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ATTORNEYS AT LAW

October 6, 2004

EX PARTE – Via Electronic Filing

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

Re: *Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, CC Docket No. 96-98; Intercarrier Compensation for ISP-Bound Traffic, CC Docket No. 99-68; Developing a Unified Intercarrier Compensation Regime, CC Docket No. 01-92; Core Communications, Inc. Petition for Forbearance, WC Docket No. 03-171*

Dear Ms. Dortch:

On October 5, 2004, I spoke with Scott Bergmann, Legal Adviser to Commissioner Adelstein regarding the above captioned proceedings. I discussed points previously summarized in Level 3's ex partes in these dockets.

In addition, I stated that attempts by ILECs to impose access charges on "virtual NXX" arrangements are nothing more than an attempt to impose access charges on the Internet. The traffic is locally-dialed, and ILECs are not required to carry the traffic any further than they would have to if an ISP's server was actually located within the ILEC's local calling area. In either case – under a "virtual NXX" arrangement or when the ISP's server is physically located within the ILEC's local calling area – an ILEC only carries an ISP-bound call (or any other locally-dialed call) to its point of interconnection with a CLEC. In areas that are not subject to the rural exemption, Section 251(c)(2) and the Commission's orders require the ILEC to interconnect with a CLEC at a single point of interconnection in the LATA. However, when an ILEC retains its rural exemption from Section 251(c), the CLEC, as a practical matter, must meet the ILEC in its local calling area. Level 3 interconnects with ILECs subject to the rural exemption at the ILEC's end office switch. Significantly, contrary to CenturyTel's misleading implications, ILECs are never required to haul traffic to a distant ISP. The cost of transport between the POI and the ISP is borne by the CLEC and/or the ISP.

Sincerely,

/s/

John T. Nakahata
Counsel for Level 3 Communications, LLC