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February 13, 2003

VIA ELECTRONIC FILING

Marlene Dortch  
Secretary  
Federal Communications Commission  
The Portals  
TW-A325  
445 12<sup>th</sup> 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 12, 2003, Mr. Garry Betty, President and CEO of EarthLink, and Mr. Dave Baker, Vice President for Law and Public Policy for EarthLink, had a telephone conversation with Commissioner Jonathan Adelstein 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 it has over 780,000 broadband customers throughout the country and has invested over \$500 million in promoting broadband services. While EarthLink provides broadband services over a variety of platforms, including DSL services purchased from incumbent LECs, it nonetheless relies on Covad, a CLEC, for a 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 provisioned through CLEC DSL loops. Such an outcome would run counter to the Commission's goals of encouraging broadband deployment and adoption.

EarthLink also responded that "sunsetting" of line sharing rules would have the same effect, quickly resulting in incumbent LECs charging monopoly prices for wholesale DSL loops.

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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: Commissioner Adelstein (via email)