

Z-Tel Communications, Inc.  
1200 19<sup>th</sup> Street NW  
Suite 500  
Washington, DC 20036  
www.z-tel.com

May 3, 2004

**Ex Parte Presentation**

Marlene H. Dortch  
Secretary, Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, DC 20554

Re: CC Docket Nos. 01-338, 96-98 and 98-147

Dear Ms. Dortch,

On the evening of Friday, April 30, 2004, I had a telephone conversation with Dan Gonzalez, Senior Legal Advisor to Commissioner Martin. In this conversation, we discussed the statutory requirement that “any interconnection agreement adopted by negotiation or arbitration shall be submitted” to state commissions (47 U.S.C. § 252(e)(1)), the requirement that those agreements be “available for public inspection and copying within 10 days after the agreement . . . is approved” (47 U.S.C. § 252(h)), and the requirement that a LEC “shall make available any interconnection, service, or network element provided under an agreement approved under this section to which it is a party to any other requesting telecommunications carrier upon the same terms and conditions as those provided in the agreement.” (47 U.S.C. § 252(i)). We also discussed the arguments made in the attached White Paper, which covers the section 252 filing and approval issues as well as other matters relevant to the above-referenced docket.

Z-Tel is filing this *ex parte* because these issues relate to the further notice of proposed rulemaking issued by the FCC in CC Docket No. 01-338, released August 21, 2003 (¶¶ 713-729 of the *Triennial Review Order and Further Notice*). We are copying the FCC General Counsel and the Chief of the Wireline Competition Bureau, to inform them of our view that these issues fall within the Commission’s *ex parte* disclosure rules for informal rulemaking proceedings. Z-Tel expects that other parties making presentations to Commissioners or staff on these issues should likewise be required to abide by the Commission’s rules.

Sincerely,

s/Thomas M. Koutsky (submitted electronically)

Vice President, Law and Public Policy  
Z-Tel Communications, Inc.

cc (via e-mail): Dan Gonzalez, Office of Commissioner Martin  
John A. Rogovin, General Counsel  
William Maher, Chief, Wireline Competition Bureau