



July 17, 2003

Ms. Marlene H. Dortch  
Federal Communications Commission  
445 12th Street, S.W., Room 1-A836  
Washington, D.C. 20554

Re: Notice of *Ex Parte* Presentation in CC Docket Nos. 02-33, 01-318, 01-321

Dear Ms. Dortch:

Pursuant to Section 1.1206(b)(2) of the FCC's Rules, this letter is to provide notice in the above-captioned docketed proceedings of ex parte meetings on July 16, 2003, by John Windhausen, Jr. and Jonathan Askin of ALTS, Jim Butman, President of TDS METROCOM, and Dave Struwas, CEO of DSL.net. In a series of meetings, the parties met with Commissioner Copps and Jessica Rosenworcel, Commissioner Adelstein and Scott Bergmann, Dan Gonzalez, and Bill Maher. During the meetings, the parties generally discussed CLEC concerns regarding the above-captioned proceedings. More detailed discussions of the parties' positions are contained in the parties comments and reply comments in the above-captioned proceedings. The parties also discussed the FCC's potential adoption of a NPRM on TELRIC pricing principles.

The parties primarily emphasized the need for the FCC to ensure that ILECs provide nondiscriminatory access to unbundled local loops so that facilities-based CLECs can bring affordable and innovative services and technologies to potential consumers. The Parties discussed the need for the FCC to adopt a set of best practice performance metrics and standards with Federal enforcement mechanisms for ILEC provisioning of UNEs and special access to ensure that ILECs behave as willing wholesale providers where a competitive wholesale marketplace does not exist. These concerns are discussed in the parties comments set forth in WC Docket Nos. 01-318 and 01-321. The Parties also discussed the inevitable problems that would ensue if the FCC were to move regulatory authority over broadband and other telecommunications services out of Title II and into Title I. These concerns are detailed extensively in the parties comments set forth in WC Docket No. 02-33. The Parties also discussed concerns over possible FCC revisions to TELRIC pricing principles. The Parties questioned the need for the FCC to revise TELRIC, one on the few settled areas of telecom regulatory law. The Parties noted that carriers have built businesses based on current rules and the industry needs whatever regulatory stability it can get, not another round of time consuming, expensive, resource sapping state proceedings and legal challenges.

If you have any questions about this matter, please contact me at 202-969-2587.

Respectfully submitted,  
/s/  
Jonathan Askin

**FROM THE DESK OF:**  
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