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June 30, 2004

BY ELECTRONIC FILING

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

Re: Oral *Ex Parte* Presentation, CC Docket No. 01-338

Dear Ms. Dortch:

On June 29, 2004, Richard S. Whitt and Curtis L. Groves, MCI, and Ruth Milkman, Lawler, Metzger & Milkman, counsel to MCI, met separately with Daniel Gonzalez and Matt Brill to discuss the above-captioned proceeding. In those meetings, MCI provided the attached presentation urging the Commission to deny the BellSouth petition for reconsideration of the *UNE Triennial Review Order*. In addition, consistent with its previous written submissions in this docket, MCI discussed the need for interim rules to preserve the *status quo*, pending completion of a rulemaking on remand.

Sincerely,



Ruth Milkman

cc: Matt Brill
Daniel Gonzalez

Attachment

Triennial Review Recon Petitions

CC Docket No. 01-338

June 29-30, 2004



FTTC is not FTTH

- Fiber to the Curb (FTTC) is an intermediate fiber architecture
- BST CEO admits that fiber to the home (FTTH) is “the ultimate platform” for delivering voice, data and video.
- No proof that BOCs are using FTTC in “greenfield” situations.
- BST seeking to exempt *existing* loops from unbundling requirements.
 - BST serves 1 million homes with fiber

Any New Rules for FTTC Must Be Carefully Crafted

- Definition of “greenfield” is critical.
 - Definition in TRO: customer premise has never been served by loop before, and local loop is entirely new construction from CO to customer premise.
- If goal is to create incentives to deploy very high bandwidth loops (100 mbps), that must be part of definition of loops for which unbundling is not required.

Any Change With Respect to MDUs Must Be Narrowly Tailored

- Maintain brownfield/greenfield distinction.
- Draw line based on customer (e.g., treat loops provided to residential customers differently from loops provided to enterprise customers).
- Preserve competitive carriers' access to unbundled DS1s and DS3s.

Access to TDM-Compatible DS1s and DS3s Must Be Maintained

- FCC should deny, or decline to address, relief requested by BellSouth.
- In the alternative, FCC should make clear that, to the extent an incumbent LEC continues to make available TDM-compatible DS1 and DS3 circuits in its special access tariffs, FCC will regard that as dispositive evidence that incumbent LEC routinely makes required network modifications, and therefore must make available TDM-compatible UNEs.