

Writer's Direct Dial
(202) 463-2510/2539

July 19, 2005

EX PARTE

Ms. Marlene Dortch
Secretary
Federal Communications Commission
The Portals
TW-A325
445 12th Street, S.W.
Washington, D.C. 20554

Re: Ex Parte Presentation: WC Docket Nos. 05-65 and 05-75.

Dear Ms. Dortch:

On Monday, July 18, 2005, Dave Baker, Vice President of Law and Public Policy for EarthLink, Greg Collins, Director of Network Engineering and Operations for EarthLink, Chris Putala of Putala Strategies, John Butler and Bob Magovern of Sher & Blackwell LLP, and Connie Robinson of Kilpatrick Stockton, met with FCC staff to discuss EarthLink's filings in the above-referenced dockets. The discussion focused on the arguments presented in EarthLink's Friday, July 15, 2005 filings. EarthLink urged that the proposed mergers represent a level of vertical integration which has not been seen in any recent merger, and that was last experienced before the break-up of AT&T. EarthLink discussed in detail the ability and the incentive of the merged companies to block or degrade transmission of information over the Internet once Verizon and SBC combine their substantial market power in the local loop markets with MCI and AT&T's global Internet backbone networks. That ability, in turn, would allow the merged companies an anti-competitive advantage over their competitors in the retail market for Internet-based services.

Additionally, Greg Collins discussed how EarthLink's concerns with the vertical integration of these companies would play out in the real world. Mr. Collins answered the staff's questions regarding: (1) technical issues about how the networks operate, (2) EarthLink's current peering arrangements with both Verizon and SBC, (3) past instances of de-peering following mergers/acquisitions, and (4) the ability of network operators to monitor, identify, segregate, manipulate, and prioritize traffic.

If you have any questions regarding this notice, please contact the undersigned at 202-463-2510.

Sincerely,

A handwritten signature in black ink, appearing to read "John W. Butler", with a long horizontal flourish extending to the right.

John W. Butler
Robert Magovern

Counsel for EarthLink, Inc.

CC:

Marcus Maher
Gail Cohen
Marilyn Simon
Rodger Woock
Donald Stockdale
C. Anthony Bush
Joel Rabinovitz
Bill Dever
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Michael Jacobs
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Jonathan Levy
Jim Bird
Jerry Duvall
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