December 7, 2004

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554

RE: **Notice of Ex Parte Communication**

WC Docket Nos. 04-313
CC Docket No. 01-338

Dear Ms. Dortch:

On December 6, 2004, Bill Courter, Associate General Counsel, and Bill Haas, Assistant General Counsel, discussed by telephone with Senior Legal Advisor Scott Bergman regarding issues related to the permanent unbundling rules. Specifically, McLeodUSA urged the Commission to reject any definition of the term "mass market" based on telephone number or access lines per business locations, because, as confirmed by D&B research, a significant number of small and medium business customers would be denied any competitive alternative for service providers. We also urged the Commission not to apply EEL eligibility criteria to stand alone DS1 loops. We emphasized the need for clarity and certainty and discussed ways to define the terms "wholesaler," "self-provisioner" and "fiber-based collocator."

Very truly yours,

William H. Courter
Associate General Counsel