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August 26, 2002

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

**FILED<sup>2</sup>**  
AUG 26 2002  
Missouri Public  
Service Commission

**RE: LA-2003-0001**

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

Dear Mr. Roberts:

Enclosed please find an original and eight copies of the Motion for Expedited Treatment for Approval of Concurrence Notice and Tariff Sheets of Xspedius Management Co. Switched Services, LLC for filing with the Commission in the above-referenced case. Also enclosed are an original and eight copies of the following tariff sheets:

For Xspedius Management Co. Switched Services, LLC's concurrence in the tariff of ACSI Local Switched Services, Inc. (Missouri P.S.C. Tariff No. 1): Original Concurrence Notice, Tariff Cover Sheet (Original Page No. 1), Waiver Tariff Sheet (Original Page No. 2), and Tariff Concurrence (Original Page No. 3).


For Xspedius Management Co. Switched Services, LLC's concurrence in the tariff of American Communication Services of Kansas City, Inc. (P.S.C. MO. No. 2): Original Concurrence Notice, Tariff Cover Sheet (Original Page 1), and Tariff Concurrence (Original Page 2).

These tariff sheets are filed per the Commission's Order Granting Temporary Certificate of Service Authority in this case. Cover letters are provided with each of the eight copies for explanatory purposes.

Thank you for assistance in processing this filing. Copies are being served on the Commission's General Counsel and Office of the Public Counsel.

Please contact me at 659-8672 if there are any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "William D. Steinmeier". The signature is written in a cursive style with a large initial "W".

William D. Steinmeier

Enclosure

cc: General Counsel  
Office of the Public Counsel  
Mr. Leon Nowalsky

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

**FILED<sup>2</sup>**  
AUG 26 2002

Missouri Public  
Service Commission

In the Matter of the Application of )  
)  
**Xspedius Management Co. Switched** )  
**Services, LLC** )  
)  
For Authority to Provide Intrastate Interexchange and )  
Local Exchange Telecommunications Services in the )  
State of Missouri and Competitive Classification )

Case No. LA-2003-0001

**MOTION FOR EXPEDITED TREATMENT FOR APPROVAL  
OF CONCURRENCE NOTICE AND REVISED TARIFF SHEETS**

COMES NOW Xspedius Management Co. Switched Services, LLC ("Xspedius Switched"), by and through counsel and pursuant to 4 CSR 240-2.080(17), and for its Motion for Expedited Treatment for Approval of Concurrence Notice and Revised Tariff Sheets ("Motion"), states as follows:

1. On July 15, 2002, the Commission issued an Order Granting Temporary Certificate of Service Authority ("Order") in this case. The Order required Xspedius Switched to file a tariff "at least seven days before the transfer of assets and customers, with the transfer date as the proposed effective date."

2. Contemporaneous with this Motion, Xspedius Switched is filing the required notice of concurrence and tariff sheets to concur in the following tariffs: Missouri P.S.C. Tariff No. 1 of ACSI Local Switched Services, Inc.; and P.S.C. MO. No. 2 of American Communication Services of Kansas City, Inc.

3. The Commission's rules require that the concurrence notice and tariff sheets have an effective date not fewer than thirty (30) days after the filing date.

4. The thirty (30) day adoption notice and revised tariff sheet approval process creates a practical problem. The sale of e.spire's assets to Xspedius was approved by the Bankruptcy Court to be accomplished by July 8, 2002, or as soon

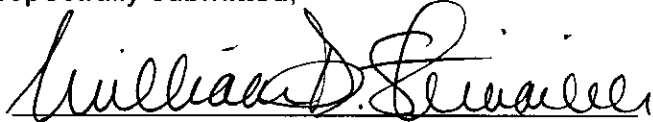
thereafter as all necessary regulatory approvals could be obtained. Although the Missouri Commission was exceedingly swift in its approval of the transfer and the granting of temporary certificates of service authority, the regulatory approvals required from other jurisdictions have delayed the consummation of the transaction . However, this closing is now expected to occur on or about September 2, 2002. It is important that Xspedius Switched be in a position to provide service to its acquired customers as soon as the closing occurs. In order for Xspedius Switched to begin providing service to the transferred customers, it must have an effective tariff. Therefore, the effective date on the adoption notice and revised tariff sheets filed herewith is September 3, 2002, which is less than thirty (30) days following filing.

5. The Commission has already granted Xspedius Switched expedited treatment in this case and for the underlying and related cases, Case Nos. TM-2002-1155, XA-2002-1154, and CA-2002-1153, and it would be consistent with the Commission's other actions for it to permit the tariffs to take effect on less than thirty (30) days notice.

6. Further, granting this Motion will in no way be detrimental to the customers being transitioned to Xspedius Switched or to any party in this uncontested case; in fact, it will ensure a seamless, uninterrupted transition of service from e.spire to Xspedius Switched for the benefit of the customers.

WHEREFORE, for the reasons stated above, Xspedius Switched respectfully moves the Commission to grant expedited treatment of Xspedius Switched's tariff concurrence notice and revised tariff sheets pursuant to 4 CSR 240-2.065(2).

Respectfully submitted,



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Mary Ann (Garr) Young Mo. Bar # 27951  
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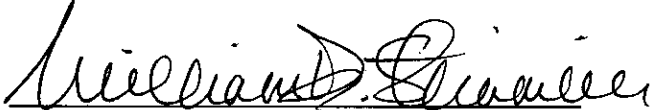
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COUNSEL FOR XSPEDIUS MANAGEMENT  
CO. SWITCHED SERVICES LLC

Dated: August 26, 2002

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 Public Counsel and the General Counsel's office on this 26<sup>th</sup> day of August, 2002.

  
William D. Steinmeier

**CONCURRENCE NOTICE**

Pursuant to Orders of the Missouri Public Service Commission, issued in Case Nos. TM-2002-1155 and LA-2003-0001, Xspedius Management Co. Switched Services, LLC was authorized to provide the same services provided under the interexchange and local exchange tariffs of ACSI Local Switched Services, Inc. and American Communication Services of Kansas City, Inc. ("e.spire").

Xspedius Management Co. Switched Services, LLC hereby concurs in, ratifies and makes its own, in every respect as if the same had been originally filed by it, Missouri P.S.C. Tariff No. 1, including all schedules, rules, notice concurrences, schedule agreements, division, authorities or other instruments whatsoever, filed with the Missouri Public Service Commission, by ACSI Local Switched Services, Inc. prior to the effective date of the Commission's Orders issued in Case Nos. TM-2002-1155 and LA-2003-0001.

By this notice Xspedius Management Co. Switched Services, LLC also concurs in and ratifies all supplements or amendments to any of the above schedules, etc. which ACSI Local Switched Services, Inc. has heretofore filed with the Commission.

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Issued: August 26, 2002

James C. Falvey  
Sr. VP – Regulatory Affairs  
Xspedius Management Co., LLC.  
7125 Columbia Gateway Drive, Suite 200  
Columbia, Maryland 21046

Effective: September 2, 2002

**Xspedius Management Co. Switched Services, LLC.**

7125 Columbia Gateway Drive,

Suite 200

Annapolis Junction, Maryland 20701

**INTEREXCHANGE SERVICES TARIFF**

Xspedius Management Co. Switched Services, LLC operates as a competitive telecommunications company in Missouri.

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Issued: August 26, 2002

James C. Falvey  
Sr. VP – Regulatory Affairs  
Xspedius Management Co., LLC.  
7125 Columbia Gateway Drive, Suite 200  
Columbia, Maryland 21046

Effective: September 2, 2002



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WAIVER OF STATUTES AND RULES

Xspedius Management Co. of Kansas City, LLC is a competitive carrier in the State of Missouri and, as such, has been granted waivers from the following statutes and Commission rules pursuant to Sections 392.361.5 and 392.420, RSMo:

STATUTES

Section 392.210.2	Uniform system of accounts
Section 392.240(1)	Just and reasonable rates
Section 392.270	Ascertain property value
Section 392.280	Depreciation accounts
Section 392.290	Issuance of securities
Section 392.300.2	Acquisition of stock
Section 392.310	Issuance of stocks and debt
Section 392.320	Stock dividend payment
Section 392.330	Issuance of securities, debts and notes
Section 392.340	Reorganization

COMMISSION RULES

4 CSR 240-10.020	Depreciation fund income
4 CSR 240-30.010(2)(C)	Posting of Rate Schedules at Central Office
4 CSR 240-30.040	Uniform system of accounts
4 CSR 240-33.030	Inform customers of lowest price
4 CSR 240-35	Bypass reports

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### TARIFF CONCURRENCE

Xspedius Management Co. Switched Services, LLC concurs in all the rates, rules and regulations set forth the tariffs of Xspedius Management Co. of Kansas City, LLC, in its Missouri P.S.C. Tariff No. 1 on file with and approved by the Public Service Commission of the State of Missouri, and in any amendments thereto as authorized by the Missouri Public Service Commission or applicable law. Said tariffs, adopted by Xspedius Management Co. of Kansas City, LLC, were formerly known as Missouri P.S.C. Tariff No. 1 of ACSI Local Switched Services, Inc.

Xspedius Management Co. Switched Services, LLC reserves the right to cancel and make void the above concurrence statement, subject to requirements as may be ordered by the Missouri Public Service Commission, at any and such time as it appears that such cancellation is in the best interest of Xspedius Management Co. Switched Services, LLC and/or its customers.

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Issued: August 26, 2002

James C. Falvey  
Sr. VP – Regulatory Affairs  
Xspedius Management Co., LLC.  
7125 Columbia Gateway Drive, Suite 200  
Columbia, Maryland 21046

Effective: September 2, 2002

**CONCURRENCE NOTICE**

Pursuant to Orders of the Missouri Public Service Commission, issued in Case Nos. TM-2002-1155 and LA-2003-0001, Xspedius Management Co. Switched Services, LLC was authorized to provide the same services provided under the interexchange and local exchange tariffs of ACSI Local Switched Services, Inc. and American Communication Services of Kansas City, Inc. ("e.spire").

Xspedius Management Co. Switched Services, LLC hereby concurs in, ratifies and makes its own, in every respect as if the same had been originally filed by it, P.S.C. MO. No. 2, including all schedules, rules, notice concurrences, schedule agreements, division, authorities or other instruments whatsoever, filed with the Missouri Public Service Commission, by American Communication Services of Kansas City, Inc. prior to the effective date of the Commission's Orders issued in Case Nos. TM-2002-1155 and LA-2003-0001.

By this notice Xspedius Management Co. Switched Services, LLC also concurs in and ratifies all supplements or amendments to any of the above schedules, etc. which by American Communication Services of Kansas City, Inc. has heretofore filed with the Commission.

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Issued: August 26, 2002

James C. Falvey  
Sr. VP – Regulatory Affairs  
Xspedius Management Co., LLC.  
7125 Columbia Gateway Drive, Suite 200  
Columbia, Maryland 21046

Effective: September 2, 2002

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**TARIFF CONCURRENCE**

Xspedius Management Co. Switched Services, LLC concurs in all the rates, rules and regulations set forth the tariffs of Xspedius Management Co. of Kansas City, LLC, in its P.S.C. MO. No. 2 on file with and approved by the Public Service Commission of the State of Missouri, and in any amendments thereto as authorized by the Missouri Public Service Commission or applicable law. Said tariffs, adopted by Xspedius Management Co. of Kansas City, LLC, were formerly known as P.S.C. MO. No. 2 of American Communication Services of Kansas City, Inc.

Xspedius Management Co. Switched Services, LLC reserves the right to cancel and make void the above concurrence statement, subject to requirements as may be ordered by the Missouri Public Service Commission, at any and such time as it appears that such cancellation is in the best interest of Xspedius Management Co. Switched Services, LLC and/or its customers.

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Issued: August 26, 2002

James C. Falvey  
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7125 Columbia Gateway Drive, Suite 200  
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Effective: September 2, 2002