

KELLEY DRYE & WARREN LLP

A LIMITED LIABILITY PARTNERSHIP

1200 19TH STREET, N.W.

SUITE 500/MELLON

OCT 16 2000

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WASHINGTON, D.C. 20036

(202) 955-9600

Streamlined ITC-214-20001016-00619
CBEYOND COMMUNICATIONS, LLC

(202) 955-9792

October 16, 2000

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OCT 19 2000

Telecom Division
International Bureau

VIA COURIER
Federal Communications Commission
International Bureau - Telecommunications
P.O. Box 358115
Pittsburgh, PA 15251-5115

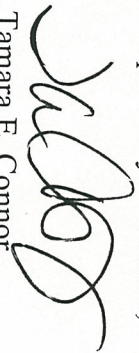
**Re: Application of Cbeyond Communications, LLC for Authority
Under Section 214 of the Communications Act of 1934, as
Amended, to Operate As a Facilities-Based Carrier and as a
Resale Carrier for the Provision of International Switched
And Private Line Services to All International Points**

Dear Sir or Madam:

On behalf of Cbeyond Communications, Inc., enclosed please find an original and five (5) copies of an "Application of Cbeyond Communications, LLC for Authority Under Section 214 of the Communications Act of 1934, as Amended, to Operate As a Facilities-Based Carrier and as a Resale Carrier for the Provision of International Switched And Private Line Services to All International Points."

Also enclosed are the FCC Form 159 Remittance Advice, a check in the amount of \$815.00 to cover the filing fee, and a duplicate copy of the filing. Please date-stamp the duplicate upon receipt and return it in the envelope provided. Please do not hesitate to contact me at (202) 955-9890 if you have any questions.

Respectfully submitted,


Tamara E. Connor

READ INSTRUCTIONS CAREFULLY
BEFORE PROCEEDING

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FEDERAL COMMUNICATIONS COMMISSION

REMITTANCE ADVICE

Approved by OMB
3060-0589
Page No 1 of 1

(1) LOCKBOX # OCT 19 2000

Telecom Division

SPECIAL USE
FCC USE ONLY

SECTION A - PAYER INFORMATION

(2) PAYER NAME (if paying by credit card, enter name exactly as it appears on your card) (3) TOTAL AMOUNT PAID (U.S. Dollars and cents)
C B E Y O N D I C O M M U N I C A T I O N S I L L C \$ 1 8 1 5 . 1 0 0

(4) STREET ADDRESS LINE NO. 1
3 2 0 I N T E R S T A T E N O R T H P A R K W A Y S E

(5) STREET ADDRESS LINE NO. 2
S U I T E 3 0 0

(6) CITY (7) STATE (8) ZIP CODE
A T L A N T A G A 3 0 1 3 3 9

(9) DAYTIME TELEPHONE NUMBER (include area code) (10) COUNTRY CODE (if not in U.S.A.)
6 7 8 4 2 4 2 0 0

FCC REGISTRATION NUMBER (FRN) AND TAX IDENTIFICATION NUMBER (TIN) REQUIRED

(11) PAYER (FRN) (12) PAYER (TIN)
0 0 0 3 7 5 9 6 4 0 2 5 9 3 6 0 8 3 3 7

**IF PAYER NAME AND THE APPLICANT NAME ARE DIFFERENT, COMPLETE SECTION B
IF MORE THAN ONE APPLICANT, USE CONTINUATION SHEETS (FORM 159-C)**

(13) APPLICANT NAME

(14) STREET ADDRESS LINE NO. 1

(15) STREET ADDRESS LINE NO. 2

(16) CITY (17) STATE (18) ZIP CODE

(19) DAYTIME TELEPHONE NUMBER (include area code) (20) COUNTRY CODE (if not in U.S.A.)

FCC REGISTRATION NUMBER (FRN) AND TAX IDENTIFICATION NUMBER (TIN) REQUIRED

(21) APPLICANT (FRN) (22) APPLICANT (TIN)

COMPLETE SECTION C FOR EACH SERVICE, IF MORE BOXES ARE NEEDED, USE CONTINUATION SHEET

(23A) CALL SIGN/OTHER ID (24A) PAYMENT TYPE CODE (25A) QUANTITY

(26A) FEE DUE FOR (PTC) (27A) TOTAL FEE (29A) FCC CODE 2
\$ 8 1 5 . 0 0 \$ 8 1 5 . 0 0 1

(28A) FCC CODE 1 (29A) FCC CODE 2

(23B) CALL SIGN/OTHER ID (24B) PAYMENT TYPE CODE (25B) QUANTITY

(26B) FEE DUE FOR (PTC) (27B) TOTAL FEE (29B) FCC CODE 2
FCC USE ONLY

(28B) FCC CODE 1 (29B) FCC CODE 2

SECTION D - CERTIFICATION

(30) CERTIFICATION STATEMENT
I, Tamara E. Connor, certify under penalty of perjury that the foregoing and supporting information is true and correct to the best of my knowledge, information and belief. SIGNATURE DATE

SECTION E - CREDIT CARD PAYMENT INFORMATION

(31) MASTERCARD/ VISA ACCOUNT NUMBER: EXPIRATION

MASTERCARD
 VISA
I hereby authorize the FCC to charge my VISA or MASTERCARD for the service(s)/authorization herein described.
SIGNATURE DATE

telecommunications services. Cbeyond has received authority to provide local exchange service in Georgia, Texas, New York, Illinois, and Colorado, and has received conditional authority to provide local exchange service in Pennsylvania. Cbeyond also has received authority to provide interexchange service in Georgia, New York, Illinois, and Colorado, and has received conditional authority to provide interexchange service in Pennsylvania. Cbeyond has applications pending to provide telecommunications service in California, Florida, Pennsylvania, Virginia, the District of Columbia, and Massachusetts. Cbeyond has no affiliation with any foreign carrier in any of the destination countries for which authority is requested, nor is Cbeyond affiliated with any U.S. facilities-based carrier. Thus, pursuant to Section 63.10(a)(1) of the Commission's Rules, Cbeyond should be classified as a nondominant carrier in its provision of international service. Furthermore, this Application is entitled to streamlined processing under Section 63.12 of the Commission's Rules.

By granting this Application, the Commission will serve the public interest by promoting competition in the international telecommunications services market, which, in turn, should result in an increased number and variety of international service offerings as well as lower prices for U.S. consumers. Thus, the public interest will be served by a grant of international Section 214 authority to Cbeyond.

SECTION 63.18 INFORMATION

In support of this Application and pursuant to Section 63.18 of the Commission's Rules, Cbeyond submits the following information:

- (a) The name, address, and telephone number of the Applicant is:

Cbeyond Communications, LLC
320 Interstate North Parkway, Suite 300
Atlanta, Georgia 30339
(678) 424-2400

(b) Cheyond is a limited liability company organized under the laws of Delaware.

(c) Correspondence concerning this Application should be sent to:

Julia O. Strow
Vice President –Regulatory and Industry Relations
CBEYOND COMMUNICATIONS, LLC
320 Interstate North Parkway
Suite 300
Atlanta, Georgia 30339
(678) 424-2400

with copies to:

Jonathan E. Canis, Esq.
Tamara E. Connor, Esq.
KELLEY DRYE & WARREN LLP
1200 19th Street, N.W.
Suite 500
Washington, D.C. 20036
(202) 955-9600

(d) Cheyond has not previously received Section 214 authority from the Commission for any services prior to the present Application.

(e) Cheyond is applying for authority to operate as a global facilities-based carrier pursuant to the terms and conditions of Section 63.18(e)(1) of the Commission's Rules, and as a global resale carrier pursuant to the terms and conditions of Section 63.18(e)(2) of the Commission's Rules.

(f) No response required.

(g) Cheyond will use previously authorized facilities to provide telecommunications services and thus this Application is categorically excluded from environmental assessment pursuant to Section 1.1306 of the Commission's Rules.

(h) (1) As evidenced by the certification provided in Attachment 1, Cheyond is not affiliated with any foreign carriers.

(2) Four shareholders have interests of ten percent (10%) or greater in Cheyond. In accordance with the requirements of 47 C.F.R. 63.18(h)(2), Cheyond provides the following information regarding these shareholders:

1. Madison Dearborn Partners, Inc.
Three First National Plaza
Suite 3800
Chicago, IL 60602
Total Shares in Cheyond: 39.8%

California State Teachers Employment Retirement System ("CALSTERS") has a thirteen percent (13%) interest in Madison Dearborn Partners funds as measured by capital contributions. No individual has a ten percent (10%) or greater interest in CALSTERS.

2. Morgan Stanley Dean Witter
1585 Broadway
New York, NY 10036
Total Shares in Cheyond: 21.709%

No individual has a ten percent (10%) or greater interest in Morgan Stanley Dean Witter funds.

3. Battery Ventures
20 William Street, Suite 200
Wellesley, MA 02482
Total Shares in Cheyond: 14.472%

No individual has a ten percent (10%) or greater interest in Battery Ventures funds.

4. VantagePoint Venture Partners
1 Stamford Landing, Suite 201
Stamford, CT 06902
Total Shares in Cheyond: 10.854%

No individual has a ten percent (10%) or greater interest in VantagePoint Venture Partners funds.

(3) Section 63.18(h)(3) is not applicable to Applicant because Cheyond has no affiliation with any U.S. carrier whose facilities-based services Cheyond ultimately may resell.

- (4) Cbeyond acknowledges that it is responsible for the continuing accuracy of paragraphs (h)(1)-(3) of this Section of the Commission's rules.
- (5) This Section is not applicable to Applicant because Cbeyond is not a foreign carrier in any country, neither directly nor indirectly controls a foreign carrier in any country, and has no affiliation with any foreign carrier, within the meaning of the Commission's rules.
- (6) Please see response to question (5).
- (7) Please see response to question (5).
- (8) Not applicable because Cbeyond has no affiliation with any foreign carrier.
- (i) As evidenced by the certification provided in Attachment 1, Cbeyond has not agreed to accept special concessions directly or indirectly from any foreign carrier with respect to any U.S. international route where the foreign carrier possesses sufficient market power on the foreign end of the route to affect competition adversely in the U.S. market and will not enter into such agreements in the future.
- (j) As evidenced by the certification provided in Attachment 1, no party to this Application is subject to a denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, as set forth in 21 U.S.C. § 862.
- (k) This Application qualifies for streamlined treatment under Section 63.12 of the Commission's rules because Cbeyond is not affiliated with foreign carriers on any route for which authority is sought, nor is Cbeyond affiliated with any dominant U.S. carriers whose international services Cbeyond is seeking to resell. In addition, this Application is eligible for streamlined processing because Cbeyond is not requesting authority to provide switched services over private lines to countries not previously authorized for this service. As a result, the requirements of Section 63.12(c)(1)(iii) are satisfied.

CONCLUSION

For all of the forgoing reasons, Cheyond respectfully requests that the Commission grant the request for international Section 214 authorization requested in this Application.

Respectfully submitted,

By:



Jonathan E. Canis, Esq.
Tannara E. Connor, Esq.
Wendy M. Creeden, Esq.
KELLEY DRYE & WARREN LLP
1200 19th Street, N.W.
Suite 500
Washington, D.C. 20036
(202) 955-9600

Its Attorneys

Dated: October 16, 2000

ATTACHMENT 1

CERTIFICATE

The undersigned hereby certifies, on behalf of Cbeyond Communications, LLC (“Cbeyond”), with respect to the foregoing application for authority to provide international service, that:

1. Cbeyond is not affiliated with any foreign carriers (as those terms are defined in Section 63.18(h)(1) of the Commission’s Rules).
2. Cbeyond has not agreed to accept special concessions directly or indirectly from any foreign carrier with respect to any U.S. international route where the foreign carrier possesses sufficient market power on the foreign end of the route to affect competition adversely in the U.S. market and will not enter into such agreements in the future.
3. No party to this application is subject to a denial of Federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 853(a).

By:  _____

Julia O. Strow
CBEYOND COMMUNICATIONS, LLC
320 Interstate North Parkway
Suite 300
Atlanta, Georgia 30339
(678) 424-2400

Vice President – Regulatory and Industry
Relations

Dated: August 31, 2000