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October 13, 2004

Ms. Marlene Dortch, Secretary
Federal Communications Commission
The Portals, TW-A325
445 12th Street SW
Washington, DC 20554

Re: *Ex Parte* Presentation – Review of the Section 251 Unbundling Obligations of Incumbent LECs (CC Docket Nos. 01-338, 96-98, 98-147)

Dear Ms. Dortch:

On October 13, 2004, Mark J. O'Connor, Jennifer L. Phurrough and the undersigned, all of Lampert & O'Connor, P.C., on behalf of EarthLink, Inc., had a telephone conversation with Jessica Rosenworcel, Legal Advisor to Commissioner Copps, to discuss Verizon's request for forbearance from Section 271 unbundling obligations for broadband facilities. The arguments raised by EarthLink were consistent with materials previously filed in the above-referenced dockets.

Specifically, EarthLink urged the FCC to clarify the limited scope of any forbearance relief and to state that the current obligations upon the Bell Operating Companies ("BOCs"), including Verizon, to offer non-discriminatory access to information service providers are not affected by the forbearance request. We stressed the importance of ensuring that any decision regarding possible forbearance from Section 271 broadband unbundling requirements be consistent with the continuation of these obligations.

Pursuant to the Commission's rules, one copy of this memorandum is being filed electronically in each of the above-referenced dockets for inclusion in the public record. Please do not hesitate to call me if you have any questions.

Respectfully submitted,

/s/

Donna N. Lampert
Counsel for EarthLink, Inc.

cc: Jessica Rosenworcel