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March 31, 2003

## Via Electronic Filing

Marlene R. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, DC 20554

Re: ***Ex Parte***  
WC Docket No. 03-16

Dear Ms. Dortch:

Pursuant to Section 1.1206 of the Commission's rules, this will provide notice that on March 28, 2003, Rick Gamber, Executive Director, Michigan Consumer Federation, Barry S. Cargill, Vice President Government Relations, Small Business Association of Michigan, Roderick S. Coy, Clark Hill, PLC, representing the CLEC Association of Michigan and the previously mentioned organizations, and the undersigned met with: (1) Commissioner Kevin Martin and Dan Gonzalez; (2) Jessica Rosenworcel, Office of Commissioner Michael J. Copps; (3) Jeffrey Carlisle, Richard Lerner, and Gina Spade, Wireline Competition Bureau; (4); Commissioner Jonathan S. Adelstein and Lisa Zaina; and (5) Matthew Brill, Office of Commissioner Kathleen Q. Abernathy concerning issues in the above-captioned proceeding. We presented the views set forth in the attached document, which was provided at the meetings.

Sincerely,  
  
Patrick J. Donovan

# **SBC - Michigan: Sec 271**

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**Concerns of:**

**CLECs in Mich**

**Businesses in Mich**

**Consumers in Mich**

# Participants:

- Rick Coy: General Counsel, CLEC Association of Michigan
- Barry Cargill: Small Business Association of Michigan
- Rick Gamber: Michigan Consumer Federation

# First SBC/Ameritech State

- OSS Systems particularly poor
- Checklist not met
- No other state approved with such low compliance
- Credible State process short-circuited & end run by SBC's consultant
- Conclusion of MPSC not credible and ignores key evidence

# MPSC's Report

- Inherently illogical and inconsistent
- Claims compliance, but depends on further performance improvements
- Enforcement of further improvements now doubtful
- Existing competition fragile, **not irreversible**
- SBC's politics overwhelmed the merits at the end

# Considerations

- All know this is premature, but stop just short of saying the obvious
- MPSC itself
- Dept. of Justice's "serious concerns"
- Michigan Attorney General
- Only CLECs, consumers, and businesses state the plain truth

# Conclusion

- Do not short change Michigan
  - ◆ Local rates have risen fastest of RBOCs
  - ◆ Poor Quality of Service legendary
    - CLECs must employ “SBC fixers”
- Premature approval sets bad precedent and not in Public Interest