

July 2, 2004

**EX PARTE**

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

Re: CC Docket Nos. 96-98 and 01-338

Dear Ms. Dortch:

On July 1, I discussed the need for interim rules governing unbundled dark fiber, DS1 and DS3 transport applicable during the Commission's remand proceeding from *United States Telecom. Assoc. v. FCC*, 359 F.3d 554 (D.C. Cir. 2004) with Christopher Libertelli, Senior Legal Advisor to Chairman Michael Powell. During our conversation, I stated that it is important that the FCC conduct its remand proceeding on an expedited basis and release final unbundling rules before January 1, 2005. I also argued that such final rules could largely retain the loop and transport rules adopted in the Triennial Review Order and that there are strong policy reasons for giving only limited consideration to the availability of special access in the context of the impairment analysis. Pursuant to Section 1.1206(b) of the Commission's rules, 47 C.F.R. § 1.1206(b), one electronic copy of this notice is being filed in the above-referenced proceedings.

Sincerely,

/s/

Thomas Jones

cc: Christopher Libertelli