

SWIDLER BERLIN SHEREFF FRIEDMAN, LLP

PATRICK J. DONOVAN
DIRECT DIAL (202) 424-7857
PJDONOVAN@SWIDLAW.COM

THE WASHINGTON HARBOUR
3000 K STREET, NW, SUITE 300
WASHINGTON, DC 20007-5116
TELEPHONE (202) 424-7500
FACSIMILE (202) 424-7643
WWW.SWIDLAW.COM

NEW YORK OFFICE
THE CHRYSLER BUILDING
405 LEXINGTON AVENUE
NEW YORK, NY 10174
(212) 973-0111 FAX (212) 891-9598

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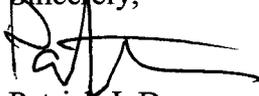
Via Electronic Filing

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

Re: ***Ex Parte***
WC Docket Nos. 01-337, 02-33

Dear Ms. Dortch:

Pursuant to Section 1.1206 of the Commission's rules, this will provide notice that on April 3, 2003, Pete Manias, Senior Vice President, Regulatory Affairs, El Paso Networks, LLC, Stephen Crawford, General Counsel, El Paso Networks, LLC, and the undersigned met with: (1) Jessica Rosenworcel, Office of Commissioner Michael J. Copps; and (2) Matthew Brill, Office of Commissioner Kathleen Q. Abernathy concerning issues in the above-captioned proceedings. We presented the views set forth in the attached document, which was provided at the meetings.

Sincerely,

Patrick J. Donovan

- The FCC already has a regulatory framework governing wireline broadband Internet access – *Computer II/III*.
 - ILECs may offer broadband Internet access as customers of their own common carrier transmission services.
 - Fully consistent with statutory definitions.
 - BOCs sought nonstructural safeguards to permit efficiencies.
- ILECs must continue to be required to offer unbundled access to broadband telecommunications service.
 - ILECs have the incentive and ability to discriminate against independent ISPs.
 - Minimal regulatory burden, substantial public interest benefits.
- *Computer II/III* safeguards justified because ILECs possess market power in provision of broadband services.
 - A cable/ILEC duopoly in loops does not justify deregulation.
 - Cable does not offer service to most business customers.
 - Any diminution of intramodal broadband competition helps preserve ILEC market power.
 - Satellite, Wi-Fi, powerline alternatives not here yet.
- Broadband transmission service must remain a Title II telecommunications service because it is now, and always has been, offered as a common carrier service, is requested by large numbers of customers, and has no substitutes.
 - The Commission may not under *NARUC I & II* reclassify a Title II service as subject to Title I.
 - Regulatory symmetry can be achieved by tailored Title II forbearance, if appropriate.
 - BOCs will vigorously resist specific Title I regulation as unlawful.
- Verizon 3/27/03 *Ex Parte*: Packet loops are used to provide both cable and wireline broadband.
 - FCC has determined that DSL is a telecommunications service. Can be used for voice or Internet access.
 - Packets irrelevant to regulatory Title II status.
- Internet access service is a bundled offering of a telecommunications service and an information service because sometimes (most of the time) the ISP is providing telecommunications (a transparent transmission path to the Internet) and sometimes using telecommunications to provide an information service.