



December 2, 2004

Tina M. Pidgeon  
(202) 457-8812  
tpidgeon@gci.com

**EX PARTE – VIA ELECTRONIC FILING**

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street SW  
Washington, D.C. 20554

Re: WC Docket No. 04-313; CC Docket No. 01-338  
Notice of Oral Ex Parte Presentation

Dear Ms. Dortch:

Pursuant to Section 1.1206 of the Commission's rules, 47 C.F.R. § 1.1206, this will provide notice that on December 2, 2004, on behalf of GCI, Nan Thompson (GCI) spoke with Matt Brill, Senior Legal Advisor to Commissioner Abernathy, regarding the referenced proceeding.

Consistent with prior submissions in the proceeding, GCI reiterated its request for clarification that when an ILEC is unable to provide access to the entire unbundled loop via the home-run copper loop, universal DLCs, multihosting at the DLC, or some other technically feasible means, then the ILEC must provide access to the unbundled loop (from central the office switch to the customer premises) in combination with unbundled switching and transport to satisfy its obligation to provide access to a voice-grade channel on hybrid fiber/copper loops through any technically feasible means. *See Triennial Review Order* at ¶¶ 296-297; *Triennial Review Order on Reconsideration*, FCC 04-248 at ¶ 14 (extending voice-grade access to FTTC loops in overbuild situations) (rel. Oct. 18, 2004); *see also Triennial Review NPRM* at n.38 (seeking comment on rules regarding access to customers served by IDLCs); GCI Comments at 12-13 (explaining problematic IDLC configurations), 14-18 (detailing the pervasive nature of this issue in GCI and other markets); GCI *Ex Parte* Letter, WC Docket No. 04-313 & attachments (filed Oct. 4, 2004) (demonstrating problematic IDLC configurations); *see also* GCI *Ex Parte* Letter, CC Docket No. 01-338 & attachment (filed Aug. 6, 2004) (same).

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ILECs are required to provide access to a voice-grade channel on hybrid fiber/copper loops through any technically feasible means. *Triennial Review Order* at ¶ 297. To the extent that such access to the entire loop can only be obtained via the combination of unbundled loop, transport and switching—for example, where the IDLC is not multi-hostable—then the ILEC is required to provide these elements in combination unless and until it identifies some other technically feasible means of providing the required loop access in a manner that provides service at the same quality the ILEC provides itself and its own customers. Access to the loop in this manner is not an unbundled switching issue, but provides a remedy to blocked access to the narrowband loop, and is not implicated by the Commission's impairment analysis of switching as a standalone element. *See* GCI Comments at 24.

Failure to issue such a specification now poses the significant risk that ILECs will deploy loop architecture in a manner that denies CLEC access to bottleneck loop facilities where the CLEC has already deployed its own extensive switching and transport facilities. *See* GCI Comments at 8-9. Such a result would be directly counter to the promotion of facilities-based deployment.

In accordance with the Commission's rules, a copy of this letter is being filed in the above-captioned proceeding.

Sincerely,

/s/

Tina M. Pidgeon  
Vice President, Federal Regulatory Affairs

cc: (via electronic mail)  
Matthew Brill