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December 3, 2004

BY ELECTRONIC FILING

Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

Re: Oral *Ex Parte* Presentation, WC Docket No. 04-313, CC Docket No. 01-338

Dear Ms. Dortch:

On December 2, 2004, Richard S. Whitt, Curtis L. Groves, and Alan Buzacott, MCI, Mark Schneider, Jenner & Block, counsel to MCI, and A. Richard Metzger, Jr. and Ruth Milkman, Lawler, Metzger & Milkman, counsel to MCI, met with Michelle Carey, Thomas Navin, Jeremy Miller, Pam Arluk, and Russell Hanser of the Wireline Competition Bureau, to discuss issues presented in the above-captioned proceeding.

During the meeting, MCI discussed the current record with respect to the proposed imposition of service eligibility requirements. In particular, MCI noted that the widespread and growing popularity of offering bundles of services to end users over the past few years has substantially diminished the importance of stand-alone voice long distance services. MCI also noted that data services have long been offered as a local/long distance bundle.

MCI pointed out that the service eligibility requirements adopted in the *Triennial Review Order* are far too broad, precluding CLECs from using EELs not only for long distance voice services but likely also for an array of local exchange and exchange access services, including local private line, local data, and special access.

MCI explained that the impact of the overbroad service eligibility requirements adopted in the *Triennial Review Order* would be magnified if those requirements were extended to stand-alone elements, including stand-alone loops. Even those CLECs that had made significant investments to extend their fiber networks to incumbent LEC end offices would likely not be able to use unbundled loops to provide local private line, local data, and special access services in competition with the incumbent LEC. For that

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reason, if the Commission retains the service eligibility requirements, they should continue to be applied only to EELs, not to stand-alone elements.

MCI further explained that if the Commission were to conclude that any architectural safeguards are necessary, it should craft such safeguards in a manner that does not bar CLECs from using UNEs for local private line, local data, and special access services, and discussed various possible solutions already in the record. In addition, MCI proposed an alternative safeguard that would permit carriers to be eligible for UNEs if they certify that the UNE is being used for a local private line service that connects two end users in the same LATA.

MCI's presentation was otherwise consistent with its written submissions in this proceeding.

Sincerely,

/s/ Ruth Milkman

Ruth Milkman

cc: Michelle Carey
Thomas Navin
Jeremy Miller
Pam Arluk
Russell Hanser