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AZ CORP COMMISSION
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SPITZER PROPOSED AMENDMENT # 1

TIME/DATE PREPARED 4:00 p.m./ August 19, 2002

COMPANY: ACSI LOCAL SWITCHED SERVICES, INC.

AGENDA ITEM NO. U-9

DOCKET NO. T-04112A-02-0450, et al.

OPEN MEETING DATE: August 20, 2002

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0452

PAGE 10, FINDING OF FACT 36, LINES 8 THROUGH 15

DELETE: Entire Paragraph BEGINNING WITH "The Xspedius Operating Entities" and ENDING WITH "the Xspedius Operating Entities."

INSERT: "In Decision No. 64740, the Commission adopted a policy which provides Arizona consumers a 90-day period after notice in which they can decide whether to discontinue service with a new service provider without penalty. The competing interests herein are between the entity that purchased assets, including customer accounts and the consumers' in their relationship with their original service provider.

We find that the interests of the consumers require us to continue with the policy adopted in Decision No. 64740. The identity of the service provider is wholly material and relevant to consumers and service providers alike. If it were not, entities would not use their identity as a marketing tool to induce consumers to switch service providers and consumers would not switch service providers for any reason other than economic gain. We find that the decisions and actions of service providers and consumers alike disprove the claim that 'identity of service provider' is not material to consumers. Therefore, Xspedius Operating Entities shall issue notice in accordance with A.A.C. R14-2-1107 and shall provide consumers a 90-day period from date of notice in which the consumer may elect to discontinue service without penalty."

Arizona Corporation Commission
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