

From: Carl Lumley
Sent: Wednesday, June 09, 2004 9:56 AM
To: Debbie Neumann
Subject: FW: TRO Extension
[Exhibit to attach to pleadings in LO-2004-0575](#)

-----Original Message-----

From: Potkul, Karen [mailto:karen.potkul@xo.com]
Sent: Thursday, April 29, 2004 10:45 AM
To: Carl Lumley
Subject: FW: TRO Extension

Karen M. Potkul
XO Communications, Inc.
1924 Deere Avenue
Santa Ana, CA 92705
v. (949) 417-7766
f. (949) 417-7270

-----Original Message-----

From: ERBE, NICOLA (Legal) [mailto:ne1271@sbc.com]
Sent: Monday, April 19, 2004 9:05 AM
To: Potkul, Karen; MEGGER, ANTONINE M (AIT)
Cc: NATIONS, KIMBERLY L (SBC-OPS); REGAN, MARY P (AIT); Kinkoph, Doug
Subject: RE: TRO Extension

Karen:

We are agreeable to an extension which will expire on May 3, 2004. Both Tonine and I are unavailable this week, but we will get back to you with our availability for the following weeks shortly.

Nicola Erbe
Attorney
SBC Legal Department
Tel: 415-836-1414
Fax: 415-957-8744

Notice: This e-mail message is confidential and is intended only for the named recipient(s) above. DO NOT FORWARD this mail without my approval. If you are not the intended recipient(s) or have received this message in error, please immediately notify me by reply e-mail or by telephone at (415) 836-1414 and delete the original transmission from your computer. Thank you.

-----Original Message-----

From: Potkul, Karen [mailto:karen.potkul@xo.com]
Sent: Friday, April 16, 2004 7:30 AM
To: MEGGER, ANTONINE M (AIT)
Cc: NATIONS, KIMBERLY L (SBC-OPS); REGAN, MARY P (AIT); Kinkoph, Doug; ERBE, NICOLA (Legal)
Subject: RE: TRO Extension

Tonine: XO would like to agree to a 30-day extension of the TRO amendment arbitration window as set forth in the attached email. The initial two-week extension is set to expire in less than a week on Thursday, April 22, which gives the companies very little time to schedule

actual negotiations. Based on a 30-day extension, the arbitration window (the 160th day) would fall on Monday, May 3rd. I assume this is still agreeable to SBC, but please let me know if it is not. Also, please let me know as soon as you can the dates and times that SBC is available to negotiate and I will respond as quickly as possible confirming XO's availability. Thanks and please let me know if you have any questions.

Karen M. Potkul
XO Communications, Inc.
1924 Deere Avenue
Santa Ana, CA 92705
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-----Original Message-----

From: MEGGER, ANTONINE M (AIT) [mailto:am2636@sbc.com]
Sent: Friday, April 09, 2004 7:28 AM
To: Potkul, Karen
Cc: NATIONS, KIMBERLY L (SBC-OPS); REGAN, MARY P (AIT); Kinkoph, Doug
Subject: RE: TRO Extension

Karen,

Good timing on this e-mail. I just sent one to Doug. SBC is willing to extend 30 days on the TRO amendment. Did you get my e-mail about the amendment you had sent to me? It would be greatly appreciated if you could send a copy either in redline form or with XO's changes highlighted.

Thanks so much,

Tonine Megger
SBC Industry Markets
Lead Negotiator
350 N. Orleans, Flr 3, Chicago, IL 60654
Phone: 312.335.6757 Fax: 312.335.2928

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-----Original Message-----

From: Potkul, Karen [mailto:karen.potkul@xo.com]
Sent: Thursday, April 08, 2004 10:16 AM
To: REGAN, MARY P (AIT)
Cc: NATIONS, KIMBERLY L (SBC-OPS); MEGGER, ANTONINE M (AIT); ERBE, NICOLA (Legal); Miller, Elaine; Kinkoph, Doug
Subject: RE: TRO Extension
Importance: High

Mary Pat based on XO's and SBC's discussions last night (and over the last few days), XO understood that SBC and XO had agreed to a two-week

extension of close of the arbitration window for the TRO negotiations that were initiated on October 31st. Now, I am not sure whether SBC has changed its mind regarding this extension or not. I have tried to reach Tonine but her voice mail states "she is out of the office traveling and has limited access to email and voice mail." Given that the window closes today and that XO relied on the understanding that the parties had agreed to a two-week extension, I cannot wait for a response from Tonine, who is unavailable. I need a response from someone at SBC immediately.

Karen M. Potkul
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-----Original Message-----

From: REGAN, MARY P (AIT) [mailto:mr1296@sbc.com]
Sent: Thursday, April 08, 2004 6:56 AM
To: Potkul, Karen
Cc: NATIONS, KIMBERLY L (SBC-OPS); MEGGER, ANTONINE M (AIT); ERBE, NICOLA (Legal); Miller, Elaine; Kinkoph, Doug
Subject: RE: TRO Extension

Karen,

Tonine Megger will need to respond to you on this.

Thanks,
Mary Pat

-----Original Message-----

From: Potkul, Karen [mailto:karen.potkul@xo.com]
Sent: Wednesday, April 07, 2004 6:38 PM
To: REGAN, MARY P (AIT)
Cc: NATIONS, KIMBERLY L (SBC-OPS); MEGGER, ANTONINE M (AIT); ERBE, NICOLA (Legal); Miller, Elaine; Kinkoph, Doug
Subject: RE: TRO Extension
Importance: High

Mary Pat: Thanks for getting back to me regarding the extension. Per our conversation, my understanding is that SBC and XO have agreed to a two-week extension of the arbitration window under Section 252 of the Telecommunications Act of 1996. As a result, the companies agree that the closing of the arbitration window (the 160th day) will fall on April 22, 2004. Given that absent this extension the arbitration window would close on April 8, which is tomorrow, I expect SBC to let me know immediately if this is not SBC's understanding. Thank you for your cooperation.

Karen M. Potkul
XO Communications, Inc.
1924 Deere Avenue
Santa Ana, CA 92705
v. (949) 417-7766
f. (949) 417-7270

-----Original Message-----

From: REGAN, MARY P (AIT)
[mailto:mr1296@sbc.com]
Sent: Wednesday, April 07, 2004 4:09 PM
To: Potkul, Karen
Cc: NATIONS, KIMBERLY L (SBC-OPS); MEGGER,
ANTONINE M (AIT); ERBE, NICOLA (Legal)
Subject: TRO Extension

Karen,

Per our conversation tonight, SBC will extend
the time frame for TRO
discussions. Tonine will be contacting you
tomorrow to discuss the details.

Thanks,
Mary Pat