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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

BBO
BroadBand Office

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Falls Church, VA 22042
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Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th Street, SW, TW-A325
Washington, DC 20554

Written Ex Parte
WT Docket No. 99-217; CC Docket No. ~~96-99~~ 96-98

Dear Ms. Salas:

BroadBand Office, Inc. ("BBO") has received a copy of an *ex parte* letter filed by Edge Connections, Inc. ("Edge") in the above-referenced proceeding. In the letter, Edge alleges that it has been unable to negotiate access to various buildings in the Atlanta market because of allegedly restrictive provisions in BBO's agreements with certain building owners. BBO hereby responds to dispute Edge's misleading speculations about the content of BBO's building access agreements, and ensure an accurate record.

As BBO has consistently stated, BBO's agreements with building owners are non-exclusive in nature. Edge attempts to suggest otherwise by focusing – to the exclusion of all else – upon an isolated provision of a BBO building access agreement excerpted in a memorandum generated by a building owner. The provision selectively emphasized by Edge, however, does not negate the language of our confidential agreements explicitly stating that telecommunications providers other than BBO may bring service directly to a tenant. In reality, in the buildings we intend to serve, BBO is typically a new face competing against the entrenched incumbent LEC, fixed wireless players, and CLEC players. Notably, our agreements do not prevent property owners from negotiating access with other such competitors. To the extent some of our agreements include restrictions, they are of limited duration and very narrowly focused on building-wide pre-provisioning business plans.

Perhaps more troubling than Edge's misleading claims about BBO's agreements are the circumstances surrounding Edge's filing of its *ex parte* letter. Specifically, Edge was presumably well aware that BBO's agreements are non-exclusive at the time of making its submission since, BBO is informed, Edge was then and is now in the process of negotiating for access to several buildings in Atlanta *with the very same building owner whose internal memo it relies upon to suggest that BBO has exclusive arrangements.*

I look forward to responding to any questions you may have about this matter.

Sincerely,

Kathleen Q. Abernathy / SMT

Kathleen Q. Abernathy
Vice President Public Policy