

VIA ECFS

EX PARTE

February 4, 2010

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW, Suite TW-A325
Washington, DC 20554

Re: GN Docket No. 09-51, WC Docket No. 09-223

Dear Ms. Dortch:

Yesterday, Jim Geiger, Founder, Chairman and CEO of Cbeyond, Inc. (“Cbeyond”), Chris Gatch of Cbeyond, Kevin Joseph and the undersigned met Colin Crowell, senior counselor to Chairman Genachowski, and Paul de Sa, Chief of the Office of Strategic Planning and Policy Analysis. During the meeting, Messrs. Geiger and Gatch argued that granting the Cbeyond petition for expedited rulemaking regarding unbundled access to fiber and hybrid loops (docketed in WC Docket No. 09-223) would spur investment, innovation and job creation among small businesses at little or no cost to the government or incumbent LECs. In support of this argument, Messrs. Geiger and Gatch and the undersigned reiterated points made in the petition for expedited rulemaking.

Respectfully submitted,

/s/ Thomas Jones

Thomas Jones

cc: Colin Crowell
Paul de Sa