

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20054**

In the Matter of)	
)	
Federal-State Joint Board on Universal Service)	CC Docket No. 96-45
)	
Unbundled Access to Network Elements)	CC Docket No. 04-313
)	
Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers)	CC Docket No. 01-338
)	

**RESPONSE TO ALTS REQUEST FOR ACCESS
TO ILEC PROPRIETARY DATA**

BellSouth Corporation, SBC Communications Inc., and the Verizon telephone companies (collectively, the “ILECs”) hereby respond to the September 8, 2004 request of the Association for Local Telecommunications Services (“ALTS”) for access to highly confidential ILEC materials so that CLECs may use that information in this proceeding.

As explained in more detail in the Emergency Request for Access to CLEC Data Relevant to the Impairment Inquiry that the ILECs are separately filing today, the ILECs agree with ALTS that the Commission should have all relevant information before it as it undertakes the important task of determining in which markets, if any, CLECs are “impaired” without access to specific ILEC network elements. ALTS, however, is incorrect when it suggests that providing CLECs with access to ILEC proprietary information regarding the number of access lines per wire center would somehow level the playing field with respect to access to information relevant to the impairment inquiry. On the contrary, the CLECs have unique access to other information that is equally, if not more, relevant to the impairment inquiry than access-line density information. Among

other things, they know where they have deployed fiber networks and packet switches, where they have provisioned their own loops, where they have relied upon third-party facilities, and where they have used special access facilities to provide service.

The ILECs seek access to CLEC information relevant to those issues in the Emergency Request they are filing today. The Commission should grant ALTS's request *only* if it also grants the ILEC request and thus avoids the creation of a record that is not, in ALTS's phrase, "incomplete and one-sided."¹

Respectfully Submitted,

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¹ ALTS Request at 4.

CERTIFICATE OF SERVICE

I, Erin Harte, do hereby certify that on this 17th day of September, 2004, I caused to be served a true and correct copy of the forgoing Emergency Request for Access to CLEC Data Relevant to the Impairment Inquiry by delivering copies thereof by overnight delivery to the following:

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