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Federal Regulatory Affairs
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October 25, 2004

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, SW
Room TWB-204
Washington, DC 20554

Re: **Notice of Ex Parte Communication**

Unbundled Access to Network Elements, WC Docket No. 04-313

Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers, CC Docket No. 01-338

Dear Ms. Dortch:

On behalf of Sprint Corporation, Richard Juhnke and I met today with Christopher Libertelli, Chief Legal Advisor to Chairman Powell, and Aaron Goldberger of the Wireline Telecommunications Bureau to summarize Sprint's positions in these dockets. Sprint's presentation was consistent with its comments filed in these dockets and is summarized in the attached outline, which we distributed at the meeting.

Pursuant to the requirements of Section 1.1206 of the Commission's rules, I am filing electronic copies of this notice for addition to these dockets.

Sincerely,

John E. Benedict

cc: Christopher Libertelli
Aaron N. Goldberger

RECOMMENDATIONS FOR THE COMMISSION ON REMAND

Access to Unbundled Network Elements
WC Docket No. 04-313
CC Docket No. 01-338

Statutory Goals

The Commission should reaffirm the Commission's commitment to the market-opening and pro-competitive goals of the 1996 Act.

Impairment Definition

The Commission should explain that impairment is based on economic and operational barriers for an efficient CLEC within the overall communications market.

High Capacity UNEs

The record shows impairment is the overwhelming norm, not the exception, for DS1, DS3, and dark fiber loops and transport.

The Commission should make a national finding of impairment for high-capacity loops and transport, with specific locations or routes removed only where evidence shows the Triennial Review Order's self-provisioning or wholesaling triggers are met.

It should adopt location specific impairment review, based on actual evidence, or adopt AT&T's proposal to have wholesalers report.

It should reject line count or market size as arbitrary surrogates for impairment in high-capacity facilities.

Special access is not a substitute for unbundled high-capacity facilities.

CMRS Carriers Access to UNEs

CMRS carriers need access to UNE transport, particularly between MSCs and base stations.

There are no significant competitive facilities available, and special access for these links represent Sprint PCS's largest single network operating costs.

If facilities-based competition is to be the goal, as it should be, CMRS carriers need cost-based access to compete head-on with wireline carriers.

In any event, non-BOC CMRS carriers need cost-based facilities from the BOCs to compete with BOC-owned wireless carriers.

Section 271 Obligations

The Commission should uphold Bell Operating Company obligations to provide access to unbundled network elements under section 271.

Oct. 25, 2004