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January 29, 2004

BY ELECTRONIC FILING

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Room CY-B402
Washington, D.C. 20554

Re: ***Notice of Ex Parte Presentation***
Petition of US LEC Corp. for a Declaratory Ruling Regarding LEC
Access Charges for CMRS Traffic, CC Docket No. 01-92

Dear Ms. Dortch:

ITC^DeltaCom Communications Inc., d/b/a ITC^DeltaCom, through its attorneys, files this notice of *ex parte* presentation. On January 28, 2004, Robert Aamothe and I, counsel to ITC^DeltaCom, and Richard Juhnke of Sprint met with Daniel Gonzalez, Senior Legal Advisor to Commissioner Martin, to discuss the above-referenced petition.

During the meeting, ITC^DeltaCom and Sprint urged the Commission to deny US LEC's petition for declaratory ruling. US LEC's scheme of imposing the full benchmark access charge on interexchange carriers ("IXCs") for wireless-originated traffic is unlawful under existing precedent, as ITC^DeltaCom and Sprint previously have stated in their filings with the Commission.

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January 29, 2004
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Please contact me at (202) 887-1234 if you have any questions regarding this filing.

Respectfully submitted,



Jennifer M. Kashatus

cc: Daniel Gonzalez (via email)
Victoria Schlesinger (via email)
Gregory Vadas (via email)
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