



Joan Marsh
Director
Federal Government Affairs

Suite 1000
1120 20th Street NW
Washington DC 20036
202 457 3120
FAX 202 457 3110

September 10, 2004

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Re: Emergency Motion of ALTS for a Limited Modification of Interim Protective Order, CC Docket Nos. 96-45, 04-313, 01-338

Dear Ms. Dortch:

AT&T Corp. ("AT&T") submits this letter in support of ALTS' September 8, 2004 Emergency Request for a Limited Modification of Interim Protective Order in the non-rural universal service support proceeding.¹ ALTS' request is limited to making information covered by the *Interim Protective Order* available for use, on a confidential basis, in connection with the Commission's remand of the *Triennial Review Order*.

Although ALTS' request is made on behalf of its member companies, all competitive local exchange carriers ("CLECs"), including AT&T, need comparable -- and equally timely -- access to the data referenced in the request. As ALTS shows (at 5), CLECs (including AT&T) do not have access to the requested information, and making such information available for these limited purposes serves the public interest, as well as the interests of fairness (*id.* at 3-4). For example, as ALTS states (n.10), incumbent LECs have in the past suggested that these data are meaningful with respect to impairment and have made proposals that would limit access to high-capacity transport UNEs based on the line density at various incumbent LEC offices.² CLECs will not be able adequately to

¹ See *Federal-State Joint Board on Universal Service*, Interim Protective Order, 15 FCC Rcd 10183 (2000) ("*Interim Protective Order*").

² See, e.g., Reply Comments of SBC Communications, Inc, CC Docket Nos. 01-338, 96-98, 97-147 at 153 (filed Jul. 12, 2002) (proposing that the Commission find there is no impairment at wire centers that, *inter alia*, serve over 15,000 business lines).

review and respond to similar proposals from the ILECs in the instant proceeding if competitive carriers do not have access to data that allow them to assess their impact.

Accordingly, AT&T supports ALTS' request to modify the *Interim Protective Order* on an expedited basis and without the need for a notice-and-comment cycle. AT&T also supports ALTS' request that the Commission direct USAC to send, via email or other electronic means, the most recent set of Confidential Line Count Information to requesting CLECs immediately upon receipt of a conforming request pursuant to the *Interim Protective Order*.³

AT&T further requests that this letter, which I attest is being served on all parties that submitted data pursuant to the *Interim Protective Order*, be deemed "reasonable notice of its intent to review Confidential Line Count Information" to the parties that have submitted such data and that the Commission direct USTA to waive its 5-day waiting period between notice and disclosure.

Sincerely,

A handwritten signature in black ink, appearing to read 'Joan Marsh', with a horizontal line extending to the right from the end of the signature.

Joan Marsh

cc by overnight delivery and facsimile:

Dee May, Verizon
David G. Cartwright, SBC
Jeff Lindsey, Sprint
Glenn T. Reynolds, BellSouth
Melissa E. Newman, Qwest
Leonard A Steinberg, Alaska Communications Systems Group, Inc.

cc via email:

Jeffrey Carlisle
Narda Jones
Katie King
Richard Lerner

³ As ALTS (at 4), AT&T will comply with the provisions of the *Interim Protective Order* restricting the disclosure of the Confidential Line Count Information and will avoid describing in its public comments the access line densities associated with any particular wire center. AT&T will also request confidential treatment of any portions of its filings that rely on Confidential Line Count Information.