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January 18, 2001

RECEIVED

JAN 18 2001

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

**VIA HAND DELIVERY**

Magalie R. Salas, Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

**Re: Notice of *Ex Parte* Presentation by Cbeyond Communications  
CC Docket Nos. 96-98, 98-147**

Dear Ms. Salas:

Pursuant to Sections 1.1206(b)(1) and (2) of the Commission's Rules, Cbeyond Communications ("Cbeyond"), by its attorneys, submits this notice of an oral *ex parte* presentation made, and written *ex parte* materials distributed, in the above-captioned proceedings on January 17, 2001. The *ex parte* presentation was made during a telephonic meeting with Kimberly Cook and Alexis Johns of the Common Carrier Bureau Policy Division, and Jerome Stanshine and Shanti Gupta of the Commission's Office of Engineering and Technology. The presentation was made by Julia Strow, Vice President—Regulatory and Industry Relations; Tom Hyde, Director—Local Interconnection; and Brian Musselwhite, Regulatory Manager, along with Ross Buntrock of Kelley Drye & Warren LLP. Copies of the written materials distributed at the meeting are attached hereto.

During the presentation, the parties discussed the issues raised in the collocation remand proceeding, including the need for the Commission to allow for: (1) the physical collocation of multi-functional equipment; (2) the necessity of providing for CLEC to CLEC cross connections, and (3) the need to establish and enforce collocation space provisioning intervals.

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Magalie R. Salas  
January 18, 2001  
Page 2

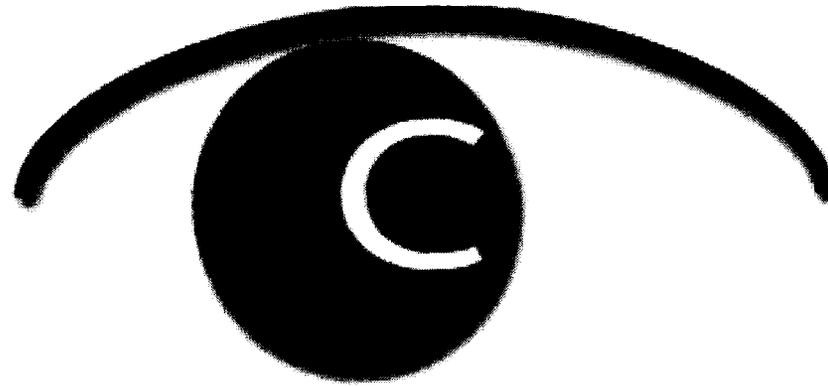
Pursuant to Sections 1.1206(b)(1) and (2), an original and two copies of this *ex parte* notification (with attachments) are provided for inclusion in the public record of the above-referenced proceedings. Please direct any questions regarding this matter to the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ross A. Buntrock". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Ross A. Buntrock

cc: FCC Attendees  
International Transcription Services

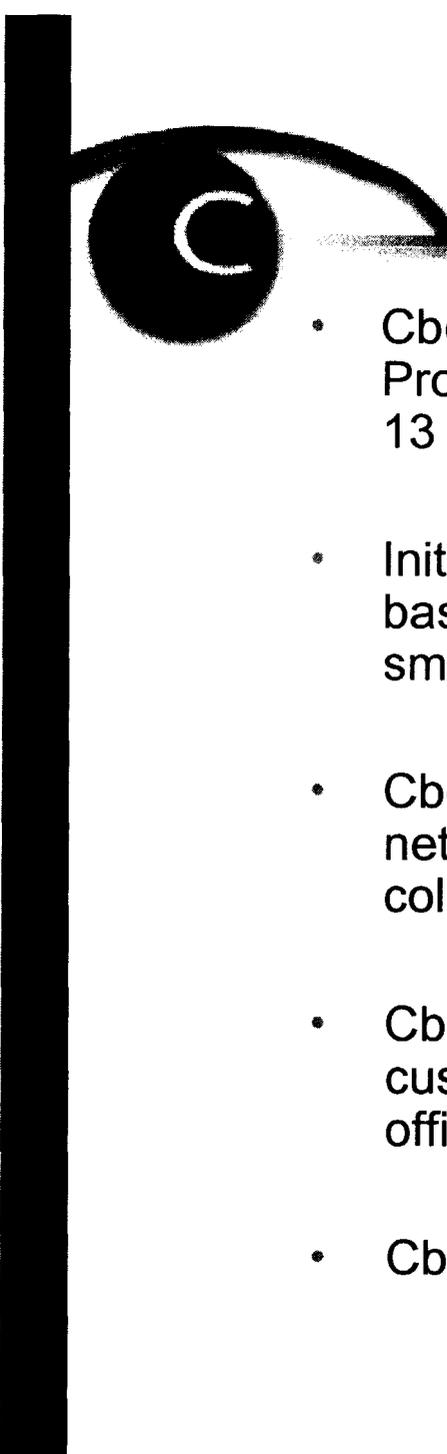


# **CBEYOND COMMUNICATIONS**

CC Docket No. 98-147

CC Docket 96-98

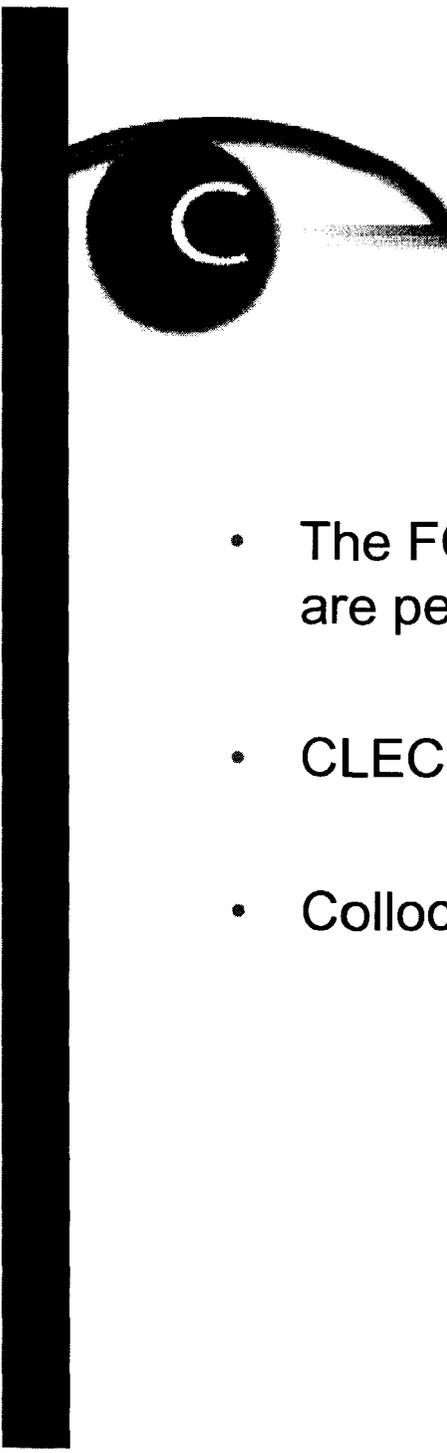
January 17, 2001



## Company Overview

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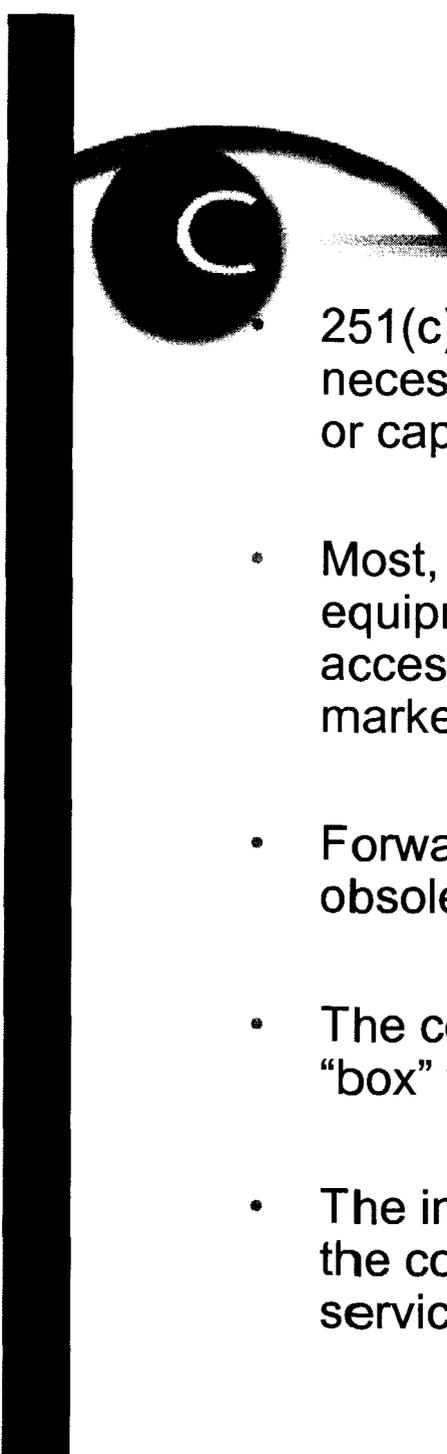
- Cbeyond Communications is a Broadband Applications Service Provider (BASP) and has applications either pending or approved in 13 states as a local and long distance service provider
- Initial service offering is local and long distance voice and Internet-based applications - - Cbeyond will provide “big business tools” to small business customers
- Cbeyond is a facilities-based service provider with “smartest” build network deployment strategy - - will utilize unbundled loops and collocations in addition to a complementary EEL strategy
- Cbeyond has begun a limited service roll-out (January 2001) to customers in Atlanta and has physical collocation in selected central offices in the Atlanta market
- Cbeyond’s target customer is 5 to 25 lines



## Summary of Cbeyond Position

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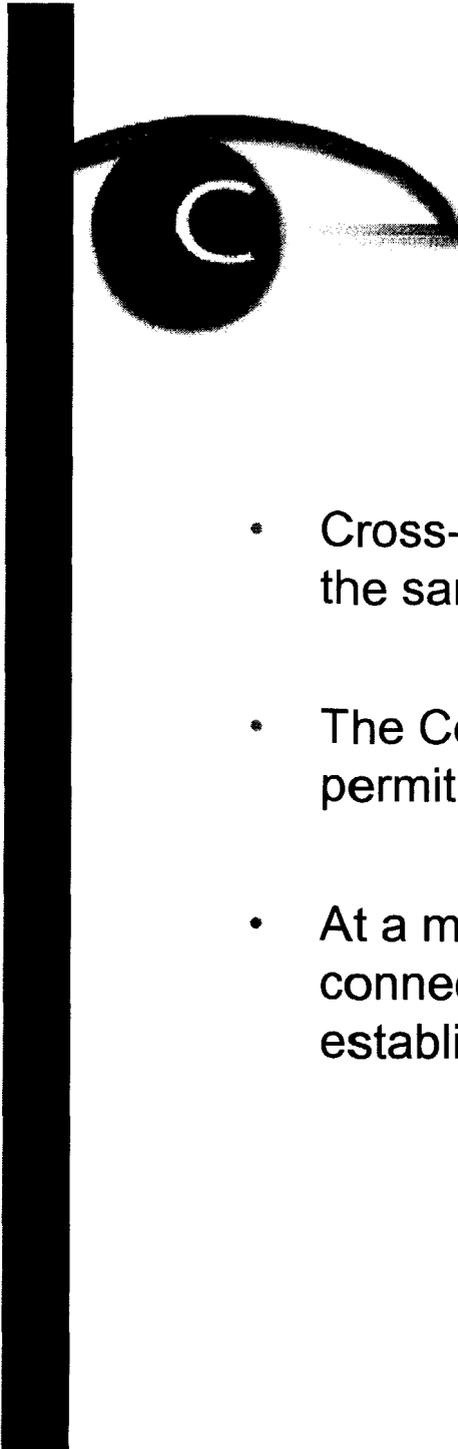
- The FCC should not restrict types of equipment that CLECs are permitted to collocate
- CLEC to CLEC cross-connection should be permitted
- Collocation provisioning intervals are critical



## Collocation of Multifunctional Equipment

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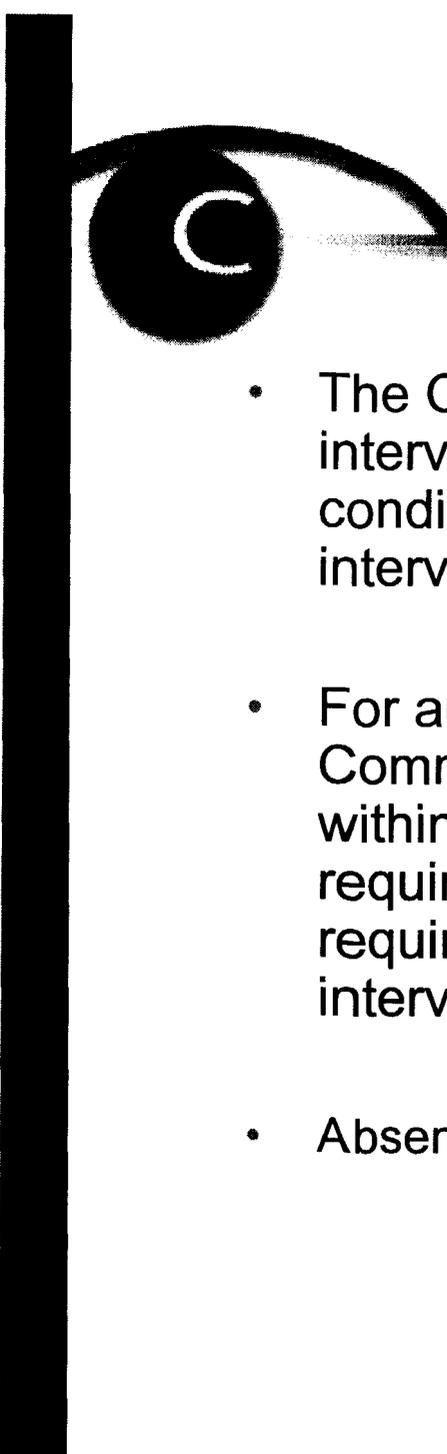
- 251(c)(6) provides for the collocation of equipment that is necessary for interconnection and/or access to features, functions or capabilities of UNEs
- Most, if not all, of the functionalities being built into multifunctional equipment available today are “necessary” for interconnection or access to UNEs to provide the services customers demand in the marketplace
- Forward looking technology has made single function equipment obsolete
- The cost of deploying multiple “boxes” of equipment when one “box” works creates barriers to entry
- The inability to collocate multifunctional equipment only increases the costs and limits the scope or quality of new entrants’ competing services



## CLEC to CLEC Cross-connection

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- Cross-connection is necessary so collocating CLECs may achieve the same interconnection with other CLECs as the ILEC itself has
- The Commission has the authority to, and should, require ILECs to permit CLECs to self provision cross-connection
- At a minimum, the FCC should require ILECs to perform cross-connects for CLECs at TELRIC rates and in accordance with FCC established intervals



## Collocation Provisioning Intervals

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- The Commission should adopt a standard 60 calendar day interval for provision of cageless collocation when conditioned space is available, and a 90 calendar day interval when unconditioned space is available
- For augmentations to existing physical collocation space, the Commission should require ILECs to comply with requests within 30 calendar days unless substantial construction is required. In the event that substantial construction is required, the interval should be no longer than the standard interval for new collocation
- Absence of standard collocation intervals creates barriers to entry



# Conclusion

## ***THE COMMISSION SHOULD ADOPT THE FOLLOWING RULES***

- Multifunction equipment should be permitted as long as it used for interconnection and access to unbundled network elements
- CLEC to CLEC cross-connects should be permitted
- The FCC should reaffirm its national default standard of 90 day intervals for caged collocation and 60 day intervals for cageless collocation