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AZ CORP COMMISSION  
DOCKET CONTROL

July 10, 2008

**VIA OVERNIGHT DELIVERY**

Kay Kilger  
Supervisor  
Docket Control  
Arizona Corporation Commission  
1200 West Washington Street  
Phoenix, Arizona 85007-2927

Arizona Corporation Commission  
**DOCKETED**

JUL 11 2008

DOCKETED BY	<i>mm</i>
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Re: **Docket No. T-04194A-07-0624:** Responses of  
US LEC Communications Inc. to Staff's First Set of Data Requests

Dear Ms. Kilger:

US LEC Communications Inc., by the undersigned counsel, hereby submits its responses to the First Set of Data Requests issued by the Utilities Division by letter dated June 25, 2008. An original and 13 copies of this filing are enclosed. Kindly date-stamp the extra copy of this filing and return it to us in the self-addressed postage paid envelope provided. Please contact us if there are any questions regarding this filing.

Respectfully submitted,

Tony S. Lee  
Grace R. Chiu

Counsel to US LEC Communications Inc.

cc (via email):  
John Bostwick (Utilities)  
William A. Haas  
Judith Messenger

**US LEC COMMUNICATIONS INC.**  
**RESPONSES TO STAFF'S FIRST SET OF DATA REQUESTS**  
**Docket No. T-04194A-07-0624**  
**July 10, 2008**

JFB1-1                    *Please indicate the reason(s) for the proposed discontinuance of services or abandonment of service area.*

**RESPONSE:**            **US LEC requests cancellation of its Certificate of Convenience and Necessity ("CC&N") because it has no Arizona customers and no longer desires to offer service in Arizona. Because US LEC does not provide service to any customers in Arizona, cancellation of its CC&N will not involve a discontinuance of service or abandonment of service area.**

**RESPONDENT:**        Charles E. Sieving, Vice President and General Counsel/Secretary, US LEC Communications Inc., 600 WillowBrook Office Park, Fairport, NY 14450

**US LEC COMMUNICATIONS INC.**  
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**Docket No. T-04194A-07-0624**  
**July 10, 2008**

JFB1-2                    *Please provide a copy of the legal notice of the Application to cancel telecommunications services in all counties affected by the Application. Refer to Arizona Administrative Code ("A.A.C.") Rule R14-2-1107.*

**RESPONSE:**            **US LEC did not publish legal notice of the Application because it does not serve any customers in the State of Arizona and, therefore, no Arizona counties are affected by the relief sought in the Application. Because no Arizona counties are affected by the Application, US LEC requested in its Application a waiver of the requirement to publish legal notice of the Application.**

**RESPONDENT:**        Charles E. Sieving, Vice President and General Counsel/Secretary, US LEC Communications Inc., 600 WillowBrook Office Park, Fairport, NY 14450

**US LEC COMMUNICATIONS INC.**  
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**Docket No. T-04194A-07-0624**  
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JFB1-3

*Did the Applicant ever provide service in Arizona? If so, please indicate the date the last residential and/or business customers were served in Arizona.*

- a. If customers are not being served in Arizona, please provide an affidavit to that effect.*
- b. If service is currently provided to customers in Arizona, please provide the number of residential and business customers.*
- c. Does the Applicant have any service contracts with customers? If yes, please describe how the service contracts will be honored.*

**RESPONSE:**

**US LEC provided service to business customers in Arizona until September 30, 2007. US LEC did not provide service to residential customers in Arizona. Attached is the affidavit of Charles E. Sieving, an officer of US LEC, attesting that US LEC is not serving any customers in Arizona.**

**Regarding service contracts, US LEC had service agreements with customers covering the provision of service in Arizona and one or more other states. These agreements either have expired by their own terms or are unaffected by the Application because the customer either transferred its account to another carrier or ceased to require service in Arizona. In the case of customers transferred to US LEC's affiliate, PAETEC Communications, Inc. ("PAETEC"), PAETEC either honored the terms of the US LEC service contracts or offered terms equal to or better than those received by the customer under the service contract.**

**RESPONDENTS:**

**Charles E. Sieving, Vice President and General Counsel/Secretary, US LEC Communications Inc., 600 WillowBrook Office Park, Fairport, NY 14450, and S. Shane Turley, Deputy General Counsel – Corporate/Assistant Secretary, US LEC Communications, Inc., Morrocroft III, 6801 Morrison Boulevard, Charlotte, NC 28211**

**US LEC COMMUNICATIONS INC.**  
**RESPONSES TO STAFF'S FIRST SET OF DATA REQUESTS**  
**Docket No. T-04194A-07-0624**  
**July 10, 2008**

JFB1-4

*Please state whether customers were notified of the Applicant's discontinuance of telecommunications services.*

*a. If yes, please provide a copy of the customer notification sent and indicate the date that it was sent.*

*b. If no, please explain. Refer to A.A.C. Rule R14-2-1107.*

**RESPONSE:**

**No notification was sent because the Application does not involve the discontinuance of telecommunications services. US LEC ceased serving Arizona customers in September 2007. When US LEC filed the Application in October 2007, it no longer provided service to any customers in Arizona. The requirement to send notice of discontinuance is therefore inapplicable in this case because the cancellation of US LEC's CC&N will not involve a discontinuance of service and, moreover, there are no US LEC customers to whom such notification could be given.**

**RESPONDENT:**

Charles E. Sieving, Vice President and General Counsel/Secretary, US LEC Communications Inc., 600 WillowBrook Office Park, Fairport, NY 14450

**US LEC COMMUNICATIONS INC.**  
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**July 10, 2008**

JFB1-5

*Please state whether customers were notified of the Applicant's discontinuance of telecommunications services.*

*a. If yes, please provide a copy of the customer notification sent and indicate the date that it was sent.*

*b. If no, please explain. Refer to A.A.C. Rule R14-2-1107.*

**RESPONSE:** See response to JFB1-4.

**RESPONDENT:** Charles E. Sieving, Vice President and General Counsel/Secretary, US LEC Communications Inc., 600 WillowBrook Office Park, Fairport, NY 14450

**US LEC COMMUNICATIONS INC.**  
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JFB1-6

*Please provide the deposit refund plan pursuant to subsection A.A.C. R14-2-503(B).*

**RESPONSE:**

**Not applicable. US LEC did not collect any deposits nor did it collect any advances or prepayments from customers in Arizona.**

**RESPONDENT:**

Charles E. Sieving, Vice President and General Counsel/Secretary, US LEC Communications Inc., 600 WillowBrook Office Park, Fairport, NY 14450

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JFB1-7

*Does the Applicant have a performance bond? If yes, please indicate the amount.*

**RESPONSE:**

**No. US LEC does not have a performance bond.**

**RESPONDENT:**

Charles E. Sieving, Vice President and General Counsel/Secretary, US LEC Communications Inc., 600 WillowBrook Office Park, Fairport, NY 14450

**US LEC COMMUNICATIONS INC.**  
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JFB1-8

*Does the Applicant have any affiliates currently offering telecommunications services in Arizona? If yes, please provide the affiliate names.*

**RESPONSE:**

**Applicant has two affiliates that currently offer telecommunications services in Arizona: PAETEC Communications, Inc. and McLeodUSA Telecommunications Services, Inc. d/b/a PAETEC Business Services.**

**RESPONDENT:**

Charles E. Sieving, Vice President and General Counsel/Secretary, US LEC Communications Inc., 600 WillowBrook Office Park, Fairport, NY 14450

**US LEC COMMUNICATIONS INC.**  
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JFB1-9

*Has the Applicant transferred Arizona customers to other telecommunications carriers? If yes, please provide the names of the telecommunications carriers to whom the customers were transferred and the number of customers transferred to each carrier.*

**RESPONSE:**

**Prior to the filing of the Application, US LEC transferred the 12 customers it served in Arizona to an affiliate, PAETEC Communications, Inc.**

**RESPONDENT:**

Charles E. Sieving, Vice President and General Counsel/Secretary, US LEC Communications Inc., 600 WillowBrook Office Park, Fairport, NY 14450

**US LEC COMMUNICATIONS INC.**  
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JFB1-10                    *Please indicate the state(s) in which the Applicant currently operates.*

**RESPONSE:**            **US LEC currently operates in Indiana, Louisiana, New York, Ohio, Texas, and West Virginia.**

**RESPONDENT:**        S. Shane Turley, US LEC Communications, Inc., Deputy General Counsel  
– Corporate/Assistant Secretary, Morrocroft III, 6801 Morrison  
Boulevard, Charlotte, NC 28211

**US LEC COMMUNICATIONS INC.**  
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JFB1-11                      *Please identify the specific tariff(s) to be cancelled with this application.*

**RESPONSE:**              **US LEC requests cancellation of its Arizona intrastate interexchange telecommunications services tariff, Arizona CC No. 1, upon grant of the Application.**

**RESPONDENT:**          Charles E. Sieving, Vice President and General Counsel/Secretary, US LEC Communications Inc., 600 WillowBrook Office Park, Fairport, NY 14450

**US LEC COMMUNICATIONS INC.**  
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JFB1-12

*Does the Applicant have any employees in Arizona? If so, please provide the number of employees.*

**RESPONSE:**           **No. US LEC has no employees in Arizona.**

**RESPONDENT:**       Charles E. Sieving, Vice President and General Counsel/Secretary, US  
LEC Communications Inc., 600 WillowBrook Office Park, Fairport, NY  
14450

**US LEC COMMUNICATIONS INC.**  
**RESPONSES TO STAFF'S FIRST SET OF DATA REQUESTS**  
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JFB1-13

*Does the Applicant have any facilities or assets in Arizona? If yes, please provide the dollar amount and location of such facilities or assets.*

**RESPONSE:**           **No. US LEC has neither facilities nor assets in Arizona.**

**RESPONDENT:**       Charles E. Sieving, Vice President and General Counsel/Secretary, US  
LEC Communications Inc., 600 WillowBrook Office Park, Fairport, NY  
14450

**US LEC COMMUNICATIONS INC.**  
**RESPONSES TO STAFF'S FIRST SET OF DATA REQUESTS**  
**Docket No. T-04194A-07-0624**  
**July 10, 2008**

JFB1-14                    *If the applicant has any open docket items pending before the Commission, please identify such dockets and explain their status.*

**RESPONSE:**            **US LEC has no open docket items pending before the Commission.**

**RESPONDENT:**        Charles E. Sieving, Vice President and General Counsel/Secretary, US LEC Communications Inc., 600 WillowBrook Office Park, Fairport, NY 14450

**US LEC COMMUNICATIONS INC.**  
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JFB1-15                    *Please contact the Compliance and Enforcement Section of the Utilities Division of the Arizona Corporation Commission to determine the Applicant's compliance status.*

**RESPONSE:**            **In an email dated July 9, 2008, Carmel Hood of the Compliance and Enforcement Section of the Utilities Division of the Commission reported that the Commission's Compliance Database indicates that there are currently no delinquencies for US LEC Communications Inc.**

**RESPONDENT:**        Charles E. Sieving, Vice President and General Counsel/Secretary, US LEC Communications Inc., 600 WillowBrook Office Park, Fairport, NY 14450

**BEFORE THE  
ARIZONA CORPORATION COMMISSION**

In the Matter of )  
)  
)

**US LEC COMMUNICATIONS INC.** )  
)

Application For Approval To Relinquish )  
Certificate of Convenience and Necessity )  
To Provide Resold Interexchange Services )  
)

Docket No. T-04194A-07-0624

**AFFIDAVIT**

STATE OF NEW YORK )

COUNTY OF MONROE )

SS:

Charles E. Sieving, being of full age and duly sworn according to law, does hereby depose and state as follows:

1. I am Vice President – General Counsel/Secretary of US LEC Communications Inc., the applicant in the above-captioned matter. I am familiar with the nature and contents of the above referenced application. I make this affidavit in support of US LEC's responses to the Staff's First Set of Data Requests issued in the above referenced docket ("Responses").

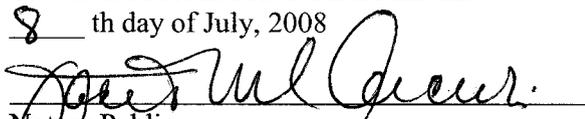
2. I attest that I have read the Responses and know the contents thereof; and that the same are true of my own knowledge, except as to those matters therein stated upon information and belief, and as to those matters I believe them to be true.

3. In response to Data Request No. JFB1-3, I further attest that US LEC is not providing intrastate telecommunications services to customers in the State of Arizona.

  
\_\_\_\_\_  
Charles E. Sieving  
US LEC Communications Inc.

Sworn and subscribed to before me this

8 th day of July, 2008

  
\_\_\_\_\_  
Notary Public

JANET M. ARCURI  
Notary Public, State of New York  
No. 01AR4781757  
Qualified in Monroe County  
Commission Expires June 30, 2011