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February 12, 2003

VIA ELECTRONIC FILING

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

Re: Notice of Oral *Ex Parte* Presentations
CC Docket Nos. 01-338, 96-98, 98-147; 02-33, 95-20, 98-10;01-337

Dear Ms. Dortch:

On February 11, 2003, Mr. Dave Baker, Vice President for Law and Public Policy for EarthLink, had a telephone conversation with Mr. Jordan Goldstein, Senior Legal Advisor to Commissioner Copps, concerning the above-referenced proceedings. During the discussion, EarthLink reiterated points previously submitted in the above-referenced dockets regarding the importance of preserving line sharing in the Commission's upcoming order in the UNE Triennial Review. EarthLink stated that while it offers broadband services over a variety of platforms and purchases DSL services from incumbent LECs, it nonetheless relies on Covad, a CLEC, for much of its DSL provisioning.

EarthLink further stated that line sharing provides significant consumer benefits, including lower prices and greater availability of broadband DSL services. Eliminating line sharing would have the opposite effect, increasing DSL service prices and limiting availability. Furthermore, eliminating line sharing would result in service interruption to hundreds of thousands of current DSL customers whose service is delivered via CLEC-provisioned DSL loops.

In addition, later that same day, the undersigned also had a brief telephone conversation with Mr. Goldstein, and conveyed that deferring to state action on line sharing would put a risk the viability of current line sharing provisioning, as the implementation and transitioning issue may deter continued funding of such providers.

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Pursuant to Section 1.1206(b)(2) of the Commission's Rules, electronic copies of this Notice are being provided to you for inclusion in the public record in each of the above-captioned proceedings. Should you have any questions, please contact me.

Sincerely,

/s/

Mark J. O'Connor
Counsel for EarthLink, Inc.

CC: Jordan Goldstein (via email)