

March 5, 2004

Ex Parte – Via Electronic Filing

Ms. Marlene Dortch
Secretary
Federal Communications Commission
The Portals
445 12th Street, S.W.
Washington, DC 20554

Re: Petitions for Forbearance of Verizon, Qwest, SBC, and BellSouth,
WC Dkt. Nos. 04-48, 03-260, 03-235, 03-220, 03-157, 03-189,
and CC Dkt. No. 01-338

Dear Ms. Dortch:

On March 4, 2003, Richard Metzger and Renee Callahan of Lawler, Metzger & Milkman, representing MCI, Tom Koutsky of Z-Tel, and I met with John Rogovin, Austin Schlick, John Stanley, Jeff Dygert, and Paula Silberthau in the Office of General Counsel to discuss the pending forbearance petitions listed above. The petitions seek forbearance from enforcement of certain section 271 unbundling requirements.

As explained in more detail in prior submissions in these dockets by MCI, Z-Tel, and others, the Commission should deny the petitions. As an initial matter, section 271(d)(4) prohibits the Commission from forbearing from the requirements of the section 271 checklist. In any event, the Commission should conclude that forbearance from the unbundling requirements of section 271 is not warranted until a BOC is no longer dominant in the provision of network elements that competitors need to compete effectively with the BOC. That will require a granular analysis focused on particular geographic markets showing the existence of a robust wholesale market for each network element. The BOCs have not attempted to make that showing.

Sincerely,

/s/

Christopher J. Wright
Counsel to Z-Tel Communications, Inc.