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Via Electronic Delivery

Ms. Marlene H. Dortch
Federal Communications Commission
The Portals, TW-A325
445 12th Street, SW
Washington, DC 20554

Re: *Ex Parte* Presentation - WC Dkt. 06-74, *In the Matter of Application for Consent to Transfer of Control Filed by AT&T and BellSouth Corporation*

Dear Secretary Dortch:

On Thursday, December 28, 2006, the undersigned, on behalf of EarthLink, Inc., sent an electronic mail message to Scott Deutchman and Bruce Gottlieb, Legal Advisors to Commissioner Copps, and to Scott Bergmann, Legal Advisor to Commissioner Adelstein, regarding the above-captioned proceeding. Specifically, EarthLink urged that consumers benefit from stand-alone DSL if they are no longer forced to take AT&T/BellSouth local phone service to get broadband. EarthLink urged that AT&T/BellSouth be obligated to end all requirements in their wholesale contracts that require local voice telephone service in order to buy DSL.

EarthLink also stressed that UNE-L, as an essential ingredient to reaching consumers, is the other key for consumer broadband benefits and urged the FCC to extend UNE-L availability/rates for as long as possible.

Pursuant to the Commission's rules, one copy of this memorandum is being filed electronically 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.