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February 7, 2005

VIA COURIER

Jeffrey Carlisle
Chief, Wireline Competition Bureau
Federal Communications Commission
Washington, DC 20554

Re: Access to Wire Center Information
WC Docket No. 04-313, CC Docket No. 01-338

Dear Mr. Carlisle:

In connection with my representation of numerous competitive local exchange carriers, I request that the Wireline Competition Bureau convene an informal meeting of incumbent and competitive carriers to facilitate implementation of the Commission's new rules governing unbundled access to loops and transport. The purpose of the meeting would be to establish terms and conditions for reasonable access by competitive carriers to information concerning fiber-based collocators and business lines in incumbents' wire centers.

In the *Triennial Review Remand Order*, the Commission established new tests governing the availability of unbundled access to high capacity loops and transport, based in part on the number of fiber-based collocators and/or business lines in incumbent wire centers.¹ This information is known exclusively by incumbents. Incumbents treat this information as proprietary and have not shared it with competitive carriers. Related information submitted in the record of this proceeding by incumbents is subject to a protective order that limits its utility and, in any event, we understand that the record does not identify individual wire centers that would permit competitive carriers to know where unbundled access to loops and transport would be permitted under the Commission's new rules. The Bureau previously denied my Freedom of Information Act request related to this information.²

¹ *Unbundled Access to Network Element and Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers*, Order on Remand, WC Docket No. 04-313 and CC Docket No. 01-338, released February 4, 2005 ("*Triennial Review Remand Order*").

² Letter to Andrew D. Lipman from Joseph T. Hall, Assistant Bureau Chief, Management, December 28, 2004.

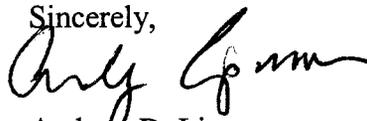
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Timely access to information concerning business lines and fiber-based collocators in incumbent wire centers is critically important to competitive carriers in a number of respects. It will be necessary for competitive carriers to assess the impact of the new rules and to engage in reasonable business planning. Indeed, CLECs apparently may be obligated to seek this information as part of the reasonable due diligence envisioned in the *Triennial Review Remand Order* before placing orders for unbundled access to high capacity loops and transport after the effective date of the *Order*.³

Accordingly, I request that the Wireline Competition Bureau convene an informal meeting of competitive and incumbent carriers to assist in establishing terms and conditions by which competitors may obtain access to information concerning fiber-based collocators and business lines in incumbent wire centers. I would envision that the goal of the meeting would be to facilitate implementation of the new rules by providing access to objective information that would permit competitive carriers to engage in the reasonable due diligence specified in the *Triennial Review Remand Order*, including the ability to verify the accuracy of information supplied by the incumbents, while protecting incumbents' legitimate claims for protection of proprietary information. I request that you convene this meeting within 10 days.

This letter is submitted without prejudice to possible reconsideration or appeal of the *Triennial Review Remand Order*.

Sincerely,



Andrew D. Lipman

cc: (via e-mail)

Chairman Michael K. Powell
Christopher Libertelli
Commissioner Kathleen Q. Abernathy
Matthew Brill
Commissioner Jonathan S. Adelstein
Scott Bergmann
Commissioner Michael J. Copps
Jessica Rosenworcel
Commissioner Kevin J. Martin
Daniel Gonzalez
Michelle Carey

³ *Triennial Review Remand Order* at para. 234.