

 **Lampert & O'Connor, P.C.**
1750 K Street NW
Suite 600
Washington, DC 20006

ORIGINAL
EX PARTE OR LATE FILED

Kenneth R. Boley
boley@l-olaw.com

Tel 202/887-6230
Fax 202/887-6231

VIA HAND DELIVERY

April 28, 2003

EX PARTE

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

RECEIVED

APR 28 2003

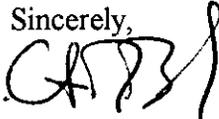
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

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

Dear Ms. Dortch:

In a brief telephone conversation on April 24, 2003, the undersigned and Christopher Libertelli, Legal Advisor to Chairman Powell, discussed EarthLink's position in the *Wireline Broadband* proceeding, specifically focusing on the letter EarthLink sent to Mr. Libertelli on April 17, 2003 (see *ex parte* notice of same date). EarthLink stressed its position that due to the absence of viable wholesale broadband alternatives, the public interest, federal statutory and decisional law, and Commission rules and precedent all require nondiscriminatory access to wholesale DSL for independent Internet Service Providers ("ISPs").

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

Sincerely,


Kenneth R. Boley
Counsel for EarthLink, Inc.

cc: Christopher Libertelli

No. of Copies rec'd 078
List ABCDE