

September 25, 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. 01-338; 96-98; 98-147

Dear Ms. Dortch:

On September 24, 2003, Kevin Joseph of Allegiance Telecom, Inc. (“Allegiance”) discussed the BellSouth proposal for expanding the current unbundling exemption for fiber-to-the-home (“FTTH”) loops to fiber-to-the-curb loops with Lisa Zaina, legal advisor to Commissioner Adelstein. During the meeting, Mr. Joseph argued that the Commission could not adopt such a change as a further Erratum or pursuant to an expedited reconsideration proceeding, given that the FCC recently released an Errata that “clarified” that FTTH loops consist of fiber to the premises and given that the FCC must conduct an entirely new cost-benefit analysis to assess the reasonableness of the BellSouth proposal. Moreover, Mr. Joseph stated that any such cost-benefit analysis would in any event require rejection of the BellSouth proposal because it is vague and unenforceable and would lead to endless disputes as to the availability of unbundled loops. Mr. Joseph expressed particular concern that expanding the existing unbundling exemption for FTTH to hybrid fiber-copper loops would undermine Allegiance’s ability to obtain the DS1 loops to which it is entitled under the Triennial Review Order.

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In accordance with the Commission's rules, a copy of this letter is being filed electronically for inclusion in the public record of each of the above-referenced proceedings.

Sincerely,

/s/
Thomas Jones
Counsel for Allegiance Telecom, Inc.

cc: Lisa Zaina