

June 3, 2005

Mr. Thomas Navin
Chief, Wireline Competition Bureau
Federal Communications Commission
445 12th street, SW
Washington DC, 20554

Re: Withdrawal of Cbeyond's Objection to BellSouth's May 31st 2005 request of Keith Milner to Have Access to Confidential Information; WC Dkt. No. 04-313, CC Dkt. No. 01-338

Dear Mr. Navin:

On June 2, 2005, Cbeyond Communications LLC ("Cbeyond") filed a letter¹ objecting to BellSouth's May 31, 2005 request² that Keith Milner, Assistant Vice-President, Interconnection Operations, have access to Cbeyond's confidential filings in this proceeding.

Cbeyond hereby withdraws its objection to Mr. Milner having access to Cbeyond's confidential filings based on assurances from BellSouth that he is not involved in "competitive decision-making."³ However, Cbeyond reserves the right to take appropriate action if Cbeyond's confidential information is used by BellSouth in a manner inconsistent with the *Protective Order*.⁴

¹ See Letter of Thomas Jones, Counsel, Cbeyond, to Tomas Navin, Chief, Wireline Competition Bureau, WC Dkt. Nos. 04-313 *et al.*, (filed June 2, 2005).

² On May 31st, 2005, Jonathan Lechter, Counsel to Cbeyond, received a fax from Anthony Jones, paralegal for BellSouth, requesting that Mr. Milner have access to Cbeyond's confidential filings in the above referenced dockets.

³ *Unbundled Access to Network Elements; Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers*, Order, 19 FCC Rcd 20531, ¶ 2 (2004) ("*Protective Order*").

⁴ See *Protective Order* ¶ 3 ("Persons obtaining access to Confidential Information (including Stamped Confidential Documents) under this Protective Order shall use the information solely for preparation and the conduct of this proceeding as delimited in this paragraph and paragraphs 5, 10, and 11, and any subsequent judicial proceeding arising directly from this proceeding and, except as provided herein, shall not use such documents or information for any other purpose, including without limitation business, governmental, or commercial purposes, or in other administrative, regulatory or judicial proceedings.").

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Sincerely,

/s/

Thomas Jones