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February 3, 2003

EX PARTE – Via Electronic Filing

Ms. Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Re: CC Docket Nos. 01-338, 96-98, 98-147, 01-318, 98-56, 98-141

Dear Ms. Dortch:

On January 31, 2003, Mark Dinneen (of GCI), and I (on behalf of GCI), met with Matthew Brill, Senior Legal Adviser to Commissioner Abernathy, and William Maher, Chief, Wireline Competition Bureau. Also attending the meeting with Mr. Maher were Jeffrey Carlisle, Deputy Bureau Chief, Rich Lerner, Chief of Staff to the Bureau Chief, and Scott Bergmann, Counsel to the Bureau Chief.

The substance of our discussion is summarized in the attached document, as well as the letter from Frederick W. Hitz, III to William Maher, dated January 24, 2003, attached to the letter of John T. Nakahata to Marlene Dortch, dated January 27, 2003. In particular, we stated that any line density test with respect to unbundled switching should be based on the line density at the point where a CLEC can collocate and directly cross-connect with an unbundled loop, and not on an arbitrary, non-functional and ambiguous concept such as a "wire center." By addressing the line density at the point where a CLEC can collocate and directly cross-connect with an unbundled loop (often a sub-loop), the Commission would distinguish between loops that can only be accessed at a remote terminal (such as those using a non-GR-303 enabled remote concentrator) and those that can be accessed directly at the ILEC switching office. It would be arbitrary and capricious to, for example, assume that the ACS Juneau wire center has over 20,000 accessible UNE loops, when in fact it has only approximately 6100 loops that are accessible through cross-connection at the Juneau central office. Although GCI has collocated both at the ACS Juneau central office and at ACS' Sterling remote site in the Juneau area, 52% of the loops running through the ACS Juneau central office are served through other remote sites that are not GR-303 capable and for which GCI cannot cross-connect to the unbundled loop at the Juneau central office. In serving the 52% of Juneau lines that lie behind non-GR-303 capable concentrators, GCI is impaired without access to unbundled switching because of the high costs of

obtaining transport to and collocation at remote sites, especially in light of the small number of lines that can be served through cross-connection at those remote sites.

We further stated that although a line density proxy may be useful in establishing a set of lines for which the CLEC will always be impaired without access to unbundled switching, line density is not a useful proxy for establishing when a carrier is not impaired without access to unbundled switching. Transport costs will vary with the availability of alternative transport facilities. Hot cut costs vary from area to area, and can be a significant source of economic impairment. In addition, operational problems, such as discriminatory provisioning of hot cuts or inadequate hot cut volume, will create impairment wholly independent from line density at the point of cross-connection.

In accordance with FCC rules, a copy of this letter is being filed electronically in each of the above-captioned dockets.

Sincerely,

/s/

John T. Nakahata

JTN/krs
Attachment

cc: Matthew Brill
Chris Libertelli
Dan Gonzalez
Jordan Goldstein
Lisa Zaina
William Maher
Jeffrey Carlisle
Rich Lerner
Scott Bergmann
Tom Navin
Jeremy Miller