 4002
Washington, D.C. 20405

Joseph O. Kahl, Director
Residential Communications
Network, Inc.
105 Carnegie Center
Princeton, NJ 08540

Cynthia A. Coe, Esq.
5406 Kirkwood Drive
Bethesda, MD 20816

Mitchell Bercher, Esq.
Greenberg & Traurig
800 Connecticut Avenue, N.W.
Washington, DC 20036

Ralph McMillan, Director
Chuck Clinton, Chief
D.C. Energy
2001 14th Street, N.W.
3rd Floor
Washington, D.C. 20009

Roderic Woodson, Esq.
Holland & Knight
2100 Pennsylvania Avenue, N.W.
Washington, D.C. 20037

Edward Donohue
Counsel for XO DC, Inc.
Cole, Raywid & Braverman, L.L.P.
1919 Pennsylvania Avenue, N.W.
Suite 200
Washington, D.C. 20006

Lisa N. Anderson
Counsel for Net 2000
Communications of Virginia, LLC
Mintz, Levin, Cohn, Ferris, Glovsky
and Popeo, P.C.
701 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

Angela Lee, Esq.
State Director of Government Affairs
AT&T Communications of Washington,
D.C., Inc.
1120 20th Street, N.W., Suite 1000
Washington, D.C. 20036

Kelly Faul
Intermedia Communications
1 Intermedia Way
Tampa, FL 33647

Esther Bushman, Esq.
Committee Clerk
D.C. Council Committee on
Consumer Regulatory Affairs
441 4th Street, N.W., Room 710
Washington, D.C. 20001

Ross A. Buntrock
Counsel for E. Spire
Communications, Inc.
Kelley Drye & Warren, LLC
1200 19th Street, N.W., Suite 500
Washington, D.C. 20036

Cherie R. Kiser
Counsel for Intermedia Communications
Mintz, Levin, Cohn, Ferris, Glovsky and
Popeo, P.C.
701 Pennsylvania, Avenue, N.W., 9th Floor
Washington, D.C. 20004

David Meyer
Tax & Policy Administration
Office of the Chief Financial Officer
441 4th Street, N.W., Suite 500
Washington, D.C. 20001

John S. Ramsey
Winstar Communications, Inc.
1200 19th Street, N.W., Suite 500
Washington, D.C. 20036

Gale Smith Kalitsi
Focal Communications Corporation
200 N. LaSalle Street
Suite 1100
Chicago, IL 60601

Morton J. Posner, Esq.
Allegiance Telecom, Inc.
1919 M Street, NW
Suite 420
Washington, DC 20036