

**LATHAM & WATKINS** LLP

May 6, 2004

**BY ELECTRONIC FILING**

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554

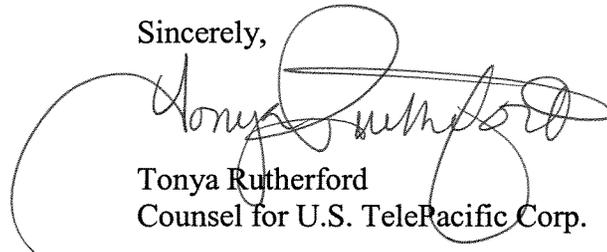
Re: *Ex Parte* Presentation in CC Docket No. 01-92 and CC Docket No. 96-262

Dear Ms. Dortch:

On today, May 6, 2004, Karen Brinkmann and I met on behalf of U.S. TelePacific Corp. d/b/a TelePacific Communications (“TelePacific”) with Scott Bergmann, Legal Advisor to Jonathan S. Adelstein, concerning the provision of exchange access services by competitive local exchange carriers (“CLECs”). TelePacific urged the Commission to reject arguments that the *CLEC Access Charge Order* has always required a CLEC to have actually served the end-user in order to have charged access for that particular call. To the extent the Commission decides to change or clarify its rules in this regard on a prospective basis, such rule change cannot be lawfully applied retroactively. During the meeting, TelePacific distributed copies of briefing sheets, dated September 25, 2003, December 8, 2003, and January 9, 2004, which TelePacific previously filed in the above-referenced proceedings.

In accordance with Commission rules, this letter is being filed in the aforementioned dockets. If you have any questions, please contact the undersigned at (202) 637-2200.

Sincerely,



Tonya Rutherford  
Counsel for U.S. TelePacific Corp.

cc: Scott Bergmann

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