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ATTORNEYS AT LAW

March 15, 2005

EX PARTE – Via Electronic Filing

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

Re: *Level 3 Petition for Forbearance*, WC Docket No. 03-266;
IP-Enabled Services, WC Docket No. 04-36

Dear Ms. Dortch:

On March 14, 2005, Bill Hunt and Cindy Schonhaut, both of Level 3 Communications (“Level 3”) and I met with Jessica Rosenworcel, Legal Adviser to Commissioner Copps regarding the above captioned proceedings. The points we made in our presentation are summarized in the attached document.

In addition, we made the points previously summarized in my letter dated March 8, 2005 to Marlene Dortch, filed in the above-captioned dockets, which is incorporated by reference herein. In addition, we provided Ms. Rosenworcel with the attached excerpt from the Commission’s wireline-to-wireless number portability decision in which the Commission forbore from Section 252 to the extent it applied, without determining that that section actually applied.

In addition, we note that according to the American Heritage Dictionary of the English Language (Fourth Edition), “forbear” means “to refrain from; resist,” and only secondarily means “to desist from; cease.”¹ Level 3, through its forbearance petition, seeks to have the Commission “refrain from” or “resist” applying access charges to IP-PSTN and incidental PSTN-PSTN traffic, even if the Commission has not yet determined that it must “desist from” or “cease” doing so.

¹ Available at <http://www.bartleby.com/61/31/F0243100.html>.

Marlene H. Dortch
October 6, 2004
Page 2 of 2

Level 3's petition thus fits within the plain meaning of the term "forbearance" in Section 10 of the Act.

Sincerely,

/s/

John T. Nakahata
Counsel for Level 3 Communications, LLC

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