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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:

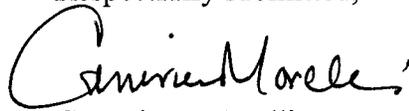
On December 12, 2006, I, together with Rick Richardson of Momentum Telecom, Inc. and Jeffrey Sobek of Access One, met with Chairman Martin's Legal Advisor, Michelle Carey. At that meeting, we urged the Commission to adopt the proposed condition addressing access to Section 271 network elements suggested by COMPTTEL. We pointed out that adoption of the COMPTTEL 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.

KELLEY DRYE & WARREN LLP

Marlene H. Dortch, Secretary
December 13, 2006
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The attached document was discussed at the meeting.

Respectfully submitted,


Genevieve Morelli

Attachment
cc: Michelle Carey

SECTION 271 LITIGATION

Federal Communications Commission

In the Matter of BellSouth Emergency Petition for the Declaratory Ruling and Preemption of State Action, WC Docket No. 04-245 (filed Jun. 24, 2004).

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:

Momentum Telecom, Inc. v. Alabama Pub. Serv. Comm'n et al., No. 2:06-CV-00577-WKW-DRB, Complaint for Declaratory Judgment (N.D. Ala.) (filed June 27, 2006).

Arizona:

Petition of DIECA Communications, Inc., d/b/a Covad Communications Company for Arbitration of an Interconnection Agreement with Qwest Corporation, Docket No. T-01051B-04-0425, Decision No. 68440, 2006 Ariz. PUC LEXIS 5 (Ariz. C. C. Feb. 2, 2006), *appeal pending*, *Qwest Corp. v. Ariz. Corp. Comm'n*, No. 2:06-CV-01030-ROS (D. Ariz.) (filed Apr. 13, 2006).

California:

Application of Pacific Bell Telephone Company d/b/a SBC California for Generic Proceeding to Implement Changes in Federal Unbundling Rules Under Sections 251 and 252 of the Telecommunications Act of 1996, Application 05-07-024, Decision Adopting Amendment to Existing Interconnection Agreements, 2006 Cal. PUC LEXIS 33 (Cal. P.U.C. Jan. 26, 2006).

Colorado:

Qwest Corp. v. Pub. Util. Comm'n of Colorado, 2006 WL 771223 (D. Colo. 2006).

Florida:

DEICA Communications, Inc. v. Fla. Pub. Serv. Comm'n et al., 447 F. Supp. 2d 1281 (N.D. Fla. 2006).

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:

BellSouth Telecommunications, Inc.'s Notice of Intent to Disconnect Southeast Telephone Inc. for Non-Payment and Southeast Telephone Inc. and Southeast Telephone Inc. v. BellSouth Telecommunications, Inc., Case Nos. 2005-00533 and 2005-00519 (consolidated), Order, 2006 Ky. PUC LEXIS 680 (Ky. P.S.C. Aug. 16, 2006), *appeal pending*, *BellSouth Telecomm., Inc. v. Kentucky Pub. Serv. Comm'n et al.*, 3:06-CV-00065-KKC (E.D. Ky.) (filed Sep. 12, 2006).

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:

In the Matter, on the Commission's Own Motion, to Commence a Collaborative Proceeding to Monitor and Facilitate Implementation of Accessible Letters Issued by SBC Michigan and Verizon, Case No. U-14447, Order, 2005 Mich. PUC LEXIS (Mich. P.S.C. Sep. 20, 2005), appeal pending, Michigan Bell Tel. Co., d/b/a AT&T Michigan v. Covad Communications Company et al., No. 2:06-CV-11982 (E.D. Mich.) (filed Apr. 28, 2006).

Minnesota:

In the Matter of a Potential Proceeding to Investigate the Wholesale Rates Charged by Qwest, Docket No. P-421/CI-05-1996, Notice and Order for Hearing, 2006 PUC LEXIS 48 (Minn. P.U.C. May 4, 2006).

Missouri:

Southwestern Bell Telephone L.P. d/b/a SBC Missouri's Petition for Compulsory Arbitration of Unresolved Issues for a Successor Interconnection Agreement to the Missouri 271 Agreement, Case No. TO-2005-0336, Arbitration Order, 2005 Mo. PUC LEXIS 963 (Mo. P.S.C. Jul. 11, 2005), rev'd in part, Southwestern Bell Tel. L.P. d/b/a SBC Missouri v. Missouri Pub. Serv. Comm'n et al., 2006 U.S. Dist. LEXIS 65536 (E.D. Mo. 2006), appeal pending, Southwestern Bell Tel. d/b/a SBC Missouri v. Big River Tel. Co., LLC et al., Nos. 06-3701 and 06-3726 (consolidated) (8th Cir.) (filed Oct. 26, 2006).

New Hampshire:

Proposed Revisions to Tariff NHPUC No. 84 (Statement of Generally Available Terms and Conditions); Petition for Declaratory Order re Line Sharing, Docket Nos. DT 03-201 and 04-176 (consolidated), Order No. 24,442, Order Following Brief, 2005 N.H. PUC LEXIS 24 (N.H. P.U.C. Mar. 11, 2005), rev'd in part, Verizon New England, Inc. v. N.H. Pub. Utils. Comm'n, No. 05-CV-94-PB (D. N.H. 2006), appeal pending, Verizon New England, Inc. v. N.H. Pub. Utils. Comm'n, No. 06-2429 (1st Cir.) (filed Sep. 21, 2006).

Tennessee:

In re Petition for Arbitration of ITC^Deltacom Communications, Inc. with BellSouth Communications, Inc. Pursuant to the Telecommunications Act of 1996, Docket No. 03-00119, Final Order of Arbitration Award, 2005 Tenn. PUC LEXIS 332 (Tenn. R.A. Oct. 20, 2005), aff'd, Order on Reconsideration, 2006 Tenn. PUC LEXIS 170 (Tenn. R.A. May 18, 2006).