

**BEFORE THE  
MISSOURI PUBLIC SERVICE COMMISSION**

Application of	)	
	)	
	)	
<b>AboveNet Communications, Inc.</b>	)	
	)	Case No. _____
For Approval to Cancel its Certificate of	)	
Service Authority and Withdrawal of Tariff(s)	)	
	)	

**APPLICATION FOR THE CANCELLATION OF CERTIFICATE OF SERVICE  
AUTHORITY AND WITHDRAWAL OF TARIFF(S)**

COMES NOW AboveNet Communications, Inc. (the “Company”), pursuant to Section 392.410.5 RSMo and the Rules of the Missouri Public Service Commission (“Commission”), and hereby requests the Commission cancel its Certificate of Service Authority (“CSA”) as well as any approved tariff. In support of its request, the Company states the following:

1. AboveNet Communications, Inc. is a Delaware corporation and a wholly-owned indirect subsidiary of Zayo Group, LLC (“Zayo”). AboveNet’s principal place of business is 400 Centennial Parkway, Suite 200, Louisville, Colorado 80027. A copy of the Company’s Certificate of Authority to Transact Business is provided as Exhibit A. A copy of the Company’s Certificate of Good Standing from the Missouri Secretary of State is provided hereto as Exhibit B.

2. The name and address of the Company’s representatives to whom correspondence and communications pertaining to this Application should be addressed are:

Mark W. Comley  
Newman, Comley & Ruth P.C.  
601 Monroe Street, Suite 301  
P.O. Box 537  
Jefferson City, Missouri 65102-0537  
573-634-2266 ext. 301 (tel)  
573-636-3306 (fax)  
comleym@ncrpc.com

For the Company:

Jill Sandford  
Associate General Counsel  
Zayo Group, LLC  
360 Hamilton Avenue  
White Plains, NY 10601  
914-421-7585 (tel)  
914-421-6793 (fax)  
[jill.sandford@zayo.com](mailto:jill.sandford@zayo.com)

with copies to:

Jean L. Kiddoo  
Brett P. Ferenczak  
Bingham McCutchen LLP  
2020 K Street, N.W., Suite 1100  
Washington, DC 20006-1806  
202-373-6000 (tel)  
202-373-6001 (fax)  
[jean.kiddoo@bingham.com](mailto:jean.kiddoo@bingham.com)  
[brett.ferenczak@bingham.com](mailto:brett.ferenczak@bingham.com)

3. The Company's contact for any outstanding regulatory obligations is:

Tim Gentry  
Corporate Controller  
Zayo Group, LLC  
400 Centennial Parkway, Suite 200  
Louisville, CO 80027  
303-381-4662 (tel)  
303-226-5922 (fax)  
[tim.gentry@zayo.com](mailto:tim.gentry@zayo.com)

4. In Missouri, the Company is authorized to provide non-switched local exchange and interexchange telecommunications services pursuant to the Certificate of Service Authority ("CSA") granted by the Commission in Case No. TA-2000-335.<sup>1</sup>

5. The Company does not provide telecommunications services in Missouri and has no intention of doing so in the future. The Company, therefore, no longer requires its CSA.

6. Because the Company does not serve any customers or have any active operations in Missouri, the Company respectfully submits that the surrender and cancellation of its CSA and withdrawal of its tariff(s) are reasonable and necessary.

7. The Company states that, to the best of its knowledge, (1) there are no annual reports or assessment fees that are overdue for the Company in Missouri and (2) the Company does not have any pending action or unsatisfied final judgments or decisions against it in any

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<sup>1</sup> The certificate was originally granted in the name of Metromedia Fiber Network Services, Inc., which subsequently changed its name to AboveNet.

state, federal agency or court which involves customers service or rates, which has occurred within three years of this Application.

8. The Commission has the authority to cancel a CSA pursuant to Section 392.410.5 RSMo (Supp. 2011), which provides that:

Any certificate of service authority may be altered or modified by the commission after notice and hearing, upon its own motion or upon application of the person or company affected.

However, the Commission need not hold a hearing if, after proper notice and opportunity to intervene, no party requests such a hearing.

WHEREFORE, the Company respectfully requests that the Commission grant this Application and cancel the Certificate of Service Authority AboveNet Communications, Inc. and withdraw its approved tariff(s) on file, together with such other and further relief as is necessary or convenient to affording the relief herein requested.

Respectfully submitted,

/s/ Mark W. Comley

Mark W. Comley #28847  
Newman, Comley & Ruth P.C.  
601 Monroe Street, Suite 301  
P.O. Box 537  
Jefferson City, Missouri 65102-0537  
573-634-2266 ext. 301 (tel)  
573-636-3306 (fax)  
comley@ncrpc.com

Counsel to the Company

Dated: November 15, 2012

Certificate of Service

I hereby certify that a true and correct copy of the above and foregoing document was sent via e-mail on this 15th day of November, 2012, to General Counsel's Office at gencounsel@psc.mo.gov; and Office of Public Counsel at opcservice@ded.mo.gov.

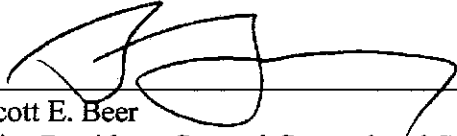
/s/ Mark W. Comley

STATE OF COLORADO  
COUNTY OF BOULDER

§  
§  
§

**VERIFICATION**

I, Scott E. Beer, am Vice President, General Counsel and Secretary of Zayo Group, LLC and its subsidiaries (collectively, the "Company"); that I am authorized to make this Verification on behalf of the Company; that the foregoing filing was prepared under my direction and supervision; and that the contents are true and correct to the best of my knowledge, information, and belief.

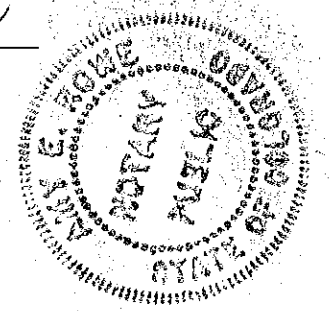
  
\_\_\_\_\_  
Scott E. Beer  
Vice President, General Counsel and Secretary  
Zayo Group, LLC

Sworn and subscribed before me this 7<sup>th</sup> day of November, 2012.

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

My Commission Expires  
08/24/2014

My commission expires \_\_\_\_\_



**EXHIBIT A**

Certificate of Authority to Transact Business

# STATE OF MISSOURI



Matt Blunt  
Secretary of State

## AMENDED CERTIFICATE OF AUTHORITY OF A FOREIGN CORPORATION

WHEREAS,


*ABOVENET COMMUNICATIONS, INC.*  
F00474349

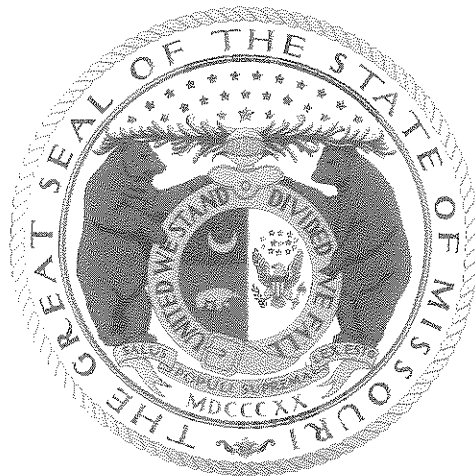
FORMERLY,

*METROMEDIA FIBER NETWORK SERVICES, INC.*

incorporated under the laws of the State of Delaware and now in existence and in good standing in said State, and qualified to transact business in Missouri has delivered to me, duly authenticated evidence of an amendment to its Articles of Incorporation as provided by law, and has, in all respects, complied with the requirements of The General and Business Corporation Law of Missouri, governing Amendments to the Articles of Incorporation of Foreign Corporations, and in accordance therewith issue this Certificate of Amendment.

IN TESTIMONY WHEREOF, I have set  
my hand and imprinted the GREAT SEAL  
of the State of Missouri, on this, the 17th  
day of September, 2003.

  
Secretary of State





T0326007150



File Number: 200326121105

Charter # F00474349

Date Filed: 09/17/2003 11:21 AM

Matt Blunt

Secretary of State

Corp.  
P.O. Box 1787 600 W. Main Street, RM 322  
Jefferson City, MO 65102

**Application for an Amended Certificate of  
Authority for a Foreign Corporation**

(Submit in duplicate with filing fee of \$25.00)

The below corporation, relating to amending its certificate of authority of Foreign Corporation, does hereby state:

- (1) Its name is: Metromedia Fiber Network Services, Inc.  
and is incorporated in the State of: Delaware; and it  
was qualified in the State of Missouri on September 20, 1999  
(month/day/year)
- (2) By appropriate corporate action on: August 29, 2003, the corporation:  
(month/day/year)

- (1) Changed its corporate name to: AboveNet Communications, Inc.  
Name it will use in Missouri if new name not available: \_\_\_\_\_
- (2) Changed its period of duration to: \_\_\_\_\_
- (3) Changed the state or country of its incorporation to: \_\_\_\_\_

- (3) There is attached hereto a Certificate of the Secretary of State of the State of Delaware  
relating to the amendment(s), set forth in item 2 above and showing that the Corporation is in existence and in  
good standing in said State.
- (4) The effective date of this document is the date it is filed by the Secretary of State of Missouri, unless you indicate  
a future date, as follows: \_\_\_\_\_  
(Date may not be more than 90 days after the filing date in this office)

In affirmation thereof, the facts stated above are true.

[Signature] Robert Sokol Sub General Counsel 9/12/03  
(Authorized Signature) (Printed Name) (Title) (month/day/year)

Attached is an original current certificate attesting to the change, duly authenticated by the secretary of state or  
other official having custody of corporate records in the state or country of incorporation.

**EXHIBIT B**

Certificate of Good Standing



# STATE OF MISSOURI



Robin Carnahan  
Secretary of State

**CORPORATION DIVISION  
CERTIFICATE OF GOOD STANDING**

I, ROBIN CARNAHAN, Secretary of the State of Missouri, do hereby certify that the records in my office and in my care and custody reveal that

**ABOVENET COMMUNICATIONS, INC.**

using in Missouri the name

**ABOVENET COMMUNICATIONS, INC.  
F00474349**

a DELAWARE entity was created under the laws of this State on the 20th day of September, 1999, and is in good standing, having fully complied with all requirements of this office.

IN TESTIMONY WHEREOF, I have set my hand and imprinted the GREAT SEAL of the State of Missouri, on this, the 9th day of November, 2012

A handwritten signature in cursive script that reads "Robin Carnahan".

Secretary of State

