



# AB SEALS Inc.

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e-mail: [abseals@advancenet.net](mailto:abseals@advancenet.net) web: [abseals.biz](http://abseals.biz)

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Chairman Michael Powell  
Commissioner Jonathan Adelstein  
Commissioner Kathleen Abernathy  
Commissioner Michael Copps  
Commissioner Kevin Martin  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

15 April 2004

Dear Commissioners:

As a business owner, I am writing to encourage the FCC to appeal the D.C. Circuit's ruling that struck down the FCC's rules to allow competitors access to the monopoly local phone network. A reversal of the D.C. Court's ruling would ensure U.S. consumers and small businesses continue to enjoy more than \$15.4 billion in savings on their local phone bills each year.

The availability of competitive choices for local phone service has allowed my business to obtain innovative services that are custom tailored to our needs. In addition, competition has allowed my business to save significant amounts of money each year. These savings allow my company to put those dollars back into the business in the form of business expansion and new jobs.

Unfortunately, the D.C. Circuit's ruling disrupts this progress. If the government allows the Bell giants to destroy local phone competition, more than 19 million consumers and small businesses will lose their competitive phone service, resulting in higher rates, lower quality of service and a re-monopolization of the local phone market - that is not acceptable.

With so many small businesses relying on affordable local phone service to run their businesses, it is imperative that this anti-consumer court decision be reversed. The sooner the decision is appealed, the sooner companies like mine can have certainty that our businesses will not be negatively impacted.

Sincerely,

*John Cook*  
John Cook  
President

cc: President George W. Bush

01-338

February 23, 2004

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Distribution Center

The Honorable Michael Powell  
445 12th Street  
Washington, DC 20554

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Dear Commissioner Powell:

I am contacting you to express my concern that the Telecommunications Act of 1996 may be seriously undermined if the D.C. Circuit strikes down the Federal Communications Commission's Triennial Review Order. The FCC's recent order was an important step in preserving the rules that keep competition alive, foster innovation and provide consumers with lower prices.

Eight years ago Congress passed historic telecommunications legislation that promoted competition in the local telecom market. Since then, the FCC has carefully implemented new rules and regulations to ensure competition continues to thrive. But competition in the local telephone service industry is being jeopardized by the courts' interference and the Bells' efforts to stifle competition.

Because of the Bells' constant attempts to seek full deregulation - in the absence of competition - challenge every rule that promotes competition, and deny competitors access to the critical pieces of the local network, competitors have only been able to garner a 14.7 percent local market share since passage of the Telecom Act. That is a poor showing. But the Bells stubbornly refuse to play by the rules and spent \$1.7 billion thwarting Congress and the FCC's efforts to promote competition. It is time for the Bells' anticompetitive behavior to be addressed at the highest levels!

Furthermore, if the D.C. Circuit throws out the FCC's Triennial Review Order, I strongly urge you to support the FCC in appealing this ruling to the Supreme Court. It is important that the FCC must continue to adhere to the competitive policies laid out in the Telecommunications Act to ensure consumers have a choice of telecom services.

Sincerely,



Tracey Brugman

Calvin Howell

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From: Bernstein, Brandon (TORRANCE TB 203)  
Sent: Thursday, February 19, 2004 1:53 PM  
To: Michael Powell  
Subject: Competition

MAR 22 2004  
Federal Communications Commission  
Office of the Secretary

Mr. Powell,

I thought it would be important to inform the FCC about the negative changes emerging within the wireless phone industry. Service is on the decline while prices have increased over 100% for some service plans. Competition has enabled users to attain better service plans. With the merger of ATT and Cingular, I fear that further consolidation will continue and less choices will be available to the individual.

In some cases, people are put on hold for hours at a time waiting to be helped by the company they are supplying revenue for. Seems ironic that the lively hood of companies are their customers, yet their treatment is extremely bad. I hope the FCC will step in to ensure customers get better service and allow a competitive marketplace so the consumer has a choice.

Thanks,

Brandon Bernstein, CFM  
Global Private Client Group  
Merrill Lynch & Co.  
(310) 791-8853 Direct  
(800) 777-0843 Toll Free  
(310) 791-8801 Fax

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Calvin Howell

01-338

**RECEIVED****From:** Martin Nadwodney [martin@midwesttele.com]**Sent:** Wednesday, March 31, 2004 3:59 PM**To:** Michael Powell; Kathleen Abernathy; Michael Copps; KJMWEB; Jonathan**Subject:** A response to your press release asking for all carriers to bargain in good faith

MAY 10 2004

Federal Communications Commission  
Office of the Secretary

To the honorable Chairman Powell and Commissioners Abernathy, Copps, Martin and Adelstein,

As a telecom professional who has worked in this industry since 1987 and studied it for 4 years at Ohio University, Athens Ohio, I, respectfully, disagree with your plea to ask all carriers to negotiate in "good faith".

I base my assertion on the fact that the ILEC from which we garner services from has recently served the CLEC company that I work for with a notice which states in no uncertain terms that we must either allow them to disconnect the customers that we serve using UNE-P or allow them the opportunity to transfer them back to retail. There are no terms for negotiation.

The fact is the ILECs have always controlled over 90% of the access facilities in this great country. In the world of business, this is still called a monopoly and there is no bargaining with a monopoly. Let the ILECs/Monopolies have their way and they will drive all the CLECs back to resale. A business cannot run on a 20 % margin and hope to stay in business. Once the CLECs are gone, prices will go up dramatically and I will bet my paycheck for the year that there is no legal enforcement to hold the ILECs to their "word" that they will invest in new technologies and new facilities. I seriously question anyone that truly believes that a company will spend profit for the good of the country instead of themselves.

I believe the FCC made a decision prior to it being vacated by the DC court. Please be accountable for your decision and ask that it be reviewed by the Supreme Court.

Respectfully,

Martin A. Nadwodney, Manager - Special Projects  
Midwest Telecom of America, Inc.  
219-650-5555, ext. 110 Voice  
219-650-5545 Fax  
[marty@pickmta.com](mailto:marty@pickmta.com)

[www.pickmta.com](http://www.pickmta.com)

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**Calvin Howell**

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**From:** Sonya.Jenkins@accesscomm.com  
**Sent:** Monday, April 05, 2004 2:41 PM  
**To:** Michael Powell  
**Cc:** Kathleen Abernathy; Michael Copps; KJMWEB; Jonathan  
**Subject:** Letter to the Honorable Michael K. Powell

MAY 10 2004

Federal Communications Commission  
Office of the Secretary

Please see attached letter from Vincent Oddo, President and CEO of Access Integrated Networks.

Thank you,

Sonya Jenkins  
Executive Assistant  
Access Integrated Networks  
Phone: 478-476-1179  
Fax: 478-405-3138

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Toll Free 888-275-0777  
Tel. 478-475-9800  
Fax. 478-475-9988  
[www.accesscomm.com](http://www.accesscomm.com)

Suite 107  
4885 Riverside Drive  
Macon, GA 31210

April 5, 2004

The Honorable Michael K. Powell  
Chairman  
Federal Communications Commission  
445 12th St., SW  
Washington, DC 20554

Dear Chairman Powell:

Access Integrated Networks, Inc. (AIN), headquartered in Macon, Georgia, hereby officially responds to the Commission's letter dated March 31, 2004 to competitive telecommunications carriers asking them to "engage in a period of good faith negotiations to arrive at commercially acceptable arrangements for the availability of unbundled network elements."

While AIN did not receive the FCC's letter directly or through any trade organization to which AIN belongs, we are responding to ensure that the voice of small competitive carriers is heard. Small competitive carriers collectively serve approximately 45% of the UNE-P lines in service across the country. It is imperative that small CLECs have equitable and meaningful representation in this important process.

Access Integrated Networks, Inc. will participate in these good faith negotiations. In order to allow for these negotiations, Access Integrated Networks, Inc. also supports a stay of the D.C. Circuit's mandate in *USTA II*.

Sincerely,

Vincent Oddo  
President & CEO  
Access Integrated Networks, Inc.

cc: Commissioner Kathleen Q. Abernathy  
Commissioner Jonathan S. Adelstein  
Commissioner Michael J. Copps  
Commissioner Kevin J. Martin