

STATE OF FLORIDA

COMMISSIONERS:
LILA A. JABER, CHAIRMAN
J. TERRY DEASON
BRAULIO L. BAEZ
RUDOLPH "RUDY" BRADLEY
CHARLES M. DAVIDSON



CAPITAL CIRCLE OFFICE CENTER
2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FL 32399-0850

Public Service Commission

February 11, 2003

VIA ELECTRONIC FILING

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

Re: Resubmitted *Ex Parte* Letter Regarding the FCC Triennial Review;
CC Docket No. 01-338, Review of the Section 251 Unbundling Obligations of
Incumbent Local Exchange Carriers; and
CC Docket No. 96-98, Implementation of the Local Competition Provisions of the
Telecommunications Act of 1996,

Dear Ms. Dortch:

Attached is a resubmitted ex parte letter in the above referenced docket from Chairman Thomas L. Welch of the Maine Public Utilities Commission, Chairman Alan R. Schriber of the Ohio Public Utilities Commission, Commissioner Charles M. Davidson of the Florida Public Service Commission and Chairman Greg Sopkin of the Colorado Public Utilities Commission to Chairman Powell of the Federal Communications Commission and the other FCC Commissioners, that was previously filed. Due to technical problems, pages were omitted.

Sincerely,

/ s /

Cynthia B. Miller, Esquire
Office of Federal and Legislative Liaison

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CAPITAL CIRCLE OFFICE CENTER
2540 SRUMARD OAK BOULEVARD
TALLAHASSEE, FL 32399-0850

Public Service Commission

February 7, 2003

VIA ELECTRONIC FILING

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

Re: *Ex Parte* Letter Regarding the FCC Triennial Review;
CC Docket No. **01-338**, Review of the Section 251 Unbundling Obligations of
Incumbent Local Exchange Carriers; and
CC Docket No. 96-98, Implementation of the Local Competition Provisions of the
Telecommunications Act of 1996

Dear Ms. Dortch:

Forwarded herewith is a copy of a letter from Chairman Thomas L. Welch of the Maine Public Utilities Commission, Chairman Alan R. Schriber of the Ohio Public Utilities Commission, Commissioner Charles M. Davidson of the Florida Public Service Commission and Chairman Greg Sopkin of the Colorado Public Utilities Commission to Chairman Powell of the Federal Communications Commission and the other FCC Commissioners. This was provided to them prior to 5:00 p.m. on February 6, 2003.

Sincerely,

/ s /

Cynthia B. Miller, Esquire
Office of Federal and Legislative Liaison

CBM:tys
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Internet E-mail: contact@psc.state.fl.us

February 6, 2003

The Honorable Michael K. Powell
Chairman
Federal Communications Commission
445 12th Street S.W.
Washington, DC 20554

Dear Chairman Powell:

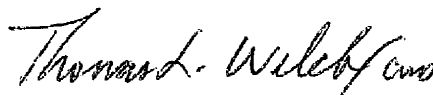
Thank you for continuing our dialogue on the FCC Triennial Review. As you know, we consider the issues to be addressed in that proceeding to be vital to ensuring sustainable, economic competition in the telecommunications industry. We appreciate your openness to discussion.

We understand that, in the Telecommunications Act of 1996, Congress established shared responsibility between the states and the FCC for the implementation of the law. In this regard, we have no quarrel with you and indeed agree that the FCC must, in the first instance, determine whether competing carriers are "impaired" in the provision of a telecommunication service." We thus understand that you have an obligation to set forth the principles and criteria for such a finding. In doing so, we would urge the FCC not to add elements to the national list unless, after a principled granularity analysis, the FCC finds "impairment."

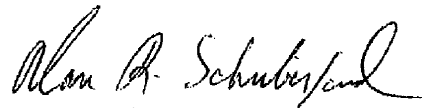
We believe, however, that any ruling that results in the removal of an unbundled network element used to provide mass market consumer services should not result in a flash cut implementation and that the FCC order should ensure a transition period for the benefit of consumers and carriers alike. We stand ready to assist the FCC in its transition monitoring, oversight and enforcement. Indeed, we strongly recommend that once the order is issued, the FCC sponsor a workshop or series of workshops to discuss transition and enforcement. Issues to be discussed may include "hot cut performance", existence of state performance measurements together with a plan for mutual federal/state enforcement should a particular plan fail.

We look forward to working with you and thank you once again for the opportunity to work through these important issues with you.

Sincerely,



Thomas L. Welch, Chairmah
Maine Public Utilities Commission
(207) 287-3831



Chairman Alan R. Schriber
Ohio **Public Utilities Commission**
(614)466-3204



Commissioner Charles M. Davidson
Florida **Public Service Commission**
(850) 413-6040



Commissioner Greg Sopkin
Colorado **Public Utilities Commission**
(303)894-2000

cc: **The Honorable Kathleen Q. Abernathy**
The Honorable Michael J. Copps
The Honorable Kevin J. Martin
The Honorable! Jonathan S. Adelstein