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Ms. Marlene Dortch, Secretary  
Federal Communications Commission  
The Portals, TW-A325  
445 12<sup>th</sup> 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 12, 2004, on behalf of EarthLink, Inc., the undersigned spoke by telephone with Scott Bergmann, Legal Advisor to Commissioner Adelstein, and Jessica Rosenworcel, Legal Advisor to Commissioner Copps, regarding the above-referenced dockets. During this conversation, EarthLink discussed its August 10<sup>th</sup> written *ex parte* presentation in the above-referenced dockets, including the need for interim relief from the October 3<sup>rd</sup> 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.