

**Tab 13, Letter from C. Douglas Jarrett, Keller and Heckman, to  
Marlene H. Dortch, FCC (Sept. 27, 2005)**

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September 27, 2005

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

Re: WC Docket No. 05-65, In the Matter of SBC/AT&T Applications for Approval of Transfer of Control; WC Docket No. 05-75, In the Matter of Verizon/MCI Applications for Approval of Transfer of Control

Dear Ms. Dortch:

Pursuant to 47 C.F.R. § 1.1206(b)(2), the undersigned hereby files the following submission summarizing the oral ex parte discussion described below.

On September 26, 2005, Brian Moir, on behalf of eCommerce Telecommunications User Group ("eTUG"), and the undersigned, on behalf of the American Petroleum Institute ("API"), met with Michelle Carey, Legal Adviser to Chairman Martin, in connection with merger conditions proposed in ex parte presentations by competitors of the carriers whose mergers are subject to Commission review, calling for the divestiture of so-called "in region" last mile and other facilities of AT&T and MCI and related proposals calling for "divestiture" of AT&T and MCI customers currently served by these facilities. Neither API nor eTUG advocated positions with respect to the mergers.

The adverse impact of the divestiture of in-region facilities on user networks were noted, including the disruption of single carrier, end-to-end responsibility for services to major corporate locations and the disruption of customer-specific service arrangements negotiated to deliver the preferred mix of carrier accountability, price, reliability and service level metrics and standards.

eTUG and API emphasized that were these proposals and the related "customer divestiture" proposals adopted, the cumulative operational and administrative burdens imposed on the user community would far outweigh the alleged benefits advanced by the proponents of these divestiture conditions.

Sincerely,

/s/ C. Douglas Jarrett

C. Douglas Jarrett

cc: Michelle Carey

WASHINGTON, D.C.

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