

# WILLKIE FARR & GALLAGHER

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September 10, 2003

***EX PARTE***

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

Re: CC Docket Nos. 02-33, 01-337

Dear Ms. Dortch:

On September 9, 2003, Kevin Joseph and Megan Delany of Allegiance Telecom, Scott Sawyer of Conversent Communications, Don Shephard and Kelsi Reeves of Time Warner Telecom and I met with Dan Gonzalez, Senior Legal Advisor to Commissioner Martin. During the meeting, we made the arguments set forth in the attached presentation. Pursuant to Section 1.1206(b)(2) of the Commission's rules, 47 C.F.R. § 1.1206(b)(2), this letter and two copies are being filed for inclusion in the public record of each of the above-referenced proceedings.

Sincerely,

/s/  
Thomas Jones

cc: Dan Gonzalez