

BellSouth Corporation
Suite 900
1133 21st Street, N.W.
Washington, D.C. 20036-3351

mary.henze@bellsouth.com

Mary L. Henze
Assistant Vice President
Federal Regulatory

202 463 4109
Fax 202 463 4631

July 1, 2004

Ms. Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street, SW, TW-A325
Washington, DC 20554

Re: Pick and Choose NPRM; CC Dkts 01-338, 96-98, and 98-147; Review of
Sec. 251 Unbundling obligations of Incumbent Local Exchange Carriers.

Dear Ms. Dortch,

This letter is in response to the *ex parte* recently filed by MCI in which MCI claimed that BellSouth made imprecise statements in its *ex parte* dated April 27, 2004.¹ In its April 27, 2004, *ex parte*, BellSouth explained the following.

Of the 545 current (emphasis added) ICAs BellSouth has, MCI is the only CLEC that refused to start negotiations with BellSouth's standard Interconnection Agreement, insisting instead on beginning with MCI's current agreement.

It is true that the negotiations now underway between BellSouth and MCI for their third Interconnection Agreement began with BellSouth's standard Interconnection Agreement. However, BellSouth's statements in its *ex parte* did not address the negotiations that are now underway. Rather, BellSouth's statements clearly addressed current (*i.e.*, existing) Interconnection Agreements, not those that may be signed and filed in the future. MCI even acknowledged in its *ex parte* letter that BellSouth's statement referred to the negotiations for the current (*i.e.*, existing) MCI/BellSouth Interconnection Agreement, and thus BellSouth's statement in its *ex parte* was accurate.

MCI further claims that it had updated its prior agreement substantially for use in the second round of negotiations and that utilizing the updated prior agreement had "significantly facilitated the course of the negotiations." BellSouth does not agree with MCI's assertions, and in fact believes that the negotiations were hampered by starting with language that was developed in 1996 for a negotiation taking place in 1999 and 2000. For example, MCI's prior agreement, which was negotiated as early as 1996,

¹ "BellSouth's Responses to FCC's Question's Regarding Pick and Choose NPRM" attached to Letter from Mary L. Henze, BellSouth, to Ms. Marlene Dortch, FCC, CC Docket Nos. 01-338, 96-98, 98-147 (Apr. 27, 2004) ("*BellSouth Letter*")

Ms. Marlene Dortch
July 1, 2004
Page 2

contained language regarding operations support systems that was not modified in MCI's proposal for the subsequent agreement. Obviously, by 1999 and 2000, when the BellSouth/MCI negotiations were under way for the replacement agreement currently in place between the parties, BellSouth had made significant improvements and changes to its electronic systems and had implemented permanent systems, both industry standard and BellSouth specific, that were available for CLECs. MCI's proposed language was not updated to include these developments. In addition, MCI's language relating to collocation did not reflect the various state commission requirements for collocation, as BellSouth's standard agreement did. Had the parties commenced negotiations with the BellSouth standard, all of the available UNEs, systems and other products and services, as well as the federal and state rules and orders applicable to the agreement, would have been included in the agreement from the outset.

Sincerely,



Mary L. Henze

cc: C. Libertelli
M. Brill
D. Gonzalez
J. Rosenworcel
S. Bergmann
W. Maher
J. Carlisle
J. Minkoff
C. Shewman