

EX PARTE OR LATE FILED

Secretary's Copy ORIGINAL

ERNEST COMMUNICATIONS, INC.
6475 Jimmy Carter Blvd., Suite 300, Norcross, GA 30071
Tel (770) 242-9069 • Fax (770) 448-5482

ORIGINAL

February 6, 2003

RECEIVED

VIA HAND DELIVERY

Commissioner Kathleen Q. Abernathy
Federal Communications Commission
445 12th Street, SW
Room 8B-1 15
Washington, DC 20554

FEE - 6 2003

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: CC Docket 01-338

Dear Commissioner Abernathy:

This letter is being sent to explain the uniqueness of my business and the impact of removing the switching element from the list of UNEs available to my company.

I am the CEO and President of Ernest Telecom. We design and manufacture the circuitry that controls all coin and rating functions for pay telephones. This has been our primary product since 1984. In 1997, we became certified as a CLEC and began selling local service to independent pay telephone operators. We now provide service to independent pay telephone providers and other customers with nearly 60,000 access lines in 23 states. We provide service almost exclusively through UNE-P. Given the geographic diversity of our primary customer base and several other factors that make serving our customers with our own switch impossible, there is no alternative for us.

There are approximately 350,000 pay telephones owned by individuals or small companies that compete with the Bell Companies' 2,000,000 pay telephones across the United States. Until Ernest and other CLECs came along to offer a competitive choice, independent pay telephone companies were in a very difficult situation, having no choice but to buy dial tone from their chief competitor. We offer these companies a choice and a much needed discount that the Bell Companies are not going to give them.

I realize you have a responsibility to craft rules that will accomplish the goal of encouraging investment in our economy. As for our company, in 2002, we generated over \$30,000,000 in sales of local service only. We plan to grow our company and invest in switch technology, but today's products do not meet the needs of the new market place.

The Bell Companies are saying "Take away switching from the list of UNE's available to CLECs".

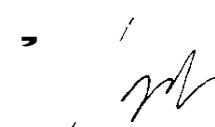
The UNE-P providers' say, "Give me a list of switch manufacturers who have a product that meets my need". There aren't any!

My hope is that you will encourage investment by the Bell Companies in broadband from the level of T-1 and above. For small businesses like mine, we need UNE-P until we have

No. of Copies rec'd 0
List A B C D E

proper alternatives. We want to be able to invest in technology that meets the needs of the market place. For now, though, UNE-P is the only answer for serving independent pay telephone providers and other small businesses. Give us a little time and we will start investing in the technology of the future.

Sincerely,


Joseph J. Ernest
Chief Executive Officer
Ernest Communications, Inc.