

EX PARTE OR LATE FILED

■ Lampert & O'Connor, P.C.

1776 K Street NW  
Suite 700  
Washington, DC 20006

ORIGINAL

DOCKET FILE COPY ORIGINAL

Tel 202/887-6230  
Fax 202/887-6231

Donna N. Lampert  
lampert@l-olaw.com

*Via Hand Delivery*

June 13, 2006

RECEIVED

JUN 13 2006

Marlene Dortch, Secretary  
Federal Communications Commission  
The Portals, TW-A325  
445 12<sup>th</sup> Street SW  
Washington, DC 20554

Federal Communications Commission  
Office of Secretary

Re: *Ex Parte* Presentation – CC Dkt No. 02-33, *Appropriate Framework for Broadband Access to Internet Over Wireline Facilities*

Dear Ms. Dortch:

This letter concerns the Commission's implementation of the *Wireline Broadband Order* and federal universal service contributions. Specifically, EarthLink urges the Commission to reiterate that it intends to act in a competitively neutral manner.

As stated in the *Wireline Broadband Order*, effective August 14, 2006, wireline broadband Internet access providers will no longer be required to make federal universal service contributions on their DSL services, including any DSL services offered pursuant to the delineated one year "transition period" and DSL services that are provided to third parties pursuant to private contractual arrangements. See *Appropriate Framework for Broadband Access to the Internet over Wireline Facilities*, 20 FCC Rcd. 14853, at ¶¶ 112-113 (2005), petitions for review pending, *Time Warner Telecom v. FCC*, No. 05-4769 (and consolidated cases) (3<sup>rd</sup> Cir., filed Oct. 26, 2005).

EarthLink stresses that by making this clarification, the FCC will best fulfill its broadband deployment and competition goals.

Pursuant to the Commission's rules, four copies of this memorandum are being filed by hand in the above-referenced docket for inclusion in the public record. Please do not hesitate to contact me directly if you have any questions.

Respectfully submitted,



Donna N. Lampert  
Counsel for EarthLink, Inc.

No. of Copies rec'd 0 + 4  
List A B C D E