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1120 Paseo de Peralta/P.O. Box 1269
Santa Fe, NM 87504-1269
Office of General Counsel
Phone (505) 827-6947
Fax (505) 827-4194

October 1, 2004

BY ELECTRONIC FILING

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

Re: *In the Matter of Unbundled Access to Network Elements*, WC Docket No. 04-313 and *Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers*, CC Docket No. 01-338

Dear Ms. Dortch:

By this letter, the New Mexico Public Regulation Commission ("NMPRC") submits its comments in the above-referenced dockets. The purpose of these comments is to inform you of proceedings relating to the Triennial Review Order that occurred in New Mexico and of the filings you can expect from parties that participated in the New Mexico proceedings.

The NMPRC opened two consolidated dockets in response to the Triennial Review Order issued by the Federal Communications Commission ("FCC"). One docket is Case No. 03-00403-UT, which was opened for the purpose of developing a batch hot cut process for Qwest Corporation ("Qwest"). The second docket is Case No. 03-00404-UT, which was opened for the purpose of examining impairment in access to local circuit switching for mass market customers. The parties in these cases conducted much discovery and filed much testimony in these cases. However, the cases did not go to a hearing because the NMPRC issued an order holding the cases in abeyance after issuance of the U.S. Court of Appeals for the District of Columbia's decision in *United States Telecom Ass'n v. FCC*, 359 F.3d 554 (D.C. Cir. 2004). Thus, the information developed in these cases was not admitted at a hearing nor tested through cross-examination.

Nevertheless, the NMPRC ordered the parties in Case Nos. 03-00403-UT and 03-

00404-UT to file summaries of the proceedings with the FCC in accordance with Paragraph 15 of the FCC's Order and Notice of Proposed Rulemaking, released August 20, 2004. The Telecommunications Bureau Staff of the Commission ("Staff") and the Attorney General of the State of New Mexico will be filing summaries relating specifically to the New Mexico proceedings. Staff's filing is the opinion of Staff and not necessarily the opinion of the NMPRC. Other parties to the New Mexico proceedings (Qwest, DIECA Communications, Inc. d/b/a Covad Communications Company, Xspedius Management Co. Switched Services, LLC and Xspedius Management Co. Albuquerque, LLC, both d/b/a Xspedius Communications, MCI, Inc. and AT&T Communications of the Mountain States, Inc.) will be filing general summaries that are not New-Mexico specific. Separate filings are being made by the parties because the parties informed the NMPRC that a joint filing is not feasible. The NMPRC will not itself be filing a summary.

This letter is being provided to you for inclusion in the public record of the above-referenced proceeding.

Sincerely,

Carolyn R. Glick
Acting General Counsel
New Mexico Public Regulation Commission