

October 13, 2006

Ms. Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Petitions of Verizon Telephone Companies for Forbearance Pursuant to 47 U.S.C. § 160(c) in the Boston, New York, Philadelphia, Pittsburgh, Providence, and Virginia Beach Metropolitan Statistical Areas, WC Docket No. 06-172

Dear Ms. Dortch:

On behalf of Cbeyond, Inc., One Communications Corp., and Time Warner Telecom Inc., undersigned counsel submits this letter to support the *Motion to Compel* filed in this docket by Broadview Network, Inc., Covad Communications Group, NuVox Communications, Inc., and XO Communications, Inc. (together “CLEC Parties”) on October 11, 2006.¹

The CLEC Parties seek disclosure of crucial information that Verizon has withheld from other parties despite the protection ensured by the *Protective Order* that the Commission issued in this docket.² Lack of access to this information will hamper any interested party’s efforts to assess the merits of the claims made in Verizon’s Petitions. Therefore, unless Verizon is compelled to share the information at issue with all those parties subject to the *Protective Order*, commenting parties will be placed at a distinct disadvantage and such comments will necessarily fail to fully address many of Verizon’s arguments. In all events, in making its decisions, the Commission should not be forced to rely on comments based on partial and imperfect information. Indeed, without complete information,

¹ See Motion of Broadview Networks, Inc., Covad Communications Group, NuVox Communications, Inc., and XO Communications, Inc. to Compel Disclosure of Confidential Documents Pursuant to Protective Order, WC Docket No. 06-172 (filed Oct. 11, 2006) (“*Motion to Compel*”).

² *Petitions of Verizon Telephone Companies for Forbearance Pursuant to 47 U.S.C. § 160(c) in the Boston, New York, Philadelphia, Pittsburgh, Providence, and Virginia Beach Metropolitan Statistical Areas*, Protective Order, 21 FCC Rcd 10177 (2006) (“*Protective Order*”).

Ms. Marlene Dortch

October 13, 2006

Page 2

commenters cannot effectively participate in the proceeding, and the Commission may therefore fail to meet its obligation to provide adequate notice and comment on Verizon's Petitions.

Not only does Verizon's failure to disclose this information run counter to the spirit, if not the letter, of the Commission's obligations under the Administrative Procedure Act, but it also violates Commission procedure. Nothing in the *Protective Order* allows Verizon to pick and choose who may or may not have access to confidential information filed with the Commission, except through the procedures prescribed in the Commission's rules. *See* 47 C.F.R. § 0.459. Commission procedure does not permit Verizon such discretion.

Because of the reasons stated above and the reasons stated in the CLEC Parties' *Motion to Compel*, the Commission should compel Verizon to follow the procedures set forth in the *Protective Order* and disclose the requested information.

Respectfully submitted,

/s/

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Telecom, Inc.

cc: Jeremy Miller, Wireline Competition Bureau
Tim Stelzig, Wireline Competition Bureau
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