

# WILLKIE FARR & GALLAGHER

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February 6, 2003

***EX PARTE***

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
Room TW-A325  
445 12th Street, S.W.  
Washington, D.C. 20554

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

Dear Ms. Dortch:

Today, Royce Holland, Kevin Joseph, Donovan Dillon and Chris MacFarland of Allegiance Telecom, Inc. and I discussed the availability of unbundled loops and transport with Commissioner Kathleen Abernathy and Matt Brill, legal advisor to Commissioner Abernathy. During the meeting, we discussed the attached presentation. In addition, we expressed our concern that (1) whatever use restrictions the Commission adopts apply only to enhanced extended loops, and (2) the Commission not include in the impairment test for interoffice transport a provision that allows a state to eliminate unbundling on point-to-point route A (which does not otherwise meet the relevant standard for elimination as a UNE) solely because it may share some characteristics with point-to-point route B (which does meet the relevant standard for elimination as a UNE).

In accordance with the Commission's rules, a copy of this letter is being filed electronically for inclusion in the public record of each of the above-referenced proceedings.

Sincerely,

/s/

Thomas Jones  
Counsel for Allegiance Telecom, Inc.

cc: Commissioner Kathleen Abernathy  
Matt Brill