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December 7, 2004

VIA ELECTRONIC SUBMISSION

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW – Lobby Level
Washington, D.C. 20554

Re: Notice of Ex Parte Presentation: *Unbundled Access to Network Elements and Unbundling Obligations of Incumbent Local Exchange Carriers*, WC Docket No. 04-313 and CC Docket No. 01-338.

Dear Ms. Dortch:

Attached, as you requested, is data showing the comparative use of DS1 UNEs and special access loops by CLECs in the SBC region. Specifically, we provide the number of wholesale DS1 special access channel termination facilities (excluding entrance facilities) provided by SBC to the three largest CLECs collectively, and all other CLECs individually. Special access facilities provided by SBC to wireless carriers or retail customers were not included. We also provide the number of DS1 UNE loops provided by SBC to the three largest CLECs collectively and the other CLECs individually.

These data are consistent with data previously provided by SBC. Among other things, they reveal that:

- More than three quarters of the wholesale DS1 facilities provided by SBC to CLECs are sold as special access, not UNEs.

- More than 99% of the DS1 loops provided by SBC to the three largest CLECs are special access not UNEs.

- Many other CLECs, as well, rely almost exclusively on special access, as opposed to UNEs, for the DS1 loop facilities they obtain from SBC. All told, no less than 25 CLECs use special access, as opposed to UNEs, for at least 97% of the DS1 loop facilities they obtain from SBC.

- Carriers that rely on special access for more than 97% of the DS1 loops they purchase from SBC and which, correspondingly make almost no use of DS1 UNE loops, account for virtually all of SBC's DS1 channel termination sales to CLECs. These 25 CLECs account for more than 98% of the wholesale DS1 channel termination facilities provided by SBC.

- CLECs other than the three largest CLECs collectively rely on special access for 41% of their DS1 loop requirements.

- CLECs that account for most of SBC's DS1 UNE loops make very little use of DS1 channel termination facilities. The top 8 CLEC users of DS1 UNE loops rely on UNEs for 97% of the DS1 loops they obtain from SBC.

The data presented slightly understate the number of DS1 loops purchased by CLECs as special access because of the adjustment SBC had to make to be sure to exclude all entrance facilities. SBC's OSS systems for special access services do not distinguish between entrance facilities and channel terminations – all are classified as channel terminations in SBC's special access inventory databases. Thus, in order to provide an apples-to-apples comparison between UNE loops and their special access equivalent, SBC had to estimate the number of special access channel terminations that are entrance facilities. In so doing, SBC conservatively assumed that all 12,000 DS1 channel terminations that were the first leg of a special access circuit were entrance facilities, even though many such channel terminations are not entrance facilities. [1]

In summary, these data reinforce points that SBC has been making throughout this proceeding. They show that a significant number of CLECs can and do compete using almost exclusively DS1 special access loop facilities in lieu of UNEs, thus refuting claims that special access is irrelevant to an impairment analysis for DS1 loop facilities. If twenty five CLECs, many of which serve thousands of lines, can compete without DS1 UNEs, then any reasonably efficient CLEC should be able to do so. Certainly at a minimum, the Commission must conclude, as a matter of law, that CLECs are not impaired without UNEs in serving customer locations that today are being served with DS1 special access loops.

If you have any questions about this data, please do not hesitate to contact me.

Sincerely,

/s/ Gary L. Phillips

cc: Russell Hanser
Ian Dillner
Jeremy Miller

[1] All special access circuits go from an "A" to a "Z" location. The first leg of a circuit goes from the "A" location to the first central office in SBC's network. SBC assumed that all such legs are entrance facilities, even though many are not. Thus, for example, SBC treated the first leg of a private line circuit and a channel termination that runs from a customer's premises to a CLEC collocation cage as entrance facilities, even though they are not entrance facilities.

Attachment

Attachment

	DS1s			
	UNEs*	SA**	Total	% SA
	Sep-04	Oct-04		
The Largest 3 CLECs	693	301,207	301,900	99.77%
CLEC(s) 2	36,105	1,729	37,834	4.57%
CLEC(s) 59	46	24,742	24,788	99.81%
CLEC(s) 3	11,525	70	11,595	0.60%
CLEC(s) 4	9,356	39	9,395	0.42%
CLEC(s) 5	8,354	85	8,439	1.01%
CLEC(s) 95		8,430	8,430	100.00%
CLEC(s) 96		8,224	8,224	100.00%
CLEC(s) 42	165	7,791	7,956	97.93%
CLEC(s) 38	187	7,257	7,444	97.49%
CLEC(s) 6	5,481	495	5,976	8.28%
CLEC(s) 63	33	5,787	5,820	99.43%
CLEC(s) 12	3,390	1,991	5,381	37.00%
CLEC(s) 7	5,201		5,201	0.00%
CLEC(s) 10	4,129	631	4,760	13.26%
CLEC(s) 8	4,548	126	4,674	2.70%
CLEC(s) 9	4,404	17	4,421	0.38%
CLEC(s) 13	3,390	852	4,242	20.08%
CLEC(s) 11	3,459	72	3,531	2.04%
CLEC(s) 82	3	2,948	2,951	99.90%
CLEC(s) 14	1,741	990	2,731	36.25%
CLEC(s) 71	13	2,604	2,617	99.50%
CLEC(s) 17	1,431	485	1,916	25.31%
CLEC(s) 15	1,554	174	1,728	10.07%
CLEC(s) 83	1	1,694	1,695	99.94%
CLEC(s) 97		1,616	1,616	100.00%
CLEC(s) 16	1,417	195	1,612	12.10%
CLEC(s) 18	1,429	163	1,592	10.24%
CLEC(s) 19	1,393	193	1,586	12.17%
CLEC(s) 98		1,321	1,321	100.00%
CLEC(s) 20	1,192	6	1,198	0.50%
CLEC(s) 21	1,128		1,128	0.00%
CLEC(s) 23	887	74	961	7.70%
CLEC(s) 22	919	4	923	0.43%
CLEC(s) 25	690	192	882	21.77%
CLEC(s) 99		798	798	100.00%
CLEC(s) 100		734	734	100.00%
CLEC(s) 24	706	9	715	1.26%
CLEC(s) 26	695	13	708	1.84%
CLEC(s) 27	692		692	0.00%
CLEC(s) 28	649	1	650	0.15%
CLEC(s) 30	594	32	626	5.11%
CLEC(s) 29	612		612	0.00%
CLEC(s) 31	560		560	0.00%
CLEC(s) 40	170	328	498	65.86%
CLEC(s) 32	466		466	0.00%
CLEC(s) 101		340	340	100.00%
CLEC(s) 94	1	335	336	99.70%
CLEC(s) 33	314		314	0.00%
CLEC(s) 34	313		313	0.00%

*includes stand-alone and EEL

** SBC assumed that all first circuit legs are entrance facilities, even though many are not.

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	UNEs* Sep-04	SA** Oct-04	Total	% SA
CLEC(s) 102		302	302	100.00%
CLEC(s) 104		282	282	100.00%
CLEC(s) 35	249	2	251	0.80%
CLEC(s) 103		207	207	100.00%
CLEC(s) 36	202		202	0.00%
CLEC(s) 52	104	86	190	45.26%
CLEC(s) 37	188	1	189	0.53%
CLEC(s) 39	180	3	183	1.64%
CLEC(s) 106		174	174	100.00%
CLEC(s) 41	171		171	0.00%
CLEC(s) 108		163	163	100.00%
CLEC(s) 44	141	17	158	10.76%
CLEC(s) 43	157		157	0.00%
CLEC(s) 50	110	28	138	20.29%
CLEC(s) 45	124		124	0.00%
CLEC(s) 46	120	4	124	3.23%
CLEC(s) 49	112	5	117	4.27%
CLEC(s) 48	113	3	116	2.59%
CLEC(s) 105		115	115	100.00%
CLEC(s) 47	114		114	0.00%
CLEC(s) 51	109		109	0.00%
CLEC(s) 53	95		95	0.00%
CLEC(s) 54	83	1	84	1.19%
CLEC(s) 56	61	13	74	17.57%
CLEC(s) 55	71		71	0.00%
CLEC(s) 66	21	37	58	63.79%
CLEC(s) 109		58	58	100.00%
CLEC(s) 57	49		49	0.00%
CLEC(s) 58	48	1	49	2.04%
CLEC(s) 61	35	8	43	18.60%
CLEC(s) 60	38		38	0.00%
CLEC(s) 62	35		35	0.00%
CLEC(s) 70	15	20	35	57.14%
CLEC(s) 64	32		32	0.00%
CLEC(s) 65	26		26	0.00%
CLEC(s) 68	16		16	0.00%
CLEC(s) 69	15		15	0.00%
CLEC(s) 67	14		14	0.00%
CLEC(s) 79	5	9	14	64.29%
CLEC(s) 73	10		10	0.00%
CLEC(s) 74	10		10	0.00%
CLEC(s) 72	9		9	0.00%
CLEC(s) 75	8		8	0.00%
CLEC(s) 76	7		7	0.00%
CLEC(s) 77	7		7	0.00%
CLEC(s) 78	5		5	0.00%
CLEC(s) 80	3		3	0.00%
CLEC(s) 81	3		3	0.00%
CLEC(s) 84	2		2	0.00%
CLEC(s) 85	2		2	0.00%
CLEC(s) 86	1		1	0.00%

*includes stand-alone and EEL

** SBC assumed that all first circuit legs are entrance facilities, even though many are not.

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	UNEs* Sep-04	SA** Oct-04	Total	% SA
CLEC(s) 87	1		1	0.00%
CLEC(s) 88	1		1	0.00%
CLEC(s) 89	1		1	0.00%
CLEC(s) 91	1		1	0.00%
CLEC(s) 92	1		1	0.00%
CLEC(s) 93	1		1	0.00%
CLEC(s) 90			0	0.00%

Total:	122,962	386,333	509,295	75.86%
Total less Largest 3 CLECs	122,269	85,126	207,395	41.05%

*includes stand-alone and EEL

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