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August 13, 2004

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

Re: *Ex Parte* Notice – 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 August 13, 2004, on behalf of EarthLink, Inc., the undersigned spoke by telephone with Chris Libertelli, Legal Advisor to Chairman Powell, regarding the above-referenced dockets. During this conversation, EarthLink discussed its August 10th written *ex parte* presentation in the above-referenced dockets, including the need for interim relief from the October 3rd line sharing deadline.

Pursuant to the Commission's rules, one copy of this memorandum is being filed electronically in each of the above-referenced dockets for inclusion in the public record. Please do not hesitate to call me if you have any questions.

Respectfully submitted,

/s/

Donna N. Lampert
Counsel for EarthLink, Inc.