

February 12, 2009

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 Special Access Rates for Price Cap Local Exchange Carriers; WC Dkt. No. 05-25***

Dear Ms. Dortch:

Undersigned counsel to tw telecom inc. (“TWTC”) and One Communications Corp. (“One”), hereby submits properly executed Acknowledgments of Confidentiality required to inspect confidential materials filed by XO Communications, LLC (“XO”), Covad Communications Group, Inc. (“Covad”), and NuVox Communications (“NuVox”) in the above-referenced proceeding, in accordance with the protective order adopted in that proceeding.<sup>1</sup> Acknowledgments of Confidentiality have been executed by Thomas Jones, Jonathan Lechter, and Karen Henein 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.

XO, Covad, and NuVox have been served, via electronic delivery and first-class mail, with copies of this letter and signed Acknowledgments of Confidentiality. 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

**WILLKIE FARR & GALLAGHER LLP**  
1875 K Street, N.W.  
Washington, D.C. 20006  
(202) 303-1000

ATTORNEYS FOR tw telecom inc. AND ONE  
COMMUNICATIONS CORP.

---

<sup>1</sup> See *Special Access rates for Price Cap Local Exchange Carriers*, Protective Order, 20 FCC Rcd 10160 (2007).

**CERTIFICATE OF SERVICE**

I, S. Anna Sucin, do hereby certify that on this 12th day of February, 2009, I caused to be served a true and correct copy of the foregoing Acknowledgements by submitting copies thereof, via electronic delivery and first-class mail, to the following:

Brad E. Mutschelknaus  
John J. Heitmann  
Thomas Cohen  
KELLEY DRYE & WARREN LLP  
3050 K Street, N.W.  
Suite 400  
Washington, D.C. 20007  
(202) 342-8400 Tel.

*Counsel for XO, Covad, and NuVox*

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

S. Anna Sucin

## APPENDIX B

## Acknowledgment of Confidentiality

WC Docket No. 05-25

I hereby acknowledge that I have received and read a copy of the foregoing Protective Order in the above-referenced 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.

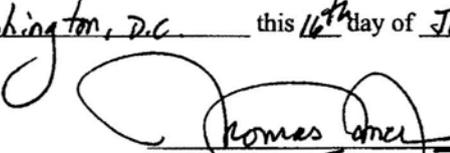
Without limiting the foregoing, to the extent that I have any employment, affiliation or role with any person or entity other than a conventional private law firm (such as, but not limited to, a lobbying or public interest organization), I acknowledge specifically that my access to any information obtained as a result of the Protective Order is due solely to my capacity as Counsel or consultant to a party or other person described in paragraph 4 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 1 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 9 of the 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 Confidential Documents or Confidential Information.

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

Executed at Washington, D.C. this 16<sup>th</sup> day of June, 2005.

  
 [Name] Thomas Jones  
 [Position] Partner Willkie Farr + Gallagher  
 [Address] 1875 K St., N.W.  
 [Telephone] Washington DC 20006  
202-363-1111

## APPENDIX B

## Acknowledgment of Confidentiality

WC Docket No. 05-25

I hereby acknowledge that I have received and read a copy of the foregoing Protective Order in the above-referenced 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 Protective Order is due solely to my capacity as Counsel or consultant to a party or other person described in paragraph 4 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 1 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 9 of the 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 Confidential Documents or Confidential Information.

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

Executed at Washington D.C. this 16<sup>th</sup> day of June 2005

  
[Name] Jonathan Lechter  
[Position] Associate, Willkie, Farr & Gallagher  
[Address] 1075 K St. N.W. Washington D.C. 20006  
[Telephone] 202-303-1191

## APPENDIX B

## Acknowledgment of Confidentiality

WC Docket No. 05-25

I hereby acknowledge that I have received and read a copy of the foregoing Protective Order in the above-referenced 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 Protective Order is due solely to my capacity as Counsel or consultant to a party or other person described in paragraph 4 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 1 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 9 of the 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 Confidential Documents or Confidential Information.

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

Executed at Washington, DC this 10<sup>th</sup> day of August, 2007



[Name] Karen Henein  
[Position] Associate, Willkie Farr & Gallagher LLP  
[Address] 1875 K St NW Washington DC 20006  
[Telephone] 202-303-1255

## APPENDIX B

## Acknowledgment of Confidentiality

WC Docket No. 05-25

I hereby acknowledge that I have received and read a copy of the foregoing Protective Order in the above-referenced 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 Protective Order is due solely to my capacity as Counsel or consultant to a party or other person described in paragraph 4 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 1 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 9 of the 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 Confidential Documents or Confidential Information.

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

Executed ~~at~~ <sup>in</sup> Washington, D.C. this 24<sup>th</sup> day of August, 2007.

S. ANNA SUCIN

[Name]

[Position] Communications Specialist, WILLKIE FARR & GALLAGHER LLP

[Address] 1875 K Street, NW, Washington, DC 20006

[Telephone] (202) 303-1177