

 **Lampert & O'Connor, P.C.**
1750 K Street NW
Suite 600
Washington, DC 20006

Mark J. O'Connor
oconnor@l-olaw.com

Tel 202/887-6230
Fax 202/887-6231

October 15, 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); Unbundled Access to Network Elements (WC Docket 04-313)

Dear Ms. Dortch:

On October 14, 2004, the undersigned had a telephone conversation with Christopher Libertelli, Senior Legal Advisor to Chairman Powell, regarding the above-referenced dockets. EarthLink stressed the need for the Commission to address the line sharing UNE issue as it addressed UNE permanent rules. EarthLink also discussed that the arrangements between Covad and SBC and Verizon were not long-term contracts for line sharing.

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/

Mark J. O'Connor
Counsel for EarthLink, Inc.