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February 7, 2003

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

Re: Notice of *Ex Parte* Communications -
CC Dockets No. 01-338, 96-98, 98-147

Dear Ms. Dortch:

Pursuant to Section 1.1206 of the Commission's rules, 47 C.F.R. § 1.1206, this will provide notice that on February 6, 2003, Joseph Kahl and Rahul Dedhiya of RCN Telecom Inc. and the undersigned had *ex parte* meetings concerning issues in the above-captioned proceeding as follows: (1) Matthew Brill, Office of Commissioner Kathleen Abernathy; (2) Jordan Goldstein, Office of Commissioner Michael Copps; (3) Samuel Feder, Office of Commissioner Kevin Martin; (4) Christopher Libertelli, Office of Chairman Michael Powell; and (5) William Maher and Jeffrey Carlisle of the Wireline Competition Bureau.

During each of these meetings, RCN explained its position concerning unbundled access to dedicated transport, signaling networks, and call-related databases, as set forth in its Comments and Reply Comments in these dockets, and in its written *ex parte* submission of January 23, 2003.

With respect to **dedicated transport**, RCN urges that any determination as to impairment be made on a route-by-route basis. Although RCN generally does not rely on unbundled dedicated transport either for access to customers or for its own backbone network, it does depend on this element for connections between its own facilities and interconnection points on the ILEC networks. Within any single metropolitan area, RCN may need to obtain access to several dozen interconnection points in order to provide its customers with the ability to call ILEC customers at a quality comparable to the quality experienced on calls within the ILEC network. (See attached diagram, "Typical RCN/LEC Interconnection.") RCN cannot compete effectively with access to only a portion of these locations, and cannot avoid connecting to these locations because it must access specific functions of the ILEC network to provide a competitive quality of service.

RCN would also be impaired without access to **signaling networks and call-related databases**. RCN uses access to signaling networks for two purposes: call setup signaling, which involves exchange of messages with ILEC tandem and end office switches to set-up and route

local calls; and database queries for access to call-related databases including Calling Party Name (CNAM), Line Information Data Base (LIDB), toll-free (800) routing, and Local Number Portability (LNP) databases. The information in these databases (except for LNP) is not available from any third party.¹ Third-party signaling providers can provide *access* to the signaling network, but they must obtain the underlying database information from the same source as RCN – the ILEC. Likewise, third-party providers can transmit call setup signals to the ILEC Service Transfer Points (STPs), but the routing of messages beyond the STP to the tandem and end office switches is a bottleneck function of the ILEC. (See attached diagram, “Typical Local SS7 Network.”)

Third-party signaling networks provide a valuable service in the interexchange market, because they eliminate the need for a carrier to establish separate signaling interconnection links in over 100 LATAs nationwide. This service is not particularly useful for a locally-focused carrier, however, which only needs to interconnect in a very small number of LATAs. In RCN’s experience, use of third-party signaling adds both cost and operational complexity to its operations, and provides no offsetting benefits. RCN estimates that using third-party signaling would add \$3.00 to \$4.00 per line per month to its cost of providing residential telephone service. A large fraction of this cost is attributable to CNAM queries, which are needed to provide Caller ID with name to RCN’s residential customers, an optional service that is not widely used by business customers.

RCN believes that the bottleneck nature of signaling networks and call-related databases justifies a finding of impairment even under the standard of *USTA v. FCC*. Competitive carriers cannot duplicate the incumbents’ call-related databases, except for the LNP database, because these databases contain proprietary information about the ILECs’ customers. They also cannot either self-provision or purchase third-party signaling to avoid the bottleneck, because even a third-party signaling network ultimately must buy access to the ILEC’s STPs in order to query ILEC databases and exchange messages with ILEC switches. This puts the ILECs in the classic position of being able to extract monopoly rents by controlling access to these elements of its network.

The attached diagrams were used during the *ex parte* meetings.

This notice is being filed electronically.

Sincerely,

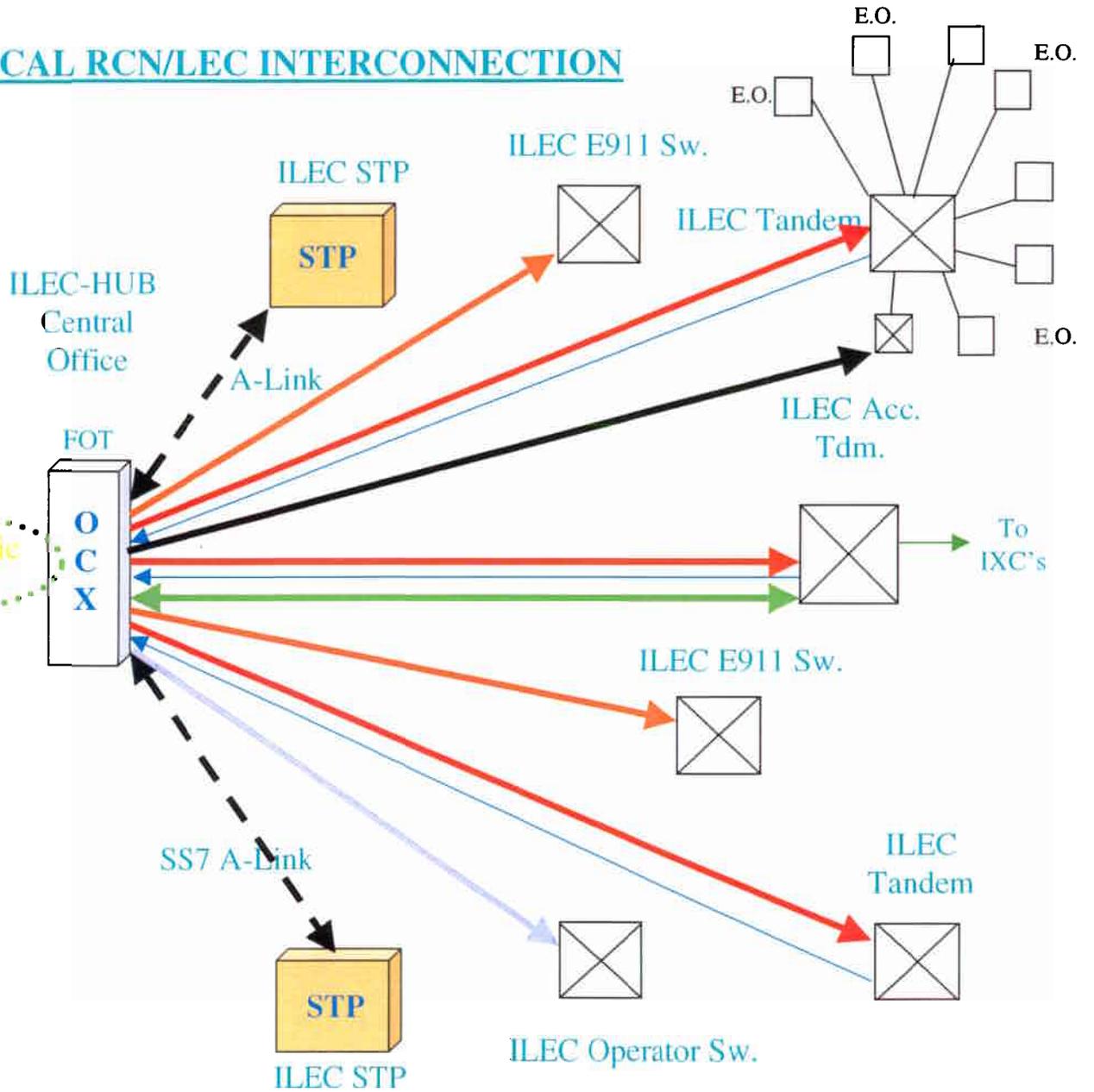
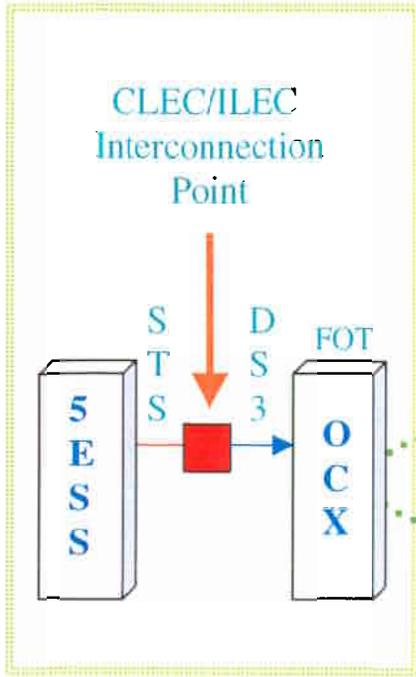
/s/

Russell M. Blau

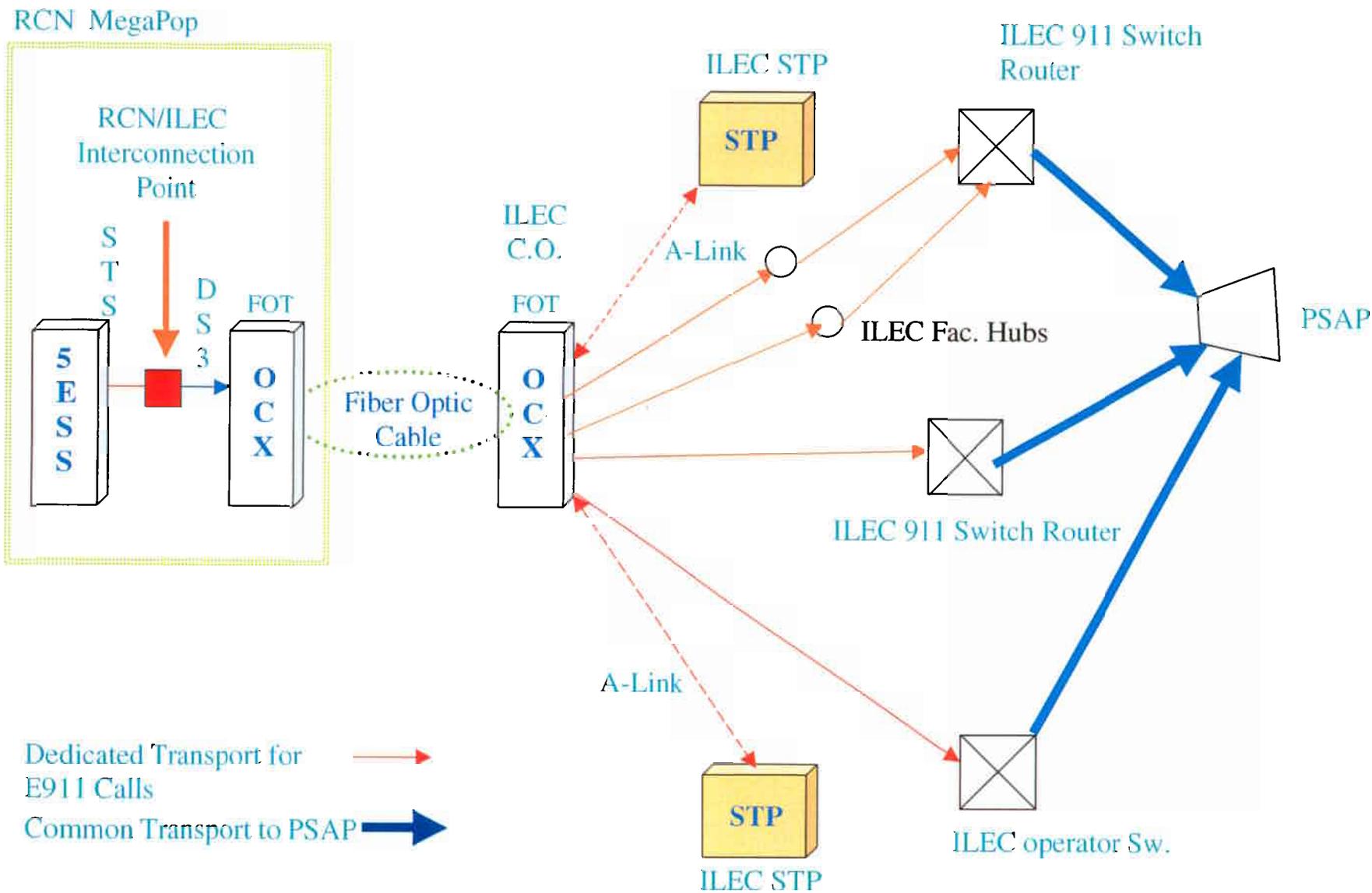
¹ Third parties can create their own LNP databases by obtaining updates directly from the LNP Administrator, but in RCN’s experience third-party databases are not updated on a near-real-time basis as the ILECs’ are, making them less useful for routing of live traffic.

TYPICAL RCN/LEC INTERCONNECTION

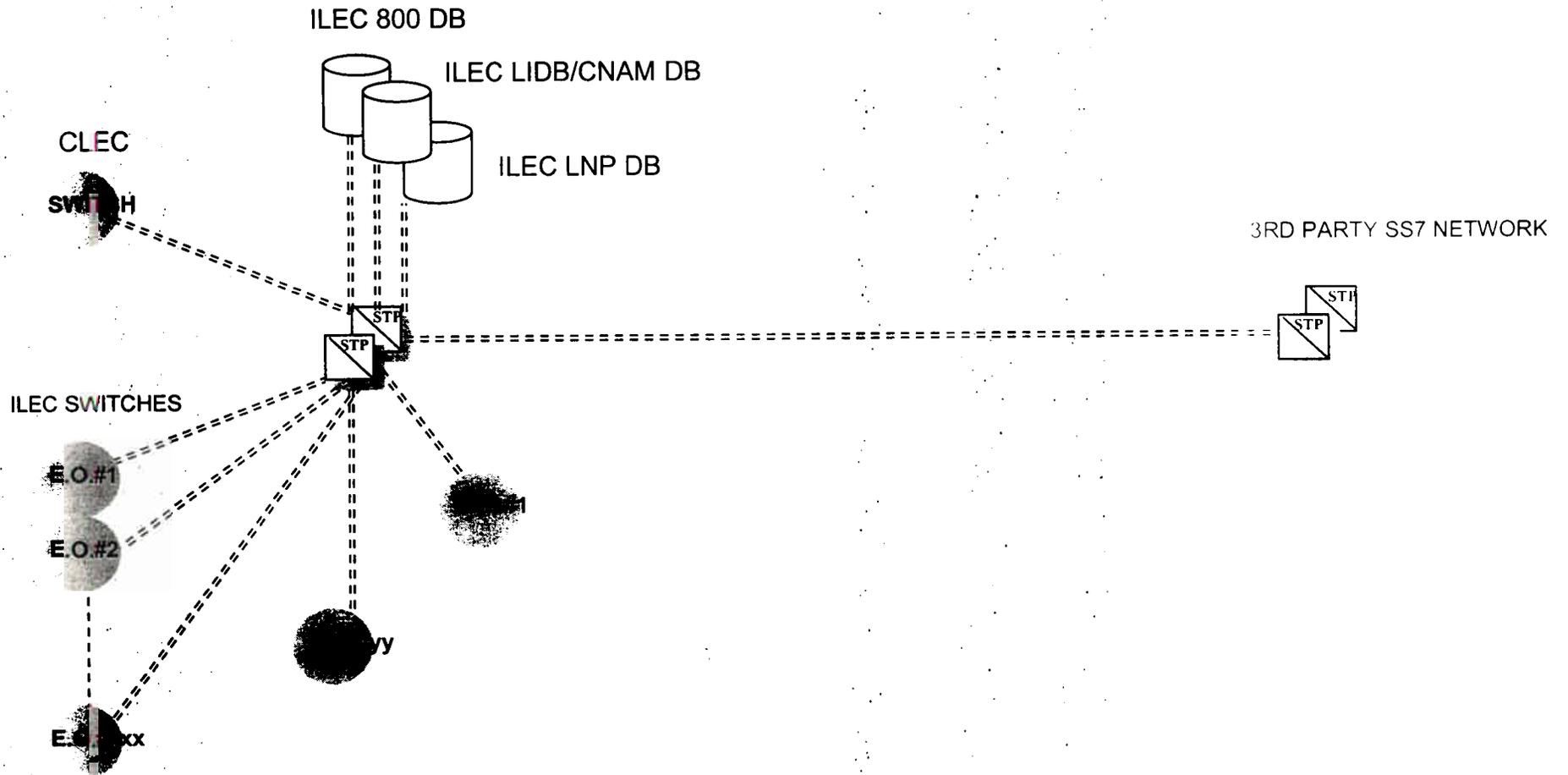
CLEC WIRE CENTER



TYPICAL RCN/ILEC E-911 NETWORK



TYPICAL LOCAL SS7 NETWORK



TANDEM TRANSIT SERVICE

