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ORIGINAL 28DR

ROSHKA HEYMAN & DEV

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ATTORNEYS AT LAW
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CEIVED

2002 SEP 16 P 2:27

AZ CORP COMMISSION
DOCUMENT CONTROL

September 16, 2002

VIA HAND DELIVERY

Mr. John Bostwick
Utilities Division
Arizona Corporation Commission
1200 West Washington
Phoenix, Arizona 85007

Arizona Corporation Commission
DOCKETED

SEP 16 2002

DOCKETED BY 

Re: *ACSI Local Switched Services, Inc. dba e.spire: American
Communication Services of Pima County, Inc. dba e.spire;
Xspedius Management Co. Switched Services, L.L.C.; and
Xspedius Management of Pima County, L.L.C.
Docket Nos. T-04112A-02-0450, T-04113A-02-0450, T-
03597A-02-0450, T-03411A-02-0450, T-04112A-02-0451
and T-04113A-02-0452*

Dear Mr. Bostwick:

Enclosed are the e.spire entities' responses to Staff's First Set of Data Requests in regard to the above-referenced dockets. As instructed, we are providing the original, plus sixteen (16) copies to Docket Control for filing.

Please call me if you have any questions.

Sincerely,

Michael W. Patten

MWP/djj
Enclosure

**ORIGINAL + 16 COPIES filed with
Docket Control**

ACSI LOCAL SWITCHED SERVICES, INC. DBA E.SPIRE . . . AND
XSPEDIUS MANAGEMENT CO. OF PIMA COUNTY, L.L.C.'S RESPONSES
TO STAFF'S FIRST SET OF DATA REQUESTS
DOCKET NOS. T-04112A-02-0450, T-04113A-02-0450, T-03597A-02-0450,
T-03411A-02-0450, T-04112A-02-0451 AND T-04113A-02-0452

SEPTEMBER 16, 2002

1. Provide verification that all affected customers have been notified of the proposed discontinuance of service or abandonment.

Response to No. 1: *See attached publication notice, which was filed with the Commission on August 13, 2002.*

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BEFORE THE ARIZONA CORPORATION COMMISSION

2002 AUG 13 P 4: 40

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

AZ CORP COMMISSION
DOCUMENT CONTROL

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
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17 1200 19th 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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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
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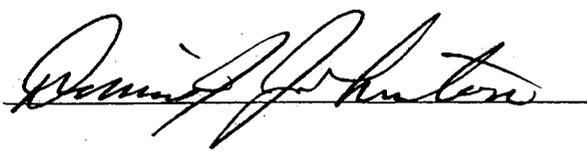
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COPIES of the foregoing hand-delivered
August 13, 2002, to:

Teena Wolfe, Esq.
ALJ, Hearing Division
ARIZONA CORPORATION COMMISSION
1200 West Washington
Phoenix, Arizona 85007

Christopher Kempley, Esq.
Chief Counsel, Legal Division
ARIZONA CORPORATION COMMISSION
1200 West Washington
Phoenix, Arizona 8500

John Bostwick
Utilities Division
ARIZONA CORPORATION COMMISSION
1200 West Washington
Phoenix, Arizona 8500



2464

THE ARIZONA REPUBLIC

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

ACSS 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 Xpedius 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 at Applicants' address located at 7125 Columbia Gateway Drive, Suite 200, Columbia, MD 21046.

Under Commission Rule A.A.C. R14-2-1107 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, 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 or 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. R14-3-105 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: ACSS Local Switched Services, Inc. dba espire
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 1-800-221-3000.

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 482/542-3931, E-Mail: shood@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.

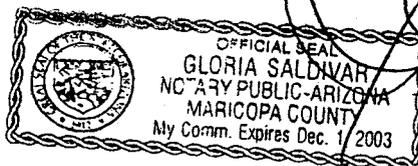
TOM BIANCO, being first duly sworn, upon oath deposes and says: That he is the legal advertising manager of the Arizona Business Gazette, a newspaper of general circulation in the county of Maricopa, State of Arizona, published at Phoenix, Arizona, by Phoenix Newspapers Inc., which also publishes The 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
30TH day of
July A.D. 2002



[Handwritten signature: Gloria Saldivar]

Notary Public

ACSI LOCAL SWITCHED SERVICES, INC. DBA E.SPIRE . . . AND
XSPEDIUS MANAGEMENT CO. OF PIMA COUNTY, L.L.C.'S RESPONSES
TO STAFF'S FIRST SET OF DATA REQUESTS
DOCKET NOS. T-04112A-02-0450, T-04113A-02-0450, T-03597A-02-0450,
T-03411A-02-0450, T-04112A-02-0451 AND T-04113A-02-0452

SEPTEMBER 16, 2002

2. Please describe the plan for the refund of deposits collected, if any, pursuant to subsection R14-2-503(B).

Response to No. 2: Pursuant to the court-approved transaction underlying this abandonment of service, deposits held on behalf of customers transferring to Xspedius will be transferred in conjunction with those customers' accounts. With respect to customers choosing to transfer to carriers other than Xspedius, following the transfer, ACSI will refund any customer deposits.

ACSI LOCAL SWITCHED SERVICES, INC. DBA E.SPIRE . . . AND
XSPEDIUS MANAGEMENT CO. OF PIMA COUNTY, L.L.C.'S RESPONSES
TO STAFF'S FIRST SET OF DATA REQUESTS
DOCKET NOS. T-04112A-02-0450, T-04113A-02-0450, T-03597A-02-0450,
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SEPTEMBER 16, 2002

3. Please provide a list of all alternative utilities providing the same or similar service within the affected geographic area.

Response to No. 3: Numerous telecommunications companies are certificated to provide similar services in the affected area and could provide service through resale of Qwest service. Applicants do not know all the companies that are actively marketing similar service in the affected area. However, Applicants understand that similar service is being offered by Qwest, AT&T, WorldCom, Time Warner, McLeodUSA and Xspedius.

ACSI LOCAL SWITCHED SERVICES, INC. DBA E.SPIRE . . . AND
XSPEDIUS MANAGEMENT CO. OF PIMA COUNTY, L.L.C.'S RESPONSES
TO STAFF'S FIRST SET OF DATA REQUESTS
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T-03411A-02-0450, T-04112A-02-0451 AND T-04113A-02-0452

SEPTEMBER 16, 2002

4. Have you received an objection to your filed application for discontinuance or abandonment of service?

Response to No. 4: No.