

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

Nos. 05-4769, 05-5153, 06-1466, 06-1467

TIME WARNER TELECOM, Inc.,

Petitioner in No. 05-4769,

v.

FEDERAL COMMUNICATIONS COMMISSION; and
UNITED STATES OF AMERICA,

Respondents.

EARTHLINK INC.,

Petitioner in No. 05-5153,

v.

FEDERAL COMMUNICATIONS COMMISSION,

Respondent.

COMPTEL,

Petitioner in No. 06-1466,

v.

FEDERAL COMMUNICATIONS COMMISSION; and
UNITED STATES OF AMERICA,

Respondents,

MONTANA SKY NETWORKS INC,
d/b/a MONTANASKY.NET,

Intervenor.

ACN COMMUNICATIONS SERVICES INC.;
BROADWING COMMUNICATIONS, LLC.; INTEGRA TELECOM INC;
MCLEODUSA TELECOMMUNICATIONS SERVICES, INC.; MPOWER
COMMUNICATIONS CORP.; and PAC-WEST TELECOMM, INC.,

Petitioners in No. 06-1467,

v.

FEDERAL COMMUNICATIONS COMMISSION; and
UNITED STATES OF AMERICA

Respondents.

On Petition for Review of a Final Order of the
Federal Communications Commission

Argued March 16, 2007

Before: FUENTES, GREENBERG, and LOURIE,* Circuit Judges.

* Honorable Alan D. Lourie, United States Circuit Judge for the Federal Circuit,
sitting by designation.

ORDER AMENDING OPINION

FUENTES, Circuit Judge

IT IS NOW ORDERED that the published Opinion in the above case filed October 16, 2007, be amended as follows:

On page 16, footnote n. 8, line 2, should read: (1) Time Warner Telecom, Inc., which provides broadband Internet access services using local transmission lines, both self-deployed and leased from ILECs (“time Warner”)

On page 28, footnote n. 11, line 1, should read: Time Warner does not dispute that cable modem broadband providers are the clear market leader in the provision of broadband service to residential customers.

By the Court,

/s/ Julio M. Fuentes
Circuit Judge

DATED: October 26, 2007

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