

February 24, 2005

EX PARTE

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
Room TW-A325
445 12th Street, SW
Washington, DC 20554

Re: WC Docket No. 04-313

Dear Ms. Dortch:

On February 24, 2005, Julia Strow of Cbeyond Communications and the undersigned met separately with Daniel Gonzales, Senior Legal Advisor to Commissioner Kevin Martin, and Jeffrey Carlisle, Chief of the Wireline Competition Bureau to discuss issues that have arisen in connection with the implementation of the Commission's Remand Order in the above-referenced docket. During the meetings, Ms. Strow and the undersigned discussed (1) ambiguities and flaws in the current methodology used for counting business access lines for purposes of meeting the loop/transport impairment triggers, (2) the application of the cap on the number of DS1s to EELs, and (3) the application of the loop/transport impairment triggers in circumstances where future reductions in the number of fiber-based collocators and/or business access lines should cause unbundling obligations to be reimposed on the ILECs.

Pursuant to Section 1.1206(b) of the Commission's rules, 47 C.F.R. § 1.1206(b), one electronic copy of this notice is being filed in the above-referenced proceeding.

Sincerely,

/s/

Thomas Jones

cc: Daniel Gonzales
Jeffrey Carlisle