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May 20, 2004

BY ELECTRONIC FILING

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

Re: *Ex Parte Presentation*  
In the Matter of Review of the Section 251 Unbundling  
Obligations of Incumbent Local Exchange Carriers,  
CC Docket Nos. 01-338, 96-98, 98-147

Dear Ms. Dortch:

On May 19, 2004, Donna Sorgi and Hank Hultquist of MCI, and Ruth Milkman, Lawler, Metzger & Milkman, counsel to MCI, met separately with Scott Bergmann; Matthew Brill and Darah Smith; and Dan Gonzalez to discuss the above-referenced proceeding. On May 20, 2004, Ms. Sorgi, Mr. Hultquist and Ms. Milkman met with Christopher Libertelli to discuss the above referenced proceeding. In these meetings, MCI discussed BellSouth's Petition for Reconsideration of the *Triennial Review Order* as described in the attached presentation.

Pursuant to the Commission's rules, this letter is being provided to you for inclusion in the public record of the above-referenced proceeding.

Sincerely,

  
Ruth Milkman

Enclosure

cc: Scott Bergmann  
Matthew Brill  
Dan Gonzalez  
Christopher Libertelli  
Darah Smith

# Triennial Review Recon Petitions

CC Docket No. 01-338

May 19-20, 2004



# FCC Should Not Restrict Unbundling of Fiber to MDUs

- MDUs range from duplexes to large mixed use (commercial and residential) buildings.
- CLECs need access to MDUs to offer customers choice.
- No showing that fiber is not being deployed to residential MDUs.
  - If there is a concern about deployment, must be limited to mass market customers.

# Any Change Must Be Narrowly Tailored

- Maintain brownfield/greenfield distinction.
- Draw line based on customer, not building.
  - Preserve competitive carriers' access to unbundled DS1s and DS3s.
  - Example: Watergate.

# Access to DS1s and DS3s Must Be Maintained

- Incumbent LECs are free to design their networks any way they want, except that they may not design networks in a way that makes it impossible to provide customers with DS1s and DS3s.
  - Failure to provide DS1s and DS3s would be inconsistent with obligations under federal law.
  - Incumbent LECs may not deny access to TDM-compatible loops and transport.