

# WILLKIE FARR & GALLAGHER<sub>LLP</sub>

1875 K Street, NW  
Washington, DC 20006

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March 23, 2006

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

Re: In the Matter of Petitions of the 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 Dkt. No. 06-172

Dear Ms. Dortch:

Undersigned counsel to Time Warner Telecom Inc. ("TWTC"), Cbeyond, Inc. ("Cbeyond") and One Communications Corp. ("One"), hereby submits properly executed Acknowledgments of Confidentiality required to inspect highly confidential materials filed by EarthLink, Inc. and New Edge Network, Inc. in the above-referenced proceeding.<sup>1</sup> Acknowledgments of Confidentiality have been executed by Thomas Jones, Jonathan Lechter, Karen Henein, and Nirali Patel of Willkie Farr & Gallagher LLP, outside counsel for the above-referenced parties, and S. Anna Sucin, a communications law specialist working under the supervision of such counsel.

EarthLink, Inc. and New Edge Network, Inc. have been served, via overnight delivery, with copies of this letter and signed Acknowledgments of Confidentiality. If confidential information from additional parties is sought, such other parties will be served with Acknowledgments of Confidentiality as well. Please do not hesitate to call us at 202-303-1000 if any questions should arise in connection with this submission.

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<sup>1</sup> See *Petitions of the Verizon Telephone Companies for Forbearance Pursuant to 47 U.S.C. § 160(c) in the Boston, New York, Philadelphia, Pittsburgh, Providence and Virginia Metropolitan Statistical Areas*, Order, DA 07-208 (rel. Jan 25, 2007).

Respectfully submitted,

/s/

Jonathan Lechter

**WILLKIE FARR & GALLAGHER LLP**

1875 K Street, N.W.

Washington, D.C. 20006

(202) 303-1000

ATTORNEYS FOR TIME WARNER TELECOM,  
CBeyond INC. ONE COMMUNICATIONS CORP.

Enclosures

## APPENDIX A

## Acknowledgment of Confidentiality

WC Docket No. 06-172

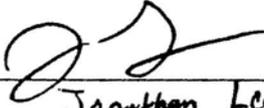
I hereby acknowledge that I have received and read a copy of the foregoing Second Protective Order in the above-captioned proceeding, and I understand it. I agree that I am bound by the Second Protective Order and that I shall not disclose or use Stamped Highly Confidential Documents or Highly Confidential Information except as allowed by this Second Protective Order. I acknowledge that a violation of the Second 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 Second Protective Order is due solely to my capacity as Outside Counsel of Record or Outside Consultant to a party or other person described in paragraph 8 of the foregoing Second 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 Second Protective Order.

I acknowledge that it is my obligation to ensure that: (1) Stamped Highly Confidential Documents and Highly Confidential Information are used only as provided in the Second Protective Order; and (2) Stamped Highly Confidential Documents are not duplicated except as specifically permitted by the terms of paragraphs 9, 12, 13 and 15 of the Second Protective Order, and I certify that I have verified that there are in place procedures at my firm or office to prevent unauthorized disclosure of Stamped Highly Confidential Documents or Highly Confidential Information.

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

Executed at Washington D.C. this 21<sup>st</sup> day of January, 2007

  
 [Name] Jonathan Lechter  
 [Position] associate  
 [Employer] Willkie Farr & Gallagher LLP  
 [Representing] Time Warner Telecom, Beyond One Communications  
 [Address] 1875 K St. N.W. Washington D.C. 20006  
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 [Email] jlechter@willkie.com

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Executed at Washington DC this 18<sup>th</sup> day of January, 2007



[Name] Thomas Jones  
[Position] Partner  
[Employer] Willkie Farr & Gallagher  
[Representing] Time Warner Telecom, Inc.  
[Address] Cross Communications, Inc.  
[Telephone] Beyond Communications  
[Email] 1875 K St, N.W.  
Washington DC 20006  
202-303-1461  
tjones@willkie.com

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Executed at Washington, D.C. this 25<sup>th</sup> day of January, 2007.

S. ANNA SUCIN

[Name]  
 [Position] Communications Law Specialist  
 [Employer] WILLKIE FARR & GALLAGHER LLP  
 [Representing] Time Warner Telecom, Inc.  
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Executed at 1:30 pm this 12 day of March, 2007



[Name] Karen Henein  
 [Position] Associate  
 [Employer] Willkie Farr & Gallagher LLP  
 [Representing] Time Warner Telecom, Inc.; Cheyond, Inc.,  
 [Address] 1875 K St NW One Communications  
 [Telephone] 202-303-1255 Corp.  
 [Email] khenein@willkie.com

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

Executed at Willkie Farr this 12<sup>th</sup> day of March, 2007

*Nirali Patel*

[Name] Nirali Patel

[Position] Associate

[Employer] Willkie Farr & Gallagher LLP

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[Address] Communications

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[Email] Washington, DC 20006-1238

202-383-1152

npatel@willkie.com

**CERTIFICATE OF SERVICE**

I, Jonathan Lechter, do hereby certify that on this 23rd day of March, 2007, I caused to be served a true and correct copy of the foregoing Acknowledgements by delivering a copy thereof, via overnight delivery, to the following:

Mark J. O'Connor  
LAMPERT & O'CONNOR, P.C.  
1776 K Street, NW  
Suite 700  
Washington, DC 20006  
(202) 887-6230 Tel.

Christopher Putala  
Paul Kenefick  
EARTHLINK, Inc.  
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(202) 638-8520 Tel.

John T. Nakahata  
Stephanie Weiner  
Justin Dillon  
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1200 18<sup>th</sup> Street, NW  
Washington, DC 20036  
(202) 730-1300 Tel.

*Counsel for EarthLink, Inc. and New Edge, Inc.*

\_\_\_\_\_  
/s/

Jonathan Lechter