

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 Dortch:

On September 24, 2003, Royce Holland, Kevin Joseph, and Megan Delany of Allegiance Telecom, Inc. ("Allegiance") and the undersigned discussed the BellSouth proposal for expanding the current unbundling exemption for fiber-to-the-home ("FTTH") loops to fiber-to-the-curb loops with Jeff Carlisle, Michelle Carey, Brent Olson, Rob Tanner, Tom Navin and Marcus Maher of the Wireline Competition Bureau. During the meeting, we 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, we 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. We 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: Jeff Carlisle
Michelle Carey
Brent Olson
Rob Tanner
Tom Navin
Marcus Maher