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November 23, 2004

Ms. Marlene Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W. Room TWB-204  
Washington, D.C. 20554

**Re: Notice of Oral Ex Parte Communication, In the Matter of Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers, CC Docket Nos. 04-313 and 01-338**

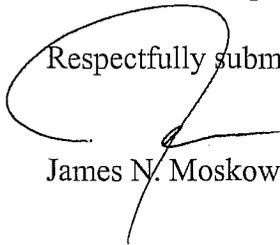
Dear Ms. Dortch:

On November 22, 2004, Gloria Mullet, Director of External Affairs, WorldNet Telecommunications, Inc. ("WorldNet"), and the undersigned together with Lawrence Freedman, counsel to WorldNet, met with Jessica Rosenworcel, Commissioner Copps' legal advisor, regarding the above-referenced dockets.

The substance of the meeting dealt with the implications of the federal UNE rules in Puerto Rico as outlined in the attached presentation. This presentation was provided to Ms. Rosenworcel. WorldNet's counsel emphasized that that the Commission must take Puerto Rico's unique market conditions into account in any ruling that it makes. WorldNet's counsel argued that, at a minimum, the Commission must either provide a safety valve process for permitting a granular review of facts relating to impairment in specific markets, or allow for longer UNE switching transition timeframes in markets where state commissions have made factual findings that they are warranted.

Pursuant to the Commission's rules, 47 C.F.R. § 1.1206(b)(2), this letter and attachment are being filed electronically in the above-referenced proceedings.

Respectfully submitted

  
James N. Moskowitz

Attachment  
cc: Jessica Rosenworcel  
168980

**SUMMARY OF EX PARTE PRESENTATION  
WORLDNET TELECOMMUNICATIONS, INC.  
WC DOCKET NO. 04-313, CC DOCKET NO. 01-338**

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**I. Puerto Rico Should Be Excluded From Any National Findings**

Unique local markets such as exist in Puerto Rico where the State Commission has made a documented finding of impairment should be excluded from any national finding relating to mass market switching and high capacity transport.

**II. Safety Valve Process**

At a minimum, the FCC should establish a “safety valve” process to account for unique localized differences in market conditions:

A. A safety valve process should include:

1. A state level fact finding process;
2. A process for FCC review and approval of state level findings;
3. Specific timeframes for state and FCC review and approval.

B. The FCC should establish standards and criteria to guide state and Federal level review similar to those set forth in the Triennial Review Order.

C. Any party should be allowed to use these processes to seek UNE listing or delisting.

D. The FCC should conduct a fact-finding function where the state commission does not act.

**III. Transition**

The FCC should create rules allowing for an orderly transition from UNEs to other arrangements.

A. FCC rules should permit state commissions to impose longer transition periods as appropriate to account for local markets conditions.

B. Transition must be premised upon the demonstrated ability to perform batch hot-cuts.

1. The state-level batch hot cut processes should be established in accordance with the Triennial Review Order (47 C.F.R. § 319(d)(ii)).
2. The State Commission must certify that the hot cut process is *in place and functioning* before transition period begins to run.

C. Transition must also be premised on the ILEC ability to provide basic OSS support reasonably necessary to facilitate UNE-L after Batch Hot cut is performed.