December 13, 2006

VIA ECFS

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

Re:  Ex Parte Notification: WC Docket No. 06-74: In the Matter of the Application Pursuant to Section 214 of the Communications Act of 1934 and Section 63.04 of the Commission's Rules for Consent to Transfer Control of BellSouth Corporation to AT&T, Inc.

Dear Ms. Dortch:

On December 12, 2006, I, together with Rick Richardson of Momentum Telecom, Inc. and Jeffrey Sobek of Access One, met with Commissioner Adelstein’s Legal Advisor, Scott Bergmann. At that meeting, we urged the Commission to adopt the proposed condition addressing access to Section 271 network elements suggested by COMPTEL. We pointed out that adoption of the COMPTEL Section 271 merger condition would provide a vehicle to address the competitive issues regarding special access rates, terms and conditions identified by the Special Access Coalition. Adoption of the condition would have the added benefit of rendering unnecessary the increasing number of costly, resource-intensive lawsuits and proceedings before federal courts and state commissions in which the issue of state jurisdiction over Section 271 network elements is at issue. Further, adoption of the Section 271 merger condition would provide a mechanism for the administration of rates and terms for Section 271 network elements by the entities best suited for the job, i.e. the state commissions.
The attached document was discussed at the meeting.

Respectfully submitted,

Genevieve Morelli

Attachment
cc: Scott Bergmann
SECTION 271 LITIGATION

Federal Communications Commission


*In the Matter of Georgia Public Service Commission Petition for Declaratory Ruling and Confirmation of Just and Reasonableness of Established Rates, WC Docket No. 06-90 (filed Apr. 18, 2006).*

State Commissions and Federal Courts

Alabama:


Arizona:


California:


Colorado:


Florida:

Georgia:

_in re: generic proceeding to examine issues related to bellsouth telecommunication, inc.'s obligations to provide unbundled network elements, docket no. 19341-u, order initiating proceeding to set just and reasonable rates under section 271, 2006 ga. puc lexis 3 (ga. p.s.c. jan. 17., 2006) and order setting rates under section 271, 2006 ga. puc lexis 21 (ga. p.s.c. mar. 8, 2006), appeal pending, bellsouth telecomm., inc. v. georgia pub. serv. comm’n et al., no. 1:06-cv-00162-cc and competitive carriers of the south, inc. et al. v. georgia pub. serv. comm’n, no. 1:06-cv-0972-cc (consolidated) (n.d. ga.) (filed jan. 24, 2006).

illinois:

xo illinois petition for arbitration of an amendment to an interconnection agreement with illinois bell telephone company pursuant to section 252(b) of the communications act of 1934, as amended, docket no. 04-0371, amendatory arbitration decision 66-67 (ill. c. c. oct. 8, 2004), reh'g denied, notice of commission action (ill. c.c. oct. 29, 2004).

kentucky:


louisiana:

momentum telecom, inc. v. louisiana public service commission, no. 06-835-rei-dld, complaint for declaratory judgment (m.d. la.) (filed oct. 27, 2006).

maine:

verizon-maine proposed schedules, terms, conditions and rates for unbundled network elements and interconnection (puc 20) and resold services (puc 21), docket no. 2002-682, order part ii (me. p.u.c. sep. 3, 2004), aff’d, verizon new england inc. v. maine pub. utils. comm’n, 441 f. supp. 2d 147 (d. me. 2006), appeal pending, verizon new england inc. v. maine pub. utils. comm’n, no. 06-2151, (1st cir.) (filed jul. 19, 2006).
Michigan:


Minnesota:


Missouri:


New Hampshire:


Tennessee: