

LAWLER, METZGER, KEENEY & LOGAN, LLC

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January 21, 2011

Via Electronic Filing

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

Re: *Special Access for Price Cap Local Exchange Carriers; AT&T Corp. Petition for Rulemaking to Reform Regulation of Incumbent Local Exchange Carrier Rules for Interstate Special Access Services – WC Docket No. 05-25; RM-10593*

Dear Ms. Dortch:

Pursuant to the Modified Protective Order adopted in the above-referenced proceeding,¹ Sprint Nextel Corporation (“Sprint Nextel”), through undersigned counsel, seeks access to confidential versions of documents that have previously been filed, or that may be filed in the future, in the above-referenced proceedings. Submitted herewith are Acknowledgments of Confidentiality executed by A. Richard Metzger, Jr., Gil M. Strobel, Gunnar D. Halley, Richard D. Mallen, Ruth E. Holder, and Laura W. Johnson, of Lawler, Metzger, Keeney & Logan, and Charles W. McKee, Anthony M. Alessi, Michael B. Fingerhut, James A. Appleby, Chris Frentrup, Norina T. Moy, and Peter N. Sywenki, of Sprint Nextel. None of the people identified in the attached Acknowledgments are involved in “competitive decision-making,” as that term is defined in the Modified Protective Order.²

By copy of this letter, Sprint Nextel hereby requests access to the confidential versions of all documents that have been filed in the above-referenced proceeding, or that may be filed in the future – including, but not limited to, those documents filed in response to the Federal Communications Commission’s Public Notice released

¹ *Special Access for Price Cap Local Exchange Carriers*, WC Docket No. 05-25, RM-10593, Modified Protective Order, DA 10-2075 (rel. Oct. 28, 2010) (“Modified Protective Order”).

² *Id.* ¶ 4.

October 28, 2010³ – by AT&T Inc., BT Americas, Inc., Cbeyond, Inc., Clearwire Corporation, Covad Communications Group, Inc., Integra Telecom, Inc., One Communications Corp., Qwest Communications International Inc. (“Qwest”), T-Mobile USA, Inc., tw telecom inc., U.S. Cellular, Verizon, Verizon Wireless, Windstream Communications, Inc., and/or XO Communications, LLC.⁴

Sprint Nextel also specifically requests access to the confidential versions of the *ex parte* letter and attached Declaration filed by Qwest on October 26, 2010.⁵

Pursuant to paragraph 8 of the Modified Protective Order, Sprint requests that a complete set of the confidential documents be provided to the undersigned, at cost.⁶ Consistent with the terms of the Modified Protective Order, the undersigned agrees not to make any additional copies of the unredacted documents provided by Qwest in response to this request.⁷

In accordance with the terms of the Modified Protective Order and the Commission’s rules, this letter is being provided to you for inclusion in the public record of the above-referenced proceeding.

Sincerely,



Gil M. Strobel

Attachments

cc: Attached Service List

³ FCC, “Data Requested in *Special Access NPRM*,” WC Docket No. 05-25 & RM-10593, Public Notice, DA 10-2073 (rel. Oct. 28, 2010).

⁴ Consistent with the requirements of the Modified Protective Order, and as stated in the attached certificate of service, copies of this letter and the signed Acknowledgments of Confidentiality are being served on counsel for all of the listed parties.

⁵ Qwest filed its October 26 *ex parte* pursuant to the June 8, 2005 Order and Protective Order in WC Docket No. 05-25, 20 FCC Rcd 10160, which was subsequently superceded by the Modified Protective Order. Modified Protective Order ¶ 2.

⁶ Modified Protective Order ¶ 8.

⁷ *Id.* ¶ 6. Although the undersigned agrees not to make any additional copies of the confidential documents, he may disclose some or all of the confidential information to other individuals who have signed the appropriate Acknowledgments of Confidentiality. *Id.* ¶ 10.

Certificate of Service

I hereby certify that on this 21st day of January, 2011, I caused a true and correct copy of the foregoing letter and Acknowledgments of Confidentiality to be served as follows:

Via electronic mail to:

Marvin Sacks
Pricing Policy Division
Wireline Competition Bureau
Federal Communications Commission
Marvin.Sacks@fcc.gov

Via U.S. mail to:

Grant B. Spellmeyer
U.S. Cellular
8410 W. Bryn Mawr Ave.
Chicago, IL 60631
Counsel for U.S. Cellular

James G. Pachulski
Law Offices of James Pachulski
TechNet Law Group, PC
6001 Montrose Road, Suite 506
Rockville, MD 20852
Outside Counsel for Verizon and Verizon Wireless

Via hand delivery to:

David L. Lawson
Sidley Austin LLP
1501 K Street NW
Washington, DC 20005
Outside Counsel for AT&T Inc.

Jonathan Neuchterlein
WilmerHale
1875 Pennsylvania Ave. NW
Washington, DC 20006
Outside Counsel for Qwest Communications International Inc.

Chris D. Murray
Clearwire Corporation
1250 I Street NW, Suite 901
Washington, DC 20005
Counsel for Clearwire Corp.

William F. Maher, Jr.
Morrison & Foerster, LLP
2000 Pennsylvania Ave. NW, Suite 6000
Washington, DC 20006
Outside Counsel for T-Mobile USA, Inc.

Thomas Jones
Jonathan Lechter
Willkie Farr & Gallagher
1875 K Street NW
Washington, DC 20006
*Outside Counsel for BT Americas, Inc.,
Cbeyond, Inc., Integra Telecom, Inc.,
One Communications Corp., and
tw telecom inc.*

Jennie B. Chandra
Regulatory Counsel & Director,
Federal Government Affairs
Windstream Communications, Inc.
1101 17th Street NW, Suite 802
Washington, DC 20036
*Counsel for Windstream Communications,
Inc.*

Thomas Cohen
John J. Heitmann
Kelley Drye & Warren LLP
3050 K Street NW, Suite 400
Washington, DC 20007
*Outside Counsel for Covad
Communications Group, Inc., and XO
Communications, LLC*

/s/ Ruth E. Holder
Ruth E. Holder

APPENDIX A**Acknowledgment of Confidentiality****WC Docket No. 05-25, RM 10593**

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

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Executed at Washington, DC, this 21 day of January, 2011.



A. Richard Metzger, Jr.

Partner

Lawler, Metzger, Keeney & Logan, LLC

2001 K Street NW, Suite 802

Washington, DC 20006

202-777-7700

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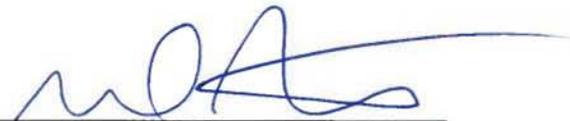
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Executed at Washington, DC, this 5th day of November, 2010.



Gil M. Strobel
Partner
Lawler, Metzger, Keeney & Logan, LLC
2001 K Street NW, Suite 802
Washington, DC 20006
202-777-7700

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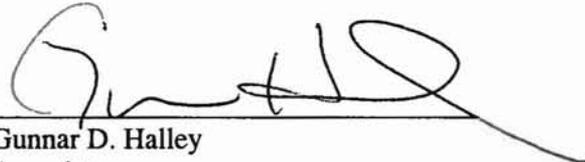
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Executed at Washington, DC, this 5 day of November, 2010.



Gunnar D. Halley
Associate
Lawler, Metzger, Keeney & Logan, LLC
2001 K Street NW, Suite 802
Washington, DC 20006
202-777-7700

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Executed at Washington, DC, this 21 day of January, 2011.



Richard D. Mallen
Partner
Lawler, Metzger, Keeney & Logan, LLC
2001 K Street NW, Suite 802
Washington, DC 20006
202-777-7700

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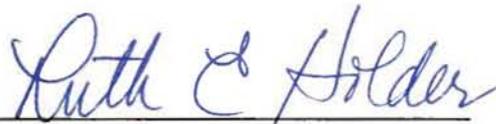
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Executed at Washington, DC, this 5 day of November, 2010.



Ruth E. Holder
Legal Specialist
Lawler, Metzger, Keeney & Logan, LLC
2001 K Street NW, Suite 802
Washington, DC 20006
202-777-7700

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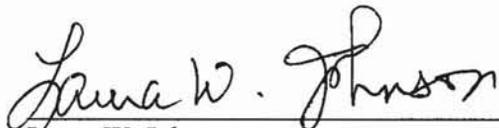
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Executed at Washington, DC, this 21st day of January, 2011.



Laura W. Johnson
Legal Assistant
Lawler, Metzger, Keeney & Logan, LLC
2001 K Street NW, Suite 802
Washington, DC 20006
202-777-7700

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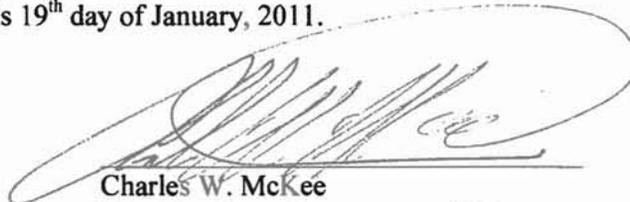
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Executed at Washington, DC, this 19th day of January, 2011.



Charles W. McKee
Vice President, Government Affairs –
Federal & State Regulatory
Sprint Nextel Corporation
900 7th Street NW, Suite 700
Washington, DC 20001
703-433-3786

APPENDIX A

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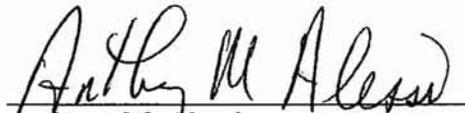
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Executed at Washington, DC, this ^{20th} day of January, 2011.



Anthony M. Alessi
Senior Counsel, Regulatory
Sprint Nextel Corporation
12502 Sunrise Valley Drive
Reston, Virginia 20196
703-433-4605

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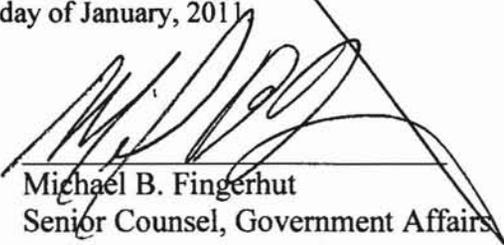
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Executed at Washington, DC, this 19th day of January, 2011



Michael B. Fingerhut
Senior Counsel, Government Affairs
Sprint Nextel Corporation
900 7th Street NW, Suite 700
Washington, DC 20001
703-592-5112

APPENDIX A

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WC Docket No. 05-25, RM 10593

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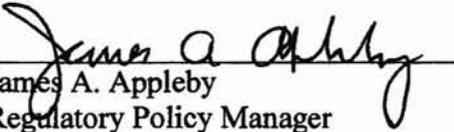
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Executed at Overland Park, Kansas, this 19th day of January, 2011.


James A. Appleby
Regulatory Policy Manager
Sprint Nextel Corporation
6450 Sprint Parkway
Overland Park, Kansas 66251
913-315-9445

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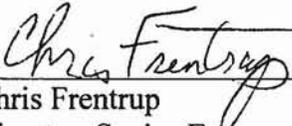
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Executed at Washington, DC, this 19th day of January, 2011.


Chris Frentrup
Director, Senior Economist
Sprint Nextel Corporation
900 7th Street NW, Suite 700
Washington, DC 20001
703-433-3205

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Norina T. Moy
Director, Government Affairs
Sprint Nextel Corporation
900 7th Street NW, Suite 700
Washington, DC 20001
703-433-4503

Federal Communications Commission

DA 10-2075

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WC Docket No. 05-25, RM 10593

I hereby acknowledge that I have received and read a copy of the foregoing Protective Order in the above-captioned proceedings, 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 advocacy 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.

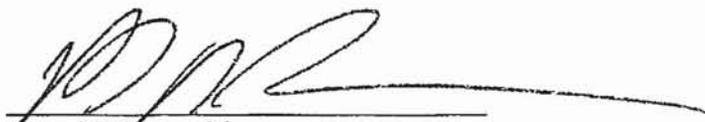
I hereby certify that I am not involved in "competitive decision-making" as that term is used in the definition of In-House Counsel in paragraph 4 of the Protective Order.

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 the Protective Order.

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 Protective Order.

Executed at Overland Park, Kansas, this 21st day of January, 2011.



Peter N. Sywenki
Director
Sprint Nextel Corporation
6450 Sprint Parkway
Overland Park, Kansas 66251
913-315-9264