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VIA ELECTRONIC FILING

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th Street, SW, Room TWB-204
Washington, DC 20554

Re: Notice of Ex Parte Presentation
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

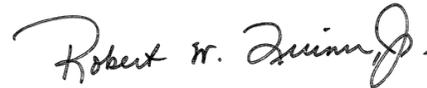
Dear Ms. Salas,

Yesterday, I spoke on the telephone to Jordan Goldstein, Commissioner Copps' Senior Legal Adviser, several times to discuss issues related to the aforementioned proceedings. During the course of those discussions, I reiterated AT&T's position on the necessity of requiring the unbundling of switching until the significant economic impairments that AT&T has identified in the record of the Triennial Review are addressed and eliminated. I stated that at a minimum the Commission should find a presumption of impairment for all residential and small business customers and then leave to the states the process of identifying specifically the presence of impairment and whether impairment has been removed on a market-by-market basis. In no event does the current record support addressing the issue of impairment on a national level in this proceeding. Rather, state commissions must be left with the authority to conduct that granular analysis based upon local facts and conditions. If the Commission here adopts presumptions with respect to any network element, the states must be permitted, based on evidence adduced in a state proceeding, to issue contrary findings and determine a state-specific list of UNEs without having to resort back to the Commission for authority.

I also stated that the Commission here should find that the record requires on a nationwide basis that carriers are impaired without access to all UNEs previously identified without limitations such as the ones that exist in the switching and combination areas. I also stated that pricing of those UNEs should continue to be done by the states. In addition, I underscored the importance of preserving CLEC access to ILEC loop facilities, 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. Specifically, we discussed the possibility of service disruption if the ILECs were permitted to “migrate” CLEC voice or data customers from fiber to copper facilities at their discretion. In addition, I repeated AT&T’s view that use restrictions must be removed to prevent competitive distortions in the marketplace, especially as the Bell companies gain 271 relief. I explained that the current use restrictions based on customer usage and percentage of customer local numbers served are completely unworkable. I also explained how commingling restrictions also currently prevent AT&T and other CLECs from converting special access circuits to UNEs. Given those circumstances, I urged a change in these rules.

The positions expressed in the discussions in each of those areas were consistent with those contained in the Comments, Reply Comments and ex parte filings previously made by AT&T in the aforementioned dockets. One electronic copy of this Notice is being submitted for each of the referenced proceedings in accordance with the Commission’s rules.

Sincerely,

A handwritten signature in cursive script that reads "Robert W. Quinn, Jr." followed by a period.

cc: Jordan Goldstein