

WILLIAM D. STEINMEIER, P.C.

2031 TOWER DRIVE

JEFFERSON CITY, MISSOURI (MO) 65109

WILLIAM D. STEINMEIER  
ATTORNEY AT LAW  
GOVERNMENTAL CONSULTANT  
(573) 659-8672  
FAX (573) 636-2305

MAILING ADDRESS:  
POST OFFICE BOX 104595  
JEFFERSON CITY, MISSOURI (MO)  
65110-4595

MARY ANN YOUNG  
ATTORNEY AT LAW  
OF COUNSEL  
(573) 634-8109  
FAX (573) 634-8224

June 24, 2002

Mr. Dale Hardy Roberts  
Missouri Public Service Commission  
P.O. Box 360  
Jefferson City, MO 65102

RE: TA-2002-\_\_\_\_\_

Application of Xspedius Management Co. of Kansas City, LLC, for a Certificate of Service Authority to Provide Interexchange and Non-Switched Local Exchange Telecommunications Service

Dear Mr. Roberts:

Enclosed for filing on behalf of Xspedius Management Co. of Kansas City, LLC please find an original and eight (8) copies of a "**MOTION FOR EXPEDITED TREATMENT**" relating to the Application for Certificate of Service Authority filed simultaneously herewith.


Please see that this filing is brought to the attention of the appropriate Commission personnel.

Copies of this filing are being hand-delivered, or sent via postage-prepaid U.S. mail, to the Office of Public Counsel and the Commission's General Counsel's office.

Thank you for your cooperation and assistance in this matter.

Sincerely,

WILLIAM D. STEINMEIER, P.C.

By:   
William D. Steinmeier

Enclosures

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI**

In the Matter of the Application of )  
 )  
**Xspedius Management Co. of Kansas City LLC** )  
 )  
For Authority to Provide Intrastate Interexchange and ) **Case No. TA-2002-\_\_\_\_\_**  
Non-Switched Local Exchange Telecommunications )  
Services in the State of Missouri )

**MOTION FOR EXPEDITED TREATMENT**

---

COMES NOW Xspedius Management Co. of Kansas City, LLC (“Xspedius” or “Applicant”), by their undersigned counsel, and pursuant to 4 CSR 240-2.080 (16), state the following to the Missouri Public Service Commission (the “Commission”):

1. The present application is a companion to two other applications filed simultaneously. One was filed by Xspedius Management Co. Switched Services, LLC for authority to provide competitive basic local exchange telecommunications services in Missouri. That application, and the instant one, are referred to as the “Telecommunications Applications”. The other was filed by ACSI Local Switched Services, Inc. and American Communication Services of Kansas City, Inc. (the “e.spire Operating Entities”), and Xspedius Management Co. Switched Services, LLC and Xspedius Management Co. of Kansas City, LLC, (the “Xspedius Operating Entities”), as Joint Applicants, seeking Commission authority to transfer virtually all the assets of the e.spire Operating Entities to Xspedius (the “Asset Transfer Application”). Expedited treatment is being sought, by separate motions in each case, of both the Telecommunications Applications and the Asset Transfer Application.

2. As explained in the Asset Transfer Application, the bankruptcy of the e.spire Operating Entities has rendered it unstable and unless the customer base is

transferred promptly there is the risk that service quality will degrade or service will be interrupted to the detriment of the e.spire Operating Entities' customers.

3. Joint Applicants are requesting that the Commission grant expedited consideration of this application and enter its order approving the same as soon as practically possible. The anticipated date for the transfer of assets from the e.spire Operating Entities to the Xspedius Operating Entities is July 8, 2002, or as soon thereafter as the necessary governmental approvals can be obtained. Thus, the Joint Applicants, in the Joint Application in this matter, expressed their hope that the Commission could grant approval of the transfer by June 30, 2002. The Joint Applicants recognize and appreciate that this would be an extremely quick turnaround, but are trying to accomplish closing as soon as absolutely possible in order to avoid any degradation of service or service quality due to e.spire's financial condition. In rendering its approval on an accelerated basis, the customers of the e.spire Operating Entities will not face the risk of poor quality of service, interruption or disconnection which might occur as a consequence of e.spire's financial status.

4. To ensure a seamless transition and avoid customer confusion or inconvenience, written notification by letter was sent to the affected e.spire Operating Entities customers at least thirty (30) days prior to the transfer, explaining the change in service provider in accordance with applicable FCC and state requirements for changing a customer's presubscribed carrier; a copy of that notification is attached to the Asset Transfer Application as *Exhibit B*.

5. There will be no negative effect on e.spire Operating Entities' customers or the general public if the Commission grants all expedited relief sought herein as soon as practically possible.

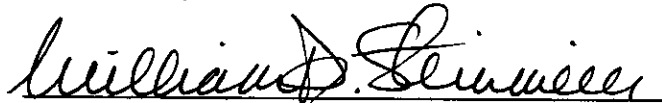
6. For these reasons, good cause exists for the expedited treatment of the application.

7. This pleading was filed simultaneously with the application to which it

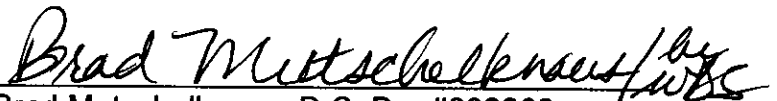
relates, and therefore was filed as soon as it could have been filed. The transaction was approved by the Bankruptcy Court on June 5, 2002. The large number of entities and jurisdictions involved in this transaction, highlighted in a footnote in the Joint Application, has made the legal logistics difficult to accomplish more quickly. Application processes similar to those initiated here are also being undertaken in many other jurisdictions simultaneously.

8. WHEREFORE, Xspedius respectfully requests the Commission to expedite its consideration of the application herein.

Respectfully submitted,



William D. Steinmeier Mo. Bar #25689  
Mary Ann (Garr) Young Mo. Bar # 27951  
WILLIAM D. STEINMEIER, P.C.  
2031 Tower Drive  
P.O. Box 104595  
Jefferson City, MO 65110-4595  
Tel.: (573) 659-8672  
Fax: (573) 636-2305  
E-mail: wds@wdspc.com



Brad Mutschelknaus D.C. Bar #332262  
Enrico C. Soriano D.C. Bar #451810  
Winafred Brantl VA Bar #46683  
KELLEY DRYE & WARREN LLP  
1200 19<sup>th</sup> Street, N.W., Fifth Floor  
Washington, D.C. 20036  
(202) 955-9600  
(202) 955-9792 (facsimile)  
bmutschelknaus@kelleydrye.com  
esoriano@kelleydrye.com  
WBrantl@kelleydrye.com

COUNSEL FOR XSPEDIUS MANAGEMENT  
CO. OF KANSAS CITY, LLC

Certificate of Service

I hereby certify that a copy of this document has been hand delivered or mailed by first class mail, postage prepaid, to the Office of the General Counsel of the Missouri Public Service Commission, and to the Office of Public Counsel, on this 24<sup>th</sup> day of June 2002.

  
William D. Steinmeier