

KELLEY DRYE & WARREN LLP

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SEP 30 2004

September 30, 2004

Federal Communications Commission
Office of Secretary

ELECTRONIC FILING

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Re: *In the Matter of Unbundled Access to Network Elements, WC Docket No. 04-313; Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers, CC Docket No. 01-338*
Access to Confidential Materials

Dear Ms. Dortch:

Pursuant to the Protective Order adopted in the above-referenced proceedings,¹ the Loop and Transport CLEC Coalition (comprised of Advanced Telcom, Inc., Birch Telecom, Inc., Broadview Networks, Inc., Eschelon Telecom, Inc., Grande Communications, Inc., KMC Telecom, Inc., SNiP LiNK, LLC, Talk America Inc., Xspedius Management Co. LLC, and XO Communications Inc.) hereby submits the attached copies of the Acknowledgements of Confidentiality (Appendix B to the Protective Order) signed by its counsel, collectively referred to as the "Signatories":

- Brad E. Mutschelknaus, Partner, Kelley, Drye & Warren LLP;
- Steven A. Augustino, Partner, Kelley Drye & Warren LLP;
- Jonathan E. Canis, Partner, Kelley Drye & Warren LLP;
- Stephanie A. Joyce, Associate, Kelley Drye & Warren LLP;
- Andrea D. Edmonds, Associate, Kelley Drye & Warren LLP;

¹ *Unbundled Access to Network Elements*, Protective Order, 19 FCC Rcd 16292 at Appendix A (2004) ("Protective Order")

No. of Copies rec'd 014
List ABCDE



KELLEY DRYE & WARREN LLP

Marlene H. Dortch, Secretary

September 30, 2004

Page Two

- Erin Swansiger, Associate, Kelley Drye & Warren LLP;
- Garret R. Hargrave, Associate, Kelley Drye & Warren LLP;
- Mike Duke, Director of Government Affairs, KMC Telecom;
- Steve Bogdan, Regulatory Manager, Broadview Networks, Inc.; and
- Rebecca H. Sommi, VP Operations and Support, Broadview Networks, Inc.

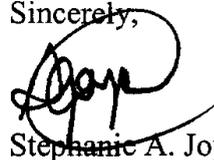
The Loop and Transport CLEC Coalition seeks access to confidential versions of documents filed in the above-referenced proceedings by BellSouth Corp., Qwest Communications International, Inc., SBC Communications Inc., and the Verizon Telephone Companies and their respective affiliates and subsidiaries (collectively the "ILEC Parties"). All of the Signatories fall within the "Permissible Disclosure" categories described in paragraph 5 of the Protective Order.

As stated in the attached certificate of service, counsel for each party has been served, via fax and Hand Delivery, with a copy of this letter and the executed Acknowledgements of Confidentiality.

Due to the brief interval between the filing of comments and reply comments in this proceeding, The Loop and Transport CLEC Coalition requests that this letter toll the five business day waiting period established in paragraph 8 of the Protective Order so that the Signatories can have immediate access to the confidential material, if any, filed by the ILEC Parties. Any delay in the ability to review such confidential material would prejudice The Loop and Transport CLEC Coalition's ability to file timely reply comments.

In accordance with the Commission's rules, this letter is being provided to you for inclusion in the public record of the above-referenced proceeding.

Sincerely,



Stephanie A. Joyce, Esq.

Attachments – Acknowledgements of Confidentiality

cc: Attached Service List

APPENDIX B

Acknowledgment of Confidentiality

CC Docket No. 01-338 & WC Docket No. 04-313

I hereby acknowledge that I have received and read a copy of the Protective Order in the above-captioned proceeding, and I understand it. I agree that I am bound by the Protective Order and that I shall not disclose or use Stamped Confidential Documents or Confidential Information except as allowed by the Protective Order. I acknowledge that a violation of the Protective Order is a violation of an order of the Federal Communications Commission.

Without limiting the foregoing, to the extent that I have any employment, affiliation or role with any person or entity other than a conventional private law firm (such as, but not limited to, a lobbying or public interest organization), I acknowledge specifically that my access to any information obtained as a result of the order is due solely to my capacity as Counsel or consultant to a party or other person described in paragraph 5 of the foregoing Protective Order and that I will not use such information in any other capacity nor will I disclose such information except as specifically provided in the Protective Order.

I hereby certify that I am not involved in "competitive decision-making" as that term is used in the definition of In-House Counsel in paragraph 2 of the Protective Order.

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Capitalized terms used herein and not otherwise defined shall have the meanings ascribed to them in the Protective Order.

Executed at Washington, D.C. this 30 day of September, 2004



Brad E. Mutchelknaus
Partner
Kelley, Drye & Warren, LLP
1200 19th Street, N.W., Ste. 500
Washington, D.C. 20036
202-955-9600

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Executed at Washington, D.C. this 30 day of September, 2004



Jonathan E. Canis

Partner

Kelley, Drye & Warren, LLP
1200 19th Street, N.W., Ste. 500
Washington, D.C. 20036
202-955-9600

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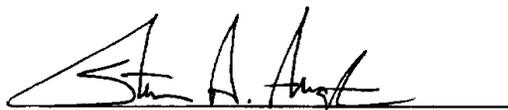
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Executed at Washington, D.C. this 30 day of September, 2004



Steven A. Augustino
Partner
Kelley, Drye & Warren, LLP
1200 19th Street, N.W., Ste. 500
Washington, D.C. 20036
202-955-9600

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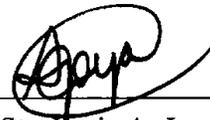
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Executed at Washington, D.C. this 30 day of September, 2004



Stephanie A. Joyce
Associate
Kelley, Drye & Warren, LLP
1200 19th Street, N.W., Ste. 500
Washington, D.C. 20036
202-955-9600

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Executed at Washington, D.C. this 30 day of September, 2004



Andrea D. Edmonds
Associate
Kelley, Drye & Warren, LLP
1200 19th Street, N.W., Ste. 500
Washington, D.C. 20036
202-955-9600

Federal Communications CommissionDA 04-3152

APPENDIX B

Acknowledgment of Confidentiality

CC Docket No. 01-338 & WC Docket No. 04-313

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Executed at Washington, D.C. this 30 day of September 2004



Erin Swansiger

Associate

Kelley, Drye & Warren, LLP

1200 19th Street, N.W., Ste. 500

Washington, D.C. 20036

202-955-9600

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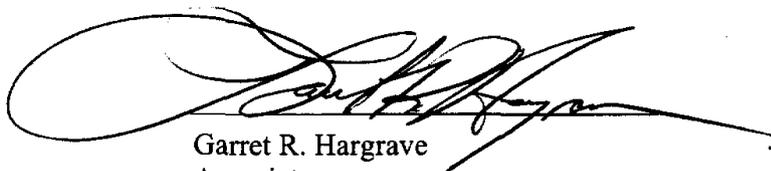
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Garret R. Hargrave
Associate
Kelley, Drye & Warren, LLP
1200 19th Street, N.W., Ste. 500
Washington, D.C. 20036
202-955-9600

Federal Communications Commission**DA 04-3152****APPENDIX B****Acknowledgment of Confidentiality****CC Docket No. 01-338 & WC Docket No. 04-313**

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Executed at Lawrenceville, GA this 30th day of September, 2004

Mike Duke
[Name] Mike Duke
[Position] DIRECTOR OF GOV'T AFFAIRS
[Address] KMC Telecom
[Telephone] 1755 North Brown Road
Lawrenceville, GA 30043
678.985.6266

Federal Communications Commission

DA 04-3152

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Executed at _____ this 30 day of September, 2004

[Name]

[Position]

[Address]

[Telephone]



Steve Bogdan

Regulatory Manager

400 Horsham Rd.

Horsham, PA 19044

(215) 293-8773

Federal Communications Commission

DA 04-3152

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Executed at _____ this 30 day of SEPTEMBER, 2004.



 [Name] VP OPERATIONS SUPPORT
 [Position]
 [Address] 400 HOLSTON ROAD
 HOUSTON, TX 77057
 [Telephone] 215-293-8715

CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify that on this 30th day of September, 2004, I caused to be served a true and correct copy of the foregoing letter and Acknowledgements of Confidentiality by Facsimile, Hand Delivery* and Electronic** Mail to the following:

BellSouth

Jeffrey S. Linder *
Wiley Rein & Fielding LLP
1776 K St., N.W.
Washington, D.C. 20006
Fax:202-719-7049

Glenn T. Reynolds
Jonathan Banks
BellSouth Corporation
1133 21st Street, N.W. Suite 900
Washington, D.C. 20036-3351
Fax:202-463-4142

Qwest

Samir Jain *
Wilmer Cutler Pickering Hale & Dorr LLP
2445 M St. N.W.
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Fax: 202-663-6363

Melissa Newman
Qwest
607 14th St., N.W. Suite 950
Washington, D.C. 20005
Fax: 202-293-OS61

SBC

David G. Cattwright
SBC Telecommunications, Inc.
1401 I St., N.W., Suite 1100
Washington, D.C. 20005
Fax: 202-408-4809

Verizon and SBC

Michael K. Kellogg *
Colin S. Stretch
Kellogg, Huber, Hanson, Todd & Evans, PLLC
Summer Square
161 S M Street, NW, Suite 400
Washington, D.C. 20036
Fax: 202-326-7999

Dee May
Verizon
1300 I St., N.W. Suite 400
West Washington, D.C. 20006
Fax: 202-336-7922

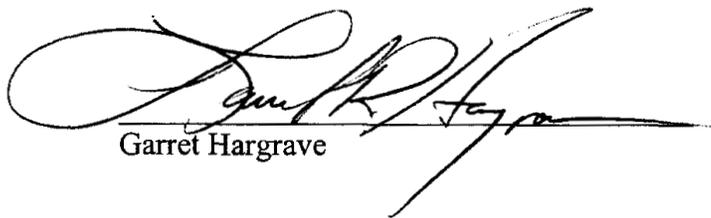
FCC

Russell Hanser **
Wireline Competition Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Jeremy Miller **
Assistant Division Chief
Competition Policy Division
Federal Communications Commission
445 12th Street, S.W.
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Gary Remondino **
Wireline Competition Bureau
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Janice Myles **
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Garret Hargrave