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June 29, 2004

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

Re: **Notice of Ex Parte Meeting** CC Docket Nos. 01-338, 96-98, 98-147

Dear Ms. Dortch:

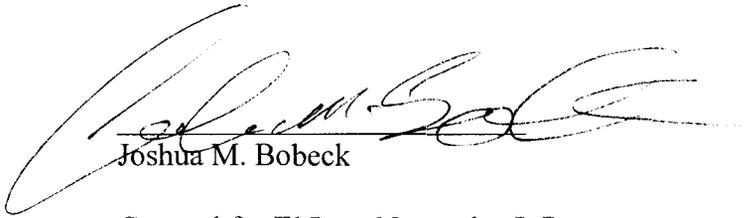
Pursuant to Section 1.1206 of the Commission's rules, 47 C.F.R. § 1.1206, this will provide notice that on June 28, 2004, Patricia M. Hogue, Senior Vice President of El Paso Networks, L.P. ("El Paso") and the undersigned met with Matthew Brill and Marjorie Manne of Commissioner Abernathy's office to discuss regulatory issues relating to the above-referenced dockets. Consistent with the Commission's rules, El Paso is electronically filing this notice with the Office of the Secretary and attaching a copy of the presentation distributed during the meeting.

El Paso discussed its concerns regarding the shortcomings in the commitments from the Regional Bell Companies regarding rate increases for unbundled network elements used by facilities based CLECs such as El Paso, principally unbundled dark fiber. El Paso expressed its concern that SBC, in particular, had not publicly committed to continue making dark fiber available under existing UNE rates while the Commission formulated new rules pursuant to the D.C. Circuit's ruling in *USTA II*. Because of the gaps in these commitments, El Paso believes the Commission should adopt interim measures to maintain stability while the Commission develops new unbundling rules.

Further, El Paso discussed that it continues to be impaired without unbundled access to dark fiber and that such unbundling remains warranted under the Act and under *USTA II*.

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Sincerely,



Joshua M. Bobeck

Counsel for El Paso Networks, L.P.

Enclosure

cc: Matthew Brill
Marjorie Manne
Patricia M. Hogue

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