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BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

2002 AUG 13 P 4: 39

1 WILLIAM A. MUNDELL  
2 CHAIRMAN  
3 JIM IRVIN  
4 COMMISSIONER  
5 MARC SPITZER  
6 COMMISSIONER

DOCKETED

AUG 13 2002

AZ CORP COMMISSION  
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7 JOINT APPLICATION OF ACSI LOCAL  
8 SWITCHED SERVICES, INC. D/B/A E.SPIRE  
9 AND AMERICAN COMMUNICATION  
10 SERVICES OF PIMA COUNTY, INC. D/B/A  
11 E.SPIRE AND XSPEDIUS MANAGEMENT CO.  
12 SWITCHED SERVICES, L.L.C., AND  
13 XSPEDIUS MANAGEMENT CO. OF PIMA  
14 COUNTY, L.L.C. FOR EXPEDITED APPROVAL  
15 OF (i) THE TRANSFER OF SUBSTANTIALLY  
16 ALL OF THE ASSETS, INCLUDING THE  
CUSTOMER CONTRACTS, OF THE E.SPIRE  
OPERATING ENTITIES TO THE XSPEDIUS  
OPERATING ENTITIES; (ii) THE  
DISCONTINUANCE OF TELECOMMUNI-  
CATIONS SERVICES IN ARIZONA BY THE  
E.SPIRE OPERATING ENTITIES

Docket No. T-03411A-02-0450  
T-03597A-02-0450  
T-04112A-02-0450  
T-04113A-02-0450

17 IN THE MATTER OF THE APPLICATION  
18 OF XSPEDIUS MANAGEMENT CO. OF  
19 PIMA COUNTY, L.L.C. FOR A  
20 CERTIFICATE OF CONVENIENCE AND  
NECESSITY TO PROVIDE INTRASTATE  
TELECOMMUNICATIONS SERVICES

Docket No. T-04112A-02-0451

21 IN THE MATTER OF THE APPLICATION  
22 OF XSPEDIUS MANAGEMENT CO.  
23 SWITCHED SERVICES, L.L.C. FOR A  
24 CERTIFICATE OF CONVENIENCE AND  
NECESSITY TO PROVIDE INTRASTATE  
TELECOMMUNICATIONS SERVICES

Docket No. T-04113A-02-0452

25 **NOTICE OF FILING OF AFFIDAVIT OF PUBLICATION**

26 Please take notice that ACSI Local Switched Services, Inc. dba e.spire and American  
27 Communication Services of Pima County, Inc. dba e.spire hereby file the attached Affidavit of

1 Publication from the Arizona Republic to verify that public notice was published regarding the  
2 above-referenced discontinuance of service.

3  
4 RESPECTFULLY SUBMITTED August 13, 2002.

5 ROSHKA HEYMAN & DEWULF, PLC

6  
7 By 

8 Michael W. Patten  
9 One Arizona Center  
10 400 East Van Buren Street, Suite 800  
11 Phoenix, Arizona 85004  
12 (602) 256-6100

13 Brad Mutschelknaus  
14 Enrico C. Soriano  
15 Leila M. Baheri  
16 KELLEY DRYE & WARREN LLP  
17 1200 19<sup>th</sup> Street, N.W., Fifth Floor  
18 Washington, D.C. 20036  
19 (202) 955-9866

20 Attorneys for ACSI Local Switched Services, Inc.;  
21 American Communication Services of Pima County  
22 Inc.; Xspedius Management Co. Switched Services,  
23 L.L.C.; Xspedius Management Co. of Pima County,  
24 L.L.C.

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ORIGINAL + 10 COPIES of the foregoing  
filed August 13, 2002, with:

Docket Control  
ARIZONA CORPORATION COMMISSION  
1200 West Washington  
Phoenix, Arizona 85007

ROSHKA HEYMAN & DEWULF, PLC  
ONE ARIZONA CENTER  
400 EAST VAN BUREN STREET - SUITE 800  
PHOENIX, ARIZONA 85004  
TELEPHONE NO 602-256-6100  
FACSIMILE 602-256-6800

**ROSHKA HEYMAN & DEWULF, PLC**  
ONE ARIZONA CENTER  
400 EAST VAN BUREN STREET - SUITE 800  
PHOENIX, ARIZONA 85004  
TELEPHONE: NO 602-256-6100  
FACSIMILE 602-256-6800

1 **COPIES** of the foregoing hand-delivered  
2 August 13, 2002, to:

3 Teena Wolfe, Esq.  
4 ALJ, Hearing Division  
5 ARIZONA CORPORATION COMMISSION  
6 1200 West Washington  
7 Phoenix, Arizona 85007

8 Christopher Kempley, Esq.  
9 Chief Counsel, Legal Division  
10 ARIZONA CORPORATION COMMISSION  
11 1200 West Washington  
12 Phoenix, Arizona 8500

13 John Bostwick  
14 Utilities Division  
15 ARIZONA CORPORATION COMMISSION  
16 1200 West Washington  
17 Phoenix, Arizona 8500

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# THE ARIZONA REPUBLIC

**NOTICE OF APPLICATION BY ACSI LOCAL SWITCHED SERVICES, INC. DBA WIRE AND AMERICAN COMMUNICATION SERVICES OF PIMA COUNTY, INC. DBA ESPIRE TO DISCONTINUE TELECOMMUNICATIONS SERVICES** (Docket Nos. 03411A-02-0450 et al.)

ACSI Local Switched Services, Inc. dba espire and American Communication Services of Pima County, Inc. dba espire (Applicants) have filed with the Arizona Corporation Commission (Commission) an application to discontinue their provision of telecommunications services in Arizona by transferring the provision of that service to Xspedius Management Co., L.L.C. and its Arizona operating entities. The Application is available for inspection during regular business hours at the offices of the Commission located at 1200 West Washington Street, Phoenix, Arizona 85007, and Applicants' address located at 7125 Columbia Gateway Drive, Suite 200, Columbia, MO 21046. Under Commission Rule C.R.14-2-1107, interested parties have thirty (30) days from the publication date of this notice to file objections to the Application, to request a hearing and to submit a motion to intervene in the proceeding. Persons desiring to intervene must file a written motion to intervene with the Commission and send such motion to the Applicant or its counsel and to all parties of record, and the written motion shall contain, at the minimum, the following:

1. The name, address, and telephone number of the proposed intervenor and of any party upon whom service of documents is to be made if different than the intervenor.
2. A short statement of the proposed intervenor's interest in the proceeding (e.g., a customer of the company, a shareholder of the company, a competitor, etc.).
3. A statement certifying that a copy of the motion to intervene has been mailed to the Applicant or its counsel and to all parties of record in the case.

A.A.C. R14-2-105 shall govern the granting of motions to intervene. The granting of intervention, among other things, entitles a party to present sworn evidence at the hearing and to cross-examine other witnesses. However, failure to intervene will not preclude any interested person or entity from appearing at a hearing and making a statement on their own behalf or submitting a written statement to the Commission.

If you have any objections, mail them to:  
The Arizona Corporation Commission  
Attention: Docket Control  
Re: ACS Local Switched Services, Inc. dba espire and American Communication Services of Pima County, Inc. dba espire  
T-03411A-02-0450 et al.  
1200 West Washington Street  
Phoenix, Arizona 85007

If you have any questions about this application, or want information on intervention, you may contact the Consumer Services Section of the Commission at 1200 West Washington Street, Phoenix, Arizona 85007 or call 1-800-222-7000.

The Commission does not discriminate on the basis of disability in admission to its public meetings. Persons with a disability may request a reasonable accommodations such as sign language interpreter, as well as request this document in an alternative format, by contacting Shelly Hood, ADA Coordinator, voice phone number 602/542-3931, E-Mail: shhood@cc.state.az.us. Requests should be made as early as possible to allow time to arrange the accommodation.

02464- July 30, 2002.

STATE OF ARIZONA }  
COUNTY OF MARICOPA } SS.

TOM BIANCO, being first duly sworn, upon oath deposes and says: That he is the legal advertising manager of the Arizona Business Gazette, a newspaper of general circulation in the county of Maricopa, State of Arizona, published at Phoenix, Arizona, by Phoenix Newspapers Inc., which also publishes The Arizona Republic, and that the copy hereto attached is a true copy of the advertisement published in the said paper on the dates as indicated.

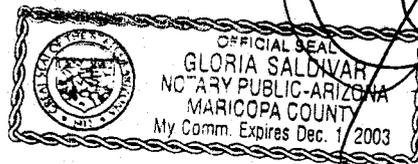
The Arizona Republic

07/30/2002

*[Handwritten signature]*

Sworn to before me this  
30<sup>TH</sup> day of  
July A.D. 2002

*[Handwritten signature: Gloria Saldívar]*



Notary Public