

September 10, 2004

EX PARTE

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

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

Dear Ms. Dortch:

Today, Scott Sawyer of Conversent Communications and I met with Daniel Gonzalez, Senior Legal Advisor to Commissioner Martin, and Scott Bergmann, Legal Advisor to Commissioner Adelstein. During the meetings, we argued that the FCC should conclude that CLECs are impaired on a national basis without unbundled DS1 loops and that CLECs are impaired without unbundled dark fiber transport on the vast majority of routes in the country. Pursuant to Section 1.1206(b)(2) of the Commission's rules, 47 C.F.R. § 1.1206(b)(2), one electronic copy of this notice is being filed in each of the above-referenced proceedings.

Sincerely,

/s/

Thomas Jones

cc: Daniel Gonzalez
Scott Bergmann