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December 8, 2004

VIA ELECTRONIC FILING

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Notice of *Ex Parte* Presentation, WC Docket No. 04-313

Dear Ms. Dortch:

Pursuant to Section 1.1206 of the Commission's rules, the undersigned counsel hereby provides notice of a December 2, 2004 *ex parte* meeting with Commissioner Kathleen Q. Abernathy and Matthew Brill, Senior Legal Advisor to Commissioner Abernathy, in the proceeding identified above. In attendance on behalf of the Loop and Transport CLEC Coalition were: Rick Smith, President and Chief Executive Officer, and Russell Merbeth, Federal Counsel, Eschelon Telecom, Inc.; Anthony Abate, President, SNIp LiNK; Heather Gold, Senior Vice President, Government Relations, XO Communications, Inc.; Marva Johnson, Senior Regulatory Counsel, Legal and Regulatory Affairs, KMC Telecom Holdings, Inc.; James Falvey, Vice President, Regulatory Affairs, Xspedius Management Company LLC; Brad Mutschelknaus and Steven Augustino of Kelley Drye & Warren LLP.

The CLECs discussed the Commission's rules for unbundled high capacity loops and the impairment tests for unbundled transport. The positions taken were consistent with the CLECs' previous filings in this docket.

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This notice is being filed electronically through the Commission's ECFS system.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven A. Augustino". The signature is stylized with a large, sweeping initial "S" and a cursive "Augustino".

Steven A. Augustino

SAA:pab