

December 13, 2010

**VIA ECFS**

***EX PARTE***

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

**Re: *Framework for Broadband Internet Service, GN Docket No. 10-127; Preserving the Open Internet, GN Docket No. 09-191; Broadband Industry Practices, WC Docket No. 07-52***

Dear Ms. Dortch:

On December 10, 2010, the undersigned met with Dave Grimaldi, Chief of Staff and legal advisor to Commissioner Mignon Clyburn, and Angie Kronenberg, legal advisor to Commissioner Mignon Clyburn. During the meeting, I explained that the facilities incumbent LECs use to provide broadband Internet access services are also used to provide many other services. Among other things, those facilities are used as inputs by competitors like Cbeyond, Inc. to serve small businesses. I also explained that it is critical that the FCC ensure that the rules adopted in the above-referenced proceedings do not in any way diminish competitors' ability to obtain access to inputs, such as interconnection, unbundled network elements or collocation, pursuant to Section 251(c) of the Communications Act, or to special access, pursuant to Sections 201 and 202. As I explained, several parties have provided the Commission with the legal basis for ensuring this outcome.<sup>1</sup>

Please do not hesitate to contact me at (202) 303-1111 if you have any questions or concerns about this submission.

Respectfully submitted,

/s/ Thomas Jones

Thomas Jones

*Counsel for Cbeyond, Inc.*

cc (via email): Dave Grimaldi  
Angie Kronenberg

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<sup>1</sup> See Comments of PAETEC Holding Corp., GN Docket No. 10-127, at 4-6 (filed July 15, 2010); Reply Comments of tw telecom inc., GN Docket No. 10-127, at 6-9 (filed Aug. 12, 2010).