

October 12, 2004

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
Room TW-325
445 12th Street, S.W.
Washington D.C. 20554

Re: **Unbundled Access to Network Elements, Review of the Section 251 Unbundling Obligations of Local Exchange Carriers, WC Dkt. No. 04-313, CC Dkt. No. 01-338**
Submission of Acknowledgements Concerning Compliance with Protective Order

Dear Ms. Dortch:

On behalf of the Association for Local Telecommunications Services and the companies listed below (“ALTS *et. al.*”), Time Warner Telecom, Inc. (“TWTC”), Conversent Communications (“Conversent”) and Cbeyond Communications, LLC, (“Cbeyond”) in accordance with the procedures outlined in the Protective Order adopted on August 20, 2004 in the above-referenced proceedings,¹ I am submitting herewith copies of the Acknowledgements of Confidentiality executed by David Don, Megan Stull, Grace Koh, Jonathan Lechter, Thomas Jones and Anna Sucin of Willkie Farr & Gallagher LLP (WF&G), outside counsel and legal staff to ALTS *et. al.*, TWTC, Conversent and Cbeyond, as well as Jason Oxman, Counsel to ALTS, who will require access to confidential versions of the filings of the New Jersey Ratepayer advocate.

The New Jersey Ratepayer Advocate has been served, via fax and overnight mail, with this letter and signed Acknowledgements of Confidentiality. If confidential information from additional parties is sought, they will be served with Acknowledgements of Confidentiality as well.

¹ See *Unbundled Access to Network Elements; Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers*, Order, DA 04-2603 (2004).

Please do not hesitate to call us at 202-303-1000 if any questions should arise in connection with this submission.

Respectfully submitted,

 /s/
Jonathan Lechter*

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Chief Executive Officer
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9 Landing Road
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CERTIFICATE OF SERVICE

I, Jonathan Lechter, do hereby certify that on this 12th day of October, 2004, I caused to be served a true and correct copy of the foregoing Acknowledgements by delivering copies thereof by overnight delivery and facsimile to the following:

Gary Remondino* Wireline Competition Bureau Federal Communications Commission 445 12 th Street, S.W.	Christopher White Deputy Ratepayer Advocate 31 Clinton St. 11 th Floor Newark, NJ 07102 Fax : 973-624-1047
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/s/Jonathan Lechter

*via e-mail

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.

I acknowledge that it is my obligation to ensure that: (1) Stamped Confidential Documents and Confidential Information are used only as provided in the Protective Order; and (2) Stamped Confidential Documents are not duplicated except as specifically permitted by the terms of paragraph 10 of the Protective Order. I certify that I have verified that there are in place procedures, at my firm or office, to prevent unauthorized disclosure of Stamped Confidential Documents or Confidential Information.

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 7 day of October, 2004

Megan Anne Stull
[Name] Megan Anne Stull
[Position] Associate
Admitted to Practice in Maryland
[Address] Willkie Farr & Gallagher LLP
[Telephone] 1975 K Street, NW
Washington, DC 20009
(202) 303 1000

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Executed at Washington, DC this 7 day of October, 2004.


[Name] Donald P. Pen
[Position] Attorney

[Address] 1875 K St, N.W. Washington, DC 20006
[Telephone] (202) 303-1133

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Executed at Washington, D.C. this 6th day of October, 2004.

S. Anna Suchk, Communications Specialist

[Name]
[Position]

[Address]
[Telephone]

Wierke, Farr & Gallagher LLP
1875 K Street, NW
Washington, D.C. 20008
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Executed at Washington, D.C. this 7 day of October, 2004

GRACE KOTT
[Name] GRACE KOTT
[Position] ASSOCIATE
[Address] 1875 K ST NW
[Telephone] 202-303-1241

Federal Communications Commission

DA 04-2603

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Executed at WASHINGTON, D.C. this 14 day of SEPTEMBER, 2004

[Name] Jason Oxman
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[Telephone] 888 17th St NW
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Executed at Washington, D.C. this 15 day of September, 2004



[Name] Thomas Jones

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Executed at Washington D.C. this 15th day of September, 2004


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