

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

In the Matter of the Joint Application of )  
**Xspedius Management Co. of Kansas City,** )  
**LLC** )  
and )  
**Xspedius Management Co. Switched** ) Case No. TM-2007-0472  
**Services LLC** )  
For Approval of a Merger, and Approval of a )  
Name Change of the Surviving Corporation to )  
**Time Warner Telecom of Kansas City LLC** )

In the Matter of the Application of )  
**Xspedius Management Co.** )  
**of Kansas City, LLC** )  
for a Certificate of Service Authority ) Case No. CA-2007-0473  
to provide Basic Local Telecommunications )  
Services in portions of the State of Missouri )  
and to Classify Said Services and the )  
Company as Competitive )

**SUPPLEMENT TO APPLICATIONS**

**COME NOW Xspedius Management Co. of Kansas City, LLC** ("Xspedius KC", and Applicant in Case No. CA-2007-0473), and **Xspedius Management Co. Switched Services, LLC** ("Xspedius Switched Services"), (collectively referred to as "Joint Applicants" in Case No. TM-2007-0472), by their undersigned counsel, and hereby submit this *Supplement to Applications* in these cases.

**Missouri Secretary of State Certificate**

1. The Missouri Secretary of State certificate of registration of the Time Warner Telecom of Kansas City LLC name has been delayed, but will be submitted as a separate Supplement to Application as soon as it is available. Joint Applicants understand that Staff will be unable to file its recommendation in these cases until that filing is made.

## Tariff Adoptions and Revisions

2. In Paragraph 17 of its *Application for Certificate of Service Authority and for Competitive Classification* filed in Case No. CA-2007-0473 on June 7, 2007, Applicant Xspedius KC acknowledged 4 CSR 240-3.510(1)(C), and stated that it would be adopting the basic local exchange tariff of Xspedius Management Co. Switched Services, LLC. A sample, proposed Adoption Notice was filed contemporaneously with the *Application* on June 7. That paragraph of the *Application* also stated: “In light of the desire of Applicant to adopt the new name of Time Warner of Kansas City LLC immediately upon approval of both this Application and the accompanying Joint Application for approval of the merger of Xspedius KC and Xspedius Switched Services and of the name change, the Adoption Notice reflects the new name (Time Warner Telecom of Kansas City LLC).”

3. In Paragraph 13 of their *Joint Application* filed in Case No. TM-2007-0472 on June 7, 2007, Joint Applicants requested the Commission’s approval to change the name of the surviving entity, Xspedius Management Co. of Kansas City, LLC, to a new name, “Time Warner Telecom of Kansas City LLC”. The same paragraph stated that “the adoption notices and/or revised tariff title sheets necessary to accomplish this name change will also be late-filed.”

4. On June 29, 2007, Xspedius KC filed in Case No. CA-2007-0473, and in the Commission’s EFIS tariff tracking system, an Original Adoption Notice and a 1<sup>st</sup> Revised Sheet No. 1, by which Xspedius KC seeks to adopt the CLEC tariff of Xspedius Switched Services (Mo. PSC No. 4) and change the name to “Time

Warner Telecom of Kansas City, LLC.” This tariff filing was assigned tariff tracking number YC-2007-0961.

5. On June 29, 2007, Xspedius KC filed in Case No. TM-2007-0472, and in the Commission’s EFIS tariff tracking system, an Original Adoption Notice and a 1<sup>st</sup> Revised Sheet No. 1, by which Xspedius KC seeks to adopt the interexchange services tariff of Xspedius Switched Services (Mo. PSC No. 5) and change the name to “Time Warner Telecom of Kansas City, LLC.” This tariff filing was assigned tariff tracking number YX-2007-0962.

6. Also on July 12, 2007, Xspedius KC filed in Case No. TM-2007-0472, and in the Commission’s EFIS tariff tracking system, a First Revised Title Page, by which Xspedius KC proposes a name change on its Access Services Tariff (Mo. PSC No. 6) to “Time Warner Telecom of Kansas City, LLC.” This tariff filing was assigned tariff tracking number YX-2008-0018.

7. Also on July 12, 2007, Xspedius KC filed in Case No. TM-2007-0472, in Case No. CA-2007-0473, and in the Commission’s EFIS tariff tracking system, an Original Adoption Notice and a First Revised Title Page by which Xspedius KC seeks to adopt the local exchange services tariff of Xspedius Switched Services (MO PSC No. 7) and change the name to “Time Warner Telecom of Kansas City, LLC.” This tariff filing was assigned tariff tracking number YX-2008-0027.

### **Tariff Cancellation**

8. Xspedius KC hereby requests that upon transfer of assets pursuant to a Commission Order approving the merger and name change in TM-2007-

0472, the Commission also order the cancellation of its PSC MO Tariff No. 1 in its entirety. There are currently no customers served under that tariff, and the surviving entity does not desire to offer those services in the future.

### **Tariff Summary**

9. With the foregoing filings, Joint Applicants hope to accomplish, and believe they have accomplished, the following: (1) Adoption by Xspedius of Kansas City of Tariffs No. 4, 5 and 7 of Xspedius Switched Services; (2) cancellation of Xspedius KC Tariff No. 1; and (5) changing the name on all operative Xspedius tariffs (4, 5, 6 and 7) to “Time Warner Telecom of Kansas City LLC.”

### **Fictitious Name of Joint Applicants Since 2003**

10. Joint Applicants, collectively, and Xspedius KC individually, also state for the Commission’s information that each has operated in Missouri, since 2003 and with the authority of the Commission, under an identical fictional name, “Xspedius Communications.” Since that time, all Xspedius billing for both entities has been done under the “Xspedius Communications” name. Thus, customers of the company are generally unaware that there have been two separate Xspedius entities, or with which they have service.

11. The name change for Xspedius KC was approved in Case No. XN-2003-0463 in an *Order Recognizing Change of Corporate Name and Order Approving Revised Tariff* issued by the Commission on May 16, 2003 (effective May 29, 2003). The name change for Xspedius Switched Services was approved in Case No. XN-2003-0458 in an *Order Recognizing Adoption of*

*Fictitious Name and Approving Tariff* issued by the Commission on May 27, 2003 (effective May 28, 2003).

12. Xspedius KC believes these facts add weight to the *Application for Waiver* filed in Case No. CA-2007-0473 on June 28, 2007. As stated therein, the CLEC Application in Case No. CA-2007-0473 is only necessitated by Applicant's understanding that certificate of service authority may not be transferred in Missouri. The fact that the entities being formally consolidated have long been operating under the same fictitious corporate name, "Xspedius Communications," further suggests that the facts of CA-2007-0473 are far different from the typical CLEC application of a start-up company.

**WHEREFORE**, Xspedius Management Co. of Kansas City, LLC and Xspedius Management Co. Switched Services, LLC respectfully submit their *Supplement to Applications* in these cases.

Respectfully submitted,

***/s/ William D. Steinmeier***

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and XSPEDIUS MANAGEMENT CO.  
SWITCHED SERVICES, LLC

Dated: July 13, 2007

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of this document has been electronically transmitted to the Office of the General Counsel of the Missouri Public Service Commission, and to the Office of Public Counsel, on this 13th day of July 2007.

*/s/ William D. Steinmeier*

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William D. Steinmeier