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OFFICE OF THE SECRETARY

April 18, 2000

Memorandum of Ex Parte Communication

Magalie Salas
Secretary
Federal Communications Commission
445 12th Street, S.W.
TW-A325-Lobby
Washington, D.C. 20554

Dear Ms. Salas:

Re: *CC Docket No. 98-147- Collocation*

On Friday, April 14, 2000, the attached letter was delivered to Mr. Larry Strickling, Chief of the Common Carrier Bureau. This ex parte is being submitted one day out-of-time because SBC's offices were closed yesterday due to the protests associated with the World Bank and International Monetary Fund meetings held in Washington, D.C. We are submitting the original and one copy of this Memorandum to the Secretary in accordance with Section 1.1206 of the Commission's rules.

Please stamp and return the provided copy to confirm your receipt. Please contact me at (202) 326-8889 should you have any questions.

Sincerely,

Jay Bennett

cc: L. Strickling

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Priscilla Hill-Ardoin
Senior Vice President

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April 14, 2000

Mr. Larry Strickling
Chief, Common Carrier Bureau
Federal Communications Commission
The Portals
445 Twelfth Street, S.W., 5th Floor
Washington, D.C. 20554

Dear Mr. Strickling,

You have asked SBC to clarify its collocation policies in light of the D.C. Circuit's recent Opinion vacating and remanding certain portions of the Commission's collocation rules. *See GTE Service Corporation v. FCC*, No. 99-1176, 2000 U.S. App. LEXIS 4111 (D.C. Cir. March 17, 2000). Specifically, you asked that we clarify: (1) whether we will remove equipment already collocated at SBC's premises; (2) whether we will fulfill orders for collocation filed prior to the Court's remand; and (3) our policy for orders placed thereafter but prior to the Commission's completion of the remand proceeding. I am pleased to respond as follows:

First, assuming a reasonably timely completion of the remand proceeding, SBC will not disturb existing arrangements for collocated equipment or connections between different collocators' equipment based on the Court's Opinion, pending such Commission action.

Second, SBC will fulfill orders for collocation of equipment or for connections between different collocators' equipment that have been accepted prior to the Court's issuance of its mandate. Moreover, SBC will accept, process and fulfill those orders on the same basis as prior to the Court's issuance of its mandate and in accordance with required time frames and intervals.

Third, except as otherwise required by our interconnection agreements or tariffs, SBC will handle orders not accepted prior to the mandate in accordance with the following principles. SBC will, of course, allow collocation of equipment "necessary" for interconnection or access to unbundled network elements in accordance with the Court's Opinion. In addition, SBC will permit collocation of multifunctional equipment included in the definition of "advanced services equipment" in section 1.3.d of the SBC/Ameritech Merger Conditions. SBC also will provide connections between different collocators' equipment pursuant to SBC's Collocation Transport Service tariffs (Nevada Bell FCC # 1, SNET FCC # 39, SWBT FCC # 73, and Pacific Bell FCC # 128). This tariff offering, which took effect on March 2, 2000, provides CLECs with quick and efficient provisioning of connections when they need them at a minimal up-front cost. Indeed, a number of CLECs already have availed themselves of this tariff offering. SBC will

modify its interconnection agreements pursuant to the "change of law" provisions to reflect these principles.

SBC's decision to grandfather certain collocation arrangements pending timely completion of the remand proceeding is premised on its understanding that the most favored nation provisions of both the 1996 Act and the SBC/Ameritech Merger Conditions would not apply to such arrangements and that the grandfathering of existing arrangements would not be deemed discriminatory vis-à-vis other carriers. Please let me know if you disagree with this premise.

Sincerely,

Priscilla Hill-Ardoin
Senior Vice President