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Via Electronic Filing
Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW, Room TWB-204
Washington, DC 20554

Re: In the Matter of Review of Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers and Implementation of the Local Competition Provisions in the Local Telecommunications Act of 1996; CC Docket Nos. 01-338, 96-98, 98-147

In the Matter of Appropriate Framework for Broadband Access to the Internet Over Wireline Facilities, CC Docket Nos. 02-33, 95-20, 98-10

Dear Ms. Dortch,

Yesterday, I discussed matters related to the referenced proceedings with Commissioner Kevin J. Martin. In particular, I emphasized that the record in the Triennial Review proceeding demonstrates continuing operational and economic impairments to competition in residential and small business markets, particulary relating to the deployment of competitive switches, and that loop access and provisioning difficulties and related costs continue to preclude the deployment of competitive switches for serving residential and small business markets throughout the country. I also explained the importance of preserving CLEC access to ILEC loop facilities for the provision of competitive voice and data services, and identified operational and cost barriers to competition that would result if CLECs were relegated to copper facilities as ILECs introduce additional fiber into existing loop plant. I noted, in particular, that were CLECs relegated to copper facilities as ILECs introduce new fiber into existing plant, it would impede the provision of competitive broadband services and disrupt voice services by introducing the need for unworkable manual provisioning processes in both remote terminals and central offices for moving facilities from fiber to copper feeder plant. I also explained that even if the Commission were to credit the Bells' premise that unbundling obligations destroy their incentives to make new and particularly risky investments, that argument could not support proposals to deny requesting carriers access to "broadband" capabilities that currently exist or are readily achievable in the Bell networks. My comments were consistent with AT&T's written submissions in the reference proceedings.

One electronic copy of this Notice is being submitted for the referenced proceedings in accordance with the Commission's rules.

Sincerely,

cc : Hon. K. Martin