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January 24, 2003

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

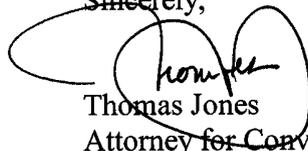
**Re: CC Docket Nos. 01-338; 96-98; 98-147**

Dear Ms. Dortch:

On January 23, 2003, Scott Sawyer and Dave Graham of Conversent Communications, LLC ("Conversent") and I discussed the availability of dark fiber unbundled interoffice transport with Matt Brill. During the discussion, we argued that there is no basis for adopting a "contestability" element of the interoffice transport test. In particular, we emphasized that the use of a larger geographic market for a contestability test is inconsistent with the point-to-point geographic market used in a test that considers the number of non-ILEC suppliers along a particular point-to-point route. Inclusion of both of these approaches in a single impairment test for interoffice transport would therefore be incoherent. We also argued that any faithful application of the theory of contestability would yield the conclusion that the transport market along a particular point-to-point route cannot be deemed contestable where no non-ILEC sources of supply have been deployed on the route. Finally, to clarify the record, we explained that Conversent seeks to purchase access to dark fiber (either from the ILEC or a non-ILEC source) wherever possible pursuant to long-term contracts. For example, Conversent recently agreed to a ten year contract with Fibertech to obtain access to dark fiber interoffice transport along five interoffice routes in Connecticut where Fibertech has constructed interoffice fiber.

Pursuant to Section 1.206(b)(1) of the Commission's rules, 47 C.F.R. § 1.1206(b)(1), a copy of this letter is being filed electronically for inclusion in the public record in each of the above-referenced proceedings.

Sincerely,



Thomas Jones  
Attorney for Conversent Communications, LLC

cc: Matt Brill