

September 28, 2005

Ex Parte

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, S.W., Room TW-B204
Washington, DC 20554

Re: *Special Access Rates for Price Cap Local Exchange Carriers, WC Docket No. 05-25; AT&T Corp. Petition for Rulemaking to Reform Regulation of Incumbent Local Exchange Carrier Rates for Interstate Special Access Services, RM-10593; WC Docket No. 05-65, In the matter of SBC/AT&T Applications for Approval of Transfer of Control; WC Docket No. 05-75, In the Matter of Verizon/MCI Applications for Approval of Transfer of Control*

Dear Ms. Dortch:

Pursuant to 47 C.F.R. Sec. 1.1206(b)(2), the undersigned hereby files the following submission summarizing the oral ex parte discussion described below.

On September 27, 2005, Doug Jarrett, on behalf of the American Petroleum Institute (“API”) and the undersigned, on behalf of the eCommerce & Telecommunications Users Group (“eTUG”), met with Jessica Rosenworcel, Legal Advisor to Commissioner Michael J. Copps, in connection with merger conditions proposed in ex parte presentations by entities that are attempting to compete with the carriers whose mergers are subject to Commission review. These ex parte presentations call for the divestiture of so-called “in-region” last mile and other facilities of AT&T and MCI as well as related proposals calling for “divestiture” of AT&T and MCI customers currently served by these facilities. Neither eTUG nor API advocated positions with respect to the mergers.

The adverse impact of the divestiture of in-region facilities on user networks were discussed, including the disruption of single carrier, end-to-end responsibility for services to major large user locations and the disruption of customer-specific service arrangements negotiated to deliver the preferred mix of carrier accountability, price, reliability and service level metrics and standards.

API and eTUG emphasized that were these proposals and the related “customer divestiture” proposals adopted, the cumulative operation and administrative burdens imposed on the impacted user community would far outweigh the alleged benefits advanced by the proponents of these divestiture conditions. API and eTUG restated their concerns regarding ILEC special access rates and the critical need for immediate Commission action.

Sincerely,

Brian R. Moir
Attorney at Law
1015 18th Street, NW – Suite 800
Washington, DC 20036-5204
(T) 202-331-9852