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CERTIFIED MAIL

Mr. Michael Patten
Roshka DeWulf and Patten, PLC
One Arizona Center
400 East Van Buren Street, Suite 800
Phoenix, Arizona 85004

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RE: STAFF'S LETTER OF INSUFFICIENCY AND THIRD SET OF DATA REQUESTS TO CBeyond COMMUNICATIONS, LLC. DOCKET NO. T-20497A-06-0802

Dear Mr. Patten:

On December 28, 2006, Cbeyond Communications, LLC ("Cbeyond") filed an application for a Certificate of Convenience and Necessity ("CC&N") to provide telecommunications services in the State of Arizona. The application is not yet sufficient. This data request lists the information Staff needs to complete its analysis of your application. Please consider this as Staff's third set of data requests to Cbeyond in the above-referenced matter.

For purpose of this data request set, the words "Cbeyond", the "Company", "you", and "your" refer to Cbeyond Communications, LLC and any representative, including every person and/or entity acting with, under the control of, or on behalf of Cbeyond Communications, LLC. For each answer, please identify by name, title, and address each person providing information that forms the basis for the response provided.

These data requests are continuing, and your answers or any documents supplied in response to these data requests should be supplemented with any additional information or documents that come to your attention after you have provided your initial responses.

Please provide Docket Control with the information being requested within 10 days of the date of this letter. Please mail an original plus 13 copies to: Docket Control, Arizona Corporation Commission, 1200 W. Washington Street, Phoenix, Arizona 85007. If no response is received or all deficiencies are not remedied within 30 days, Staff will recommend that the application be terminated pursuant to A.A.C. R14-2-1103(B)3 and A.A.C. R14-2-510(E)3. If the application is terminated, the Applicant cannot provide the same telecommunication services

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in Arizona for which it is currently applying, until such time as a new application is filed with and approved by the Commission.

Remember that information submitted for a CC&N will be made a part of the public record (including financial statements). Any information designated as confidential will not be accepted by Docket Control. If you have any questions, please contact me at (602) 364-0235. Thank you for your prompt response to this request.

Respectfully,

A handwritten signature in black ink, appearing to read 'Candrea Allen', written in a cursive style.

Candrea Allen
Executive Consultant I
Utilities Division

CA:tdp

Enclosure(s)

cc: Docket Control Center

STAFF'S THIRD SET OF DATA REQUESTS TO
CBEYOND COMMUNICATIONS, LLC
DOCKET NO. T-20497A-06-0802

Please make certain that each numbered item and each part of the item is answered completely. In order for Staff to continue with its review of this application, the following information must be submitted:

- 3-1. According to the Applicant's response to question (A-11) of the application, the Federal Communications Commission ("FCC") has initiated an investigation against Cbeyond. Staff understands that Cbeyond submitted documents relating to the FCC investigation confidentially. Please explain in detail the nature of the information and why Cbeyond believes such information to be confidential and why a protective agreement is necessary.