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January 14, 2004

## VIA ELECTRONIC MAIL

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 Twelfth Street, S.W.  
Washington, DC 20554

**Re: *Notice of Ex Parte Presentation***  
***(CC Docket No. 01-92 and CC Docket No. 96-262)***

Dear Ms. Dortch:

This is to advise you that, on January 13, 2004, Wanda Montano (Vice President-Regulatory, US LEC Corp.) and the undersigned met with Commissioner Adelstein and Lisa Zaina (Senior Legal Advisor) to discuss issues relating to proposed Commission action on Qwest's Petition for Clarification or Reconsideration of the CLEC Access Charge Order and the US LEC Petition for Declaratory Ruling. The substance of the discussions related to prior filings made by US LEC in these proceedings and the appropriateness of any action by the Commission other than a reaffirmation that CLECs are entitled to the full benchmark rate, regardless of how they provision their services and what functions they perform.

Pursuant to the Commission's *ex parte* rules, this letter is being filed electronically in the above-referenced docket. Please direct any questions regarding this filing to the undersigned.

Respectfully submitted,

By:   
Richard M. Rindler