BBO
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April 13, 2000

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Magalie Roman Salas, Secretary
Federal Communications Commission
445 Twelfth Street, S.W., TW-A325
Washington, D.C. 20554

Re: *Ex Parte* Presentation
WT Docket No. 99-217 and CC Docket No. 96-98

Dear Ms. Salas:

This letter serves as notice that on Wednesday, April 12, 2000, the undersigned met with Jeffrey Steinberg, Joel Taubenblatt and Lauren Van Wazer of the Commercial Wireless Division to discuss the above-referenced proceeding. The attached materials were distributed at the meeting.

Pursuant to Section 1.1206(a), an original and one copy of this letter are being filed with your office. Please associate this letter with the file in the above-captioned proceeding.

Should you have any questions regarding this matter, please contact the undersigned.

Sincerely,

BROADBAND OFFICE, INC.

Kathleen Q. Abernathy

By: **Kathleen Q. Abernathy**
Vice President, Public Policy

Enclosures

cc: Jeffrey Steinberg, FCC, Wireless Bureau, Commercial Wireless Division (w/o Attachments)
Joel Taubenblatt, FCC, Wireless Bureau, Commercial Wireless Division (w/o Attachments)
Lauren Van Wazer, FCC, Wireless Bureau, Commercial Wireless Division (w/o Attachments)

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BBO BroadBandOffice

Who are we?

- BBO was formed by eight of the largest U.S. real estate companies and the leading Silicon Valley venture capital firm of Kleiner Perkins Caufield & Byers.
- BBO is a leading global network-based applications provider. Our customers will simply plug into a wall jack and immediately access a full range of communications, Internet services and E-business solutions.
- BBO's services will include local, long distance, and wireless voice services, as well as dedicated Internet access, and advanced Internet services such as remote access, virtual private networks, web-hosting, video and E-business solutions.
- Our goal is to help small and medium businesses (the "Fortune One Million") compete with the Fortune 100 with cutting edge telecommunications and technology tools.

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Why BBO was created

- Driving forces that led to BBO's creation:
  1. Property owner dissatisfaction with services provided by ILECs or CLECs who did not deliver on promises;
  2. Market failure to address advanced telecommunications needs of small (fewer than 25 employees) and medium (fewer than 500) sized tenants; and
  3. Desire to respond to the increasing competitiveness of the real estate marketplace by offering tenants greater value with "smart buildings".

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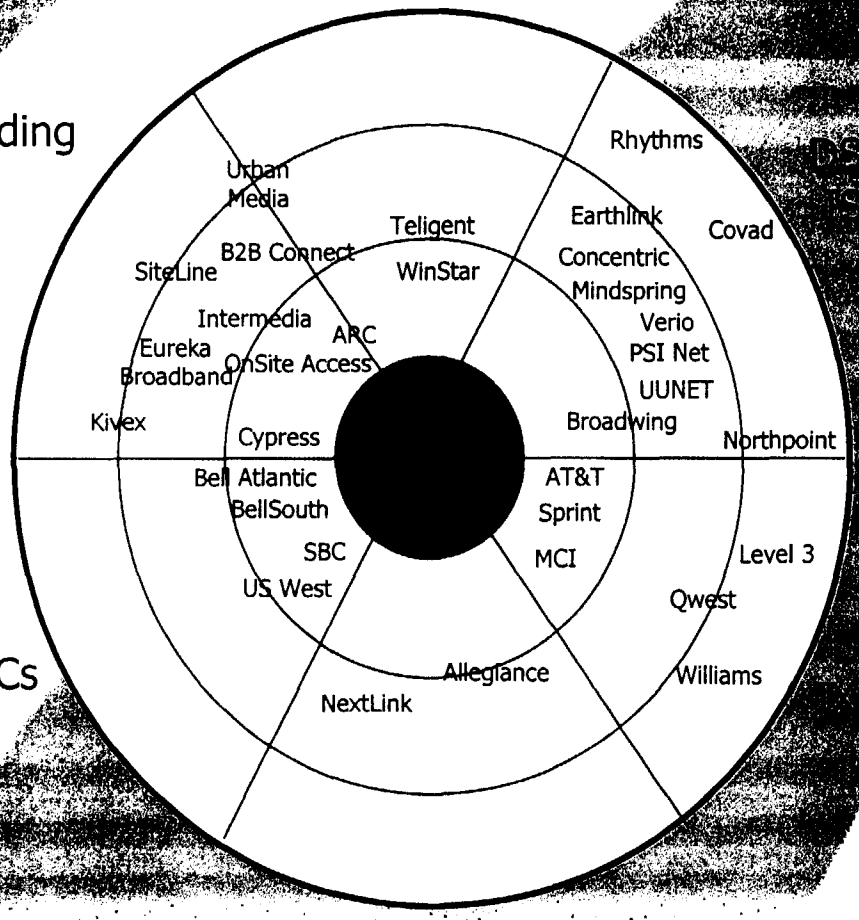
The Competitors!



- Companies closer to the center offer a greater bundle of services.
- There is significant overlap in the classifications—companies are categorized by their primary emphasis.
- The market is changing rapidly with mergers and broadening service offerings.
- The market is extremely crowded and competitive with wary customers because of prior failed promises.
- BBO's success is dependent on ability to deliver state of the art comprehensive solutions on time that meet the needs of the small and medium businesses.

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Partner Business Structure

BBO enters into two forms of Real Estate Partner business arrangements

- **Preferred**
- **Non-Preferred**

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Preferred Partner Business Structure

- Tenant choice is paramount – they retain the right to select their own telecommunications service provider.
- Preferred real estate partners sign a contract in which they do the following:
  1. take an equity interest in BBO;
  2. agree to provide building access and assist in marketing BBO services to tenants as a preferred (but not exclusive) basis.

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Non-Preferred Partner Business Structure

- Again, tenants retain the right to select their own telecommunications service provider.
- Partners sign a contract in which they
  1. Take an equity interest in BBO
  2. Agree to provide building access.

Partner Business Structure

Preferred/Non-Preferred Differences

- Amount of equity interest granted
- Joint marketing obligations exist only with Preferred Partners
- <u>NOTE</u>: There are no exclusive arrangements! Building access is not restricted by these agreements.

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FCC Competitive Networks Proceeding

- BBO supports FCC goal "to foster competition in local telecommunications markets."
- BBO was created in response to ILEC failure to address the increasing, critical telecommunications needs of small and mid-size tenants who seek to compete against larger players who can afford expensive IT solutions.
- As FCC reviews record in WT Docket 99-217, the focus should be on whether monopoly power by incumbents or market failure justifies regulatory action.

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Building Broadband Office

FCC Competitive Networks Proceeding

- Important Fact: Building owners have never exercised monopoly power over their tenants. Because of the significant competitive forces that exist in the real estate market, building owners have every incentive to offer tenants high quality telecom services at competitive prices.
- Even assuming Congress may decide to grant the FCC jurisdiction over building owners and private property, there is no market failure that would justify regulatory intervention aimed at building owners.
- Property owners wish to retain the ability to manage access to the building to ensure tenant rights and choices are respected, capacity constraints are managed, and construction disruption to all tenants is minimized.

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FCC Competitive Networks Proceeding

- With more than 70 companies licensed to provide competitive local telephone service across the United States, the need for a landlord to retain the ability to manage building access is undeniable.
- Forced access to buildings harms tenants.
- BBO believes it will succeed as a CLEC because of its ability to rapidly and simply provision service, its exceptional customer service, and its innovative solutions aimed at responding to the unmet telecom needs of small and mid-size tenants.

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FCC Competitive Networks Proceeding

- BBO does not believe regulatory mandates aimed at private building owners are necessary and urges restraint.
- BBO does support, however, the FCC's efforts to ensure that utilities comply with Section 224 of the Communications Act by providing telecommunications carriers with nondiscriminatory access to conduits or rights-of-way that they own or control.
- By ensuring that the ILECs do not engage in discriminatory practices that favor their own CLECs, the FCC can best encourage the continued growth and development of competition.

DSL REPORTS

http://www.dslreports.com/clecs

	ISP Offerings	CLEC Coverage
AK	PTIAlaska.NET	
AL		DSL.Net, Telocity, Bellsouth
AR		AllTel, Southwest Bell, US West
AZ	PSN Internet Service, Inficad Communications, AzStarnet, ValleyLocal Internet,Inc., digizip.com, Opus One, ViaWest Internet Services, First Internet Corporation, FastQ Communications, DSL Source	COVAD, RHYTHMS, NorthPoint
CA	Meer Net, Value Net, Express Networks, Inc., A-Link, WombatNet, Bay Area Internet Solutions, Netsol Technologies, InternetCONNECT, FirstWorld, VCNet, Zyan Communications, Comtelligence, LLC, ISP Networks Inc., WareNet, Brainstorm Networks, Inc., Hughes Electronic Commerce Inc., Infoasis, TST On Ramp, Inc., DSLnetworks, Concentric, Tycho Networks, South Valley Internet, Inc, CONNECTnet INS, Inc., LMi.net, Raw Bandwidth Communications, Infinity Internet, MegaPath, SpeedGate Communications, 101 Freeway, Webvision, Netus, Inc., LA Bridge Internet & DSL, linkLINE, MM Internet, Inc., Millenia Internet Services, NetQuest, QNET, Relay Point, Velocity Networks, Flashcom, Impulse Internet Services, West.Net, InterWorld Communications, Netwood Communications, Internet Express, Surfcity Networks, WebPerception, A+Net, speedsl.com, Telocity, AirCor Internet Services, Internet zap (izap), PacificNet, ExoCom, InReach Internet, Sonic.net, LMKI Communications Inc., CISO, Millennianet, Internet Specialties West, Vista Net, Inc., CaliforniaDSL, NKOB Networks, KDD, Future Concepts Internet Solutions, MacRevolution, DreamSoft Online Services, Omsoft Technologies, GoldenWorld.Com, CRUZIO-The Internet Store, Ariel.Net, Te Conectamos, Wisetec Web Solutions, CaliforniaCom, Inc., Global Crossing, NapaNet, www.missiondsl.com, Ionix Internet, RampageUSA.com, MainNet Inc., Friendly User, Titan Internet, Netpipeline, broadband Digital Group, USInternet-L.A., Spyglass Communications, SunFAST, System Design Repair Internet Services, QuadraNet, www.bayareaDSL.com, Advanced Technology Applications Inc, Infomedium, Inc., Outrageous, N2 Networking	COVAD, RHYTHMS, NorthPoint, DSL.Net, Telocity, GTE, Pacbell
CO	Dimensional Communications, FirstWorld, Mile High Online, Verinet Communications, Inc., Aspen Internet Exchange, Inc., Online Systems Integration, Jato Communications, Peak to Peak Internet, Rhythms Netconnections, E Street Communications, RuralNet	COVAD, RHYTHMS, NorthPoint

	jato	US West
CT	COVAD, NorthPoint	Harvard Net
DSL.net, Inc. Futuris Networks NETPLEX Netmeg Internet, LLC	DSL.Net, Telocity	Bell Atlantic
	SNET	
DC	COVAD, RHYTHMS, NAS Network Access Solutions	
CAIS Internet Web-n.coM	NorthPoint	
DE	COVAD, NAS Network Access Solutions	Conectiv Communications
Conectiv Communications Magpage Internet Services	Harvard Net, Telocity	Bell Atlantic
FL	COVAD, RHYTHMS, NorthPoint	
Florida Digital Network ElectroNet Citicom Communication Services, Inc. Clear Access Communications Intelligence Network Online TampaBay DSL Palm Harbor Broad Band Internet www.dialxdsl.com MPInet ComputerMAX, Inc. Integrity Online-Suncoast Evolution Communications Systemlink Southeast Corp. Atlas Internet Genlabs, Inc. Rapid Systems, Inc. K2 Internet Services DSLi	Bluestar, DSL.Net, Telocity	
	Bellsouth	GTE, Sprint
GA	COVAD, RHYTHMS, NorthPoint	
World Skyline Comstar Lyceum Internet ND Internetworking Inc. SafeBrowse.com Digital Agent DSC EagleNet, LLC EarthLink/MindSpring Speed Factory	Bluestar, DSL.Net, Telocity	
	Bellsouth	
HI		
Creative Telecommunications Cyber City Honolulu/Cyber City Maui Computer Solutions Hawaii Inc. / GreenSand Internet LavaNet FlexNet Hawaiian Internet	GTE	
IA		
Freese-Notis Global Internet Lighthouse Communications	jato	US West

ID	First Step Internet Microserv Computer Technologies, Inc.	GTE, US West
IL	ANet Internet Illinois NetSight AIS Network ThoughtPort Authority urbancom.net IWC Inc. EnterAct CEC Communications CCM Aquila Internet Services EarthCafe Kendra Communications wyndows techknow(tm) U.S. Host Inc. RPCom InterAccess Co. Harrisonville Telephone Company Internet Development Co., LLC The Ads Internet Services Cyber Broadcasting, L.L.C. Interplanetary Media Globalcom	COVAD, RHYTHMS, NorthPoint, DSL.Net, Telocity, GTE, Ameritech, @Link
IN	CSInet Internet Access Corp. Clarity SkyeNet Internet Solutions of Fort Wayne Brightnet of Indiana 1ndianapolis DSL Enternet Solutions XSNet, Inc. NetSolutions	RHYTHMS, NorthPoint, Telocity, GTE, Ameritech, @Link
KS	Viewpoint Technologies Flint Hills Internet	DSL.Net, Southwest Bell, IP Communications
KY	Mikrotec Internet Services. QX.Net BluegrassNet IgLou	BlueStar, Telocity, Bellsouth, GTE
LA	Southern Star ConnectSouth	BlueStar, DSL.Net, Telocity, Bellsouth
MA	Shore Net Solutions Plus Inc. Cyber Access I-Networks.Net Meganet Communications BCN HarvardNet Access NorthEast GalaxyDSL 1699 access Massachusetts Community Network	COVAD, RHYTHMS, NAS Network Access Solutions, NorthPoint, Harvard Net, DSL.Net, Telocity, Bell Atlantic, Choice One Communications
MD	CapuNet Atlantech Online, Inc. ToadNet, Inc. LTSWeb RadixNet e.spire Communications, Inc. US Net	COVAD, RHYTHMS, NAS Network Access Solutions

		Telocity
ME		Harvard Net, Telocity, Vitts, Vitts, Bell Atlantic
MI	World Wide Net, up.net, ShutterNet, Digital Realm, Power-Net Internet Services, Voyager Information Networks, Global Crossing, Big Net, Inc., id.net	COVAD, RHYTHMS, NorthPoint, DSL.Net, Telocity, GTE, Ameritech, US West
MN	Sound Internet, Crystal Internet - A service of MCTC, Cloudnet, pcOnline Internet Services, Outlook Technologies, Inc., VISI.com, Citilink Internet, Real Time Enterprises, Minnetonka Micro, Onvoy, US Internet Corp., Complete Internet Solutions, Velotel.com	COVAD, RHYTHMS, NorthPoint, jato, US West
MO	Phoenix Networks - PhoenixDSL, DSL OnRamp, Primary Network, Valuenet.net, Socket Internet Services, ProTel Communications, Access Technologies	NorthPoint, jato, GTE, Southwest Bell, US West, IP Communications, Primary Network
MS		Dimension, Telocity, Bellsouth
MT	Intermountain Internet Corp., Multiband Communications Inc., Bridgeband Communications, Inc.	
NC	Intrex Internet Services, BTI Telecom Corporation, RTMX.NET, Ntrnet Systems, Inc., Dataglide DSL	COVAD, RHYTHMS, NorthPoint, Dimension, DSL.Net, Telocity, Bellsouth, GTE

ND		US West
NE	Novia Internetworking	jato, US West, SNET
NH	Vitts Networks Metro2000 FCG Networks	COVAD, NorthPoint, Harvard Net, DSL.Net, Telocity, Vitts, Bell Atlantic, ChoiceOne
NJ	IBS Interactive Eclipse Internet Access Tellurian Networks InterActive Network Systems Ultracom Internet Technologies, Inc. National Internet Source X-Speed Net Access Corporation Data Networking Corp Local ISP 1stConnect IDCI Simlab.net Micro Data Solutions, Inc. Sky Web Inc. New Jersey Computer Connection	COVAD, RHYTHMS, NAS, NorthPoint, Harvard Net, DSL.Net, Telocity, Bell Atlantic
NM	Lobo Internet Services, Ltd. iHighway.net Oso Grande Technologies, Inc. SpinnNet New Mexico Technet Southwest Cyberport	jato
NV	Great Basin Internet Services, Inc ACI, Assoicated Communications Internet, Inc. Final Connect Corporation	Sprint
NY	Frontline Communications Netline Internet Solutions i2000 Internet RCN Internet Channel Lightning Internet Services LLC BrainLINK DukeTech X-Speed RemoteIT.Com LanLine Communciations Intercom Online Inc. Acecape, Inc. Panix WestNet Internet Services Savvy Networks, USA Ultinet fullwave.net Prodigy Communications Corporation www.firstgate.net iNYC.com Vastnet LMKI Communications Inc. Tribeca Internet Kendra Communications KDD Bway.net Media Log Inc. Spin Internet Chelsea Networks http Grapevine2 Internet Peconic Online Network, Inc. BestWeb Choice One Communications LANline Communications Cyburban Link Globix Flash Communications is now Teliquest Networks, Inc. ROAMUSA www.mft.com Netsville TerraTel Communications Transbeam, Inc. SpectrumDSL	COVAD, RHYTHMS, NAS, NorthPoint, Harvard Net, DSL.Net, Telocity, Bell Atlantic, ChoiceOne
OH	NetWorld Online Internet Direct Inc. Advanced Computer Connections, Inc. Dacor Computer Systems Web Force Systems Virtual Business Communications Netlink Services DrFast.Net, Inc. www.webdance.net DNCC Internet FIRST Internet Service clover.net Internet Information Group New Age Consulting Service, Inc. GWIS Internet Solutions	NorthPoint, DSL.Net, Telocity, GTE, Ameritech, Cincinnati Bell
OK	Panhandle Telecommunications Systems Inc Galaxy Star Systems	DSL.Net, jato, Southwest Bell

		IP Communications
OR	EasyStreet Online Services Coho Network Systems Dragon-net CyberGaming Europa InternetCDS DSL Only Valley Internet Company Portland Internetworks Internet Arena Hevanet Communications ProAxis Internet Partners, Inc.	COVAD, NorthPoint, GTE, US West
PA	Voicenet GetWireless, Inc Capital City Cyberlink North American Networks ErieNet Navpoint Internet Stargate Industries ButlerOnline Kendra Communications NuNet Stargate Industries, LLC NetReach, Inc FASTNET Corporation dsl America EarthStation Netaxs epix adial.com	COVAD, RHYTHMS, NAS Network Access Solutions, NorthPoint, Conectiv Communications, Harvard Net, DSL.Net, Telocity, GTE, Bell Atlantic, ChoiceOne
RI		NorthPoint, Harvard Net, DSL.Net, Telocity, Bell Atlantic, ChoiceOne
SC		BlueStar, DSL.Net, Telocity, Bellsouth
SD		US West
TN	esper.com Bluestar Communications	BlueStar, DSL.Net, Telocity, Bellsouth
TX	PDQ Net TICNET.com Networks On-Line jump.net TXK.Net Cybercom Corp. Verio Nova Internet Services, Inc. August Associates Texas Metronet, Inc. Smart Guys Intertex Information Systems, Inc. BayouCity.Net Freeside Communications DirectLink.Net GTE Internet FlashNet Communications The Optimal Link Corporation PinkPig SyMet Systems AppLink NABI WT Internet istrength.net WireWeb Internet Onramp Access Inturnet, Inc. Constant.com MyLinuxISP serveTel.com, Inc.	[illegible]

		Southwest Bell
UT	XMission Inconnect.com ReliaNET	jato, US West
VA	PatriotNet Staffnet Global Web Solutions, Inc. Cyber Services Picusnet Network Access Solutions Cavalier Telephone Potomac Networks PSINet Webworld Ibnc.com Volocom Priz*Net, Inc. Stickdog IBS Networks	COVAD, RHYTHMS, NAS Network Access Solutions, NorthPoint, Harvard Net, DSL.Net, Telocity, GTE, Bell Atlantic, Cavalier
VT	SoVerNet, Inc.	Harvard Net, Telocity, Bell Atlantic
WA	OlyWa.Net Net-Venture SeattleDSL Monroe Internet Service Inc. Blarg! Online Services, Inc. Pioneer Internet Access NWLink Worldlink GoldNet Corporation The Connect! Corporation One World Telecommunications SPEAKEASY.net Pacifier Online Compass DSL WhyWeb Kendra Communications ISOMEDIA.COM SSTDigital HarborNet Dialup USA, Inc. BOSS Internet Group 4C's DSL Sense Networking	COVAD, RHYTHMS, NorthPoint, GTE, Bell Atlantic, US West
WI	DSLone Datawave Technologies Valley Business Equipment Internet Dynamics Corporation (IDC) CyberLynk InNet BadgerData Internet Solutions Chaney Systems Inc. NConnect Internet Netwurx Inc	RHYTHMS, NorthPoint, Telocity, GTE, Ameritech, TDS Metrocom, @Link
WV		Telocity, Bell Atlantic
WY		