



AboveNet

Tel 914 421 6700  
Fax 914 421 6777

AboveNet, Inc.  
360 Hamilton Avenue  
White Plains, NY 10601  
www.above.net

Certified Mail # 7010 1060 0000 6036 3591

September 1, 2011

Data Center Manager  
Missouri Public Service Commission  
200 Madison Street – Suite # 100  
P.O. Box 360  
Jefferson City, MO 65102-0630

**FILED<sup>3</sup>**

**SEP 7 2011**

**Missouri Public  
Service Commission**

Re: AboveNet Communications, Inc.  
Revised - 2010 Telecommunications Company or IVoIP Provider Annual Report

Gentleman/Madam:

This is reference to the E-mail (Copy enclosed) from Ms. Myron Couch of your office requested changes in AboveNet Communications 2010 Telecommunications Company or IVoIP Provider Annual Report.

Please be advised as per your request we made change reporting zero located in Row 13 Column A.

Enclosed is the Revised 2010 Telecommunications Company or IVoIP Annual Report for AboveNet Communications, Inc.

If you have any questions or need any additional information please feel free to contact me at (914) 421-7546.

I appreciate your assistance and cooperation in this matter.

Best Regards,

William T. Scheppy  
Phone: (914)-421-7546  
Fax: (914)-421-6716  
Email: wscheppy@above.net

## **Scheppy, William**

---

**From:** Scheppy, William  
**Sent:** 08/31/2011 2:12 PM  
**To:** 'Couch, Myron'  
**Cc:** Holsman, Laura  
**Subject:** RE: Annual Report Deficiency for AboveNet Communications, Inc. (BMAR-2011-1595)  
**Attachments:** AboveNet Communications Inc. - 2010 Revised Missouri Telecommunications Annual Report.pdf

Ms. Couch:

Please find attached AboveNet Communications Inc. 2010 Revised Missouri Annual Report with Zero located in Row 13 Column A.

If you have any further questions please feel free to contact me at (914) 421-7546 or e-mail me at [wscheppy@above.net](mailto:wscheppy@above.net).

Sorry for any problems this matter has caused.

Best Regards,

William T. Scheppy

---

**From:** Couch, Myron [mailto:myron.couch@psc.mo.gov]  
**Sent:** 08/23/2011 4:15 PM  
**To:** Scheppy, William  
**Cc:** Holsman, Laura  
**Subject:** FW: Annual Report Deficiency for AboveNet Communications, Inc. (BMAR-2011-1595)

Your company has failed to respond to the deficiencies identified in the email below. Failure to respond to the deficiency within seven days will cause this matter to be brought to the attention of the Missouri PSC's legal department for further action.

Myron Couch  
Utility Operations Technical Specialist  
Missouri Public Service Commission  
573-751-8496

---

**From:** Couch, Myron  
**Sent:** Monday, June 13, 2011 1:35 PM  
**To:** 'wscheppy@above.net'  
**Cc:** Holsman, Laura  
**Subject:** Annual Report Deficiency for AboveNet Communications, Inc. (BMAR-2011-1595)

This email is a deficiency notice for your annual report. Your annual report is considered deficient until the following issue(s) are addressed: The revenue table on page 3 of the company's annual report fails to address if the company generated any total Missouri Jurisdictional revenue in Row 13 Column A. This box must contain a number or 0 and cannot be left blank..

Please resubmit your revised annual report in its entirety if your annual report needs to be revised to correct the deficiency. Any revised annual report/response must be filed within the Missouri Commission's Electronic Filing and

Information System (EFIS) using the identification number previously supplied upon your initial annual report submission to the Commission.

Please be aware that per Commission rule 4CSR 240-3.540(4) a company is required to respond within 20 days of being notified of a deficiency in a company's annual report. Failure to respond within 20 days may subject the company to a penalty of \$100 per day that it is late in filing a response to the deficiency.

Myron Couch  
Utility Operations Technical Specialist  
Missouri Public Service Commission  
573-751-8496

Internal Use: 6c



AboveNet

Tel 914 421 6700  
Fax 914 421 6777

AboveNet, Inc.  
360 Hamilton Avenue  
White Plains, NY 10601  
[www.above.net](http://www.above.net)

Certified Mail # 7010 1060 0000 6037 0629

May 24, 2011

Data Center Manager  
Missouri Public Service Commission  
200 Madison Street – Suite # 100  
P.O. Box 360  
Jefferson City, MO 65102-0630

Re: AboveNet Communications, Inc.  
2010 Telecommunications Company or IVoIP Provider Annual Report

Gentleman/Madam:

Enclosed is the 2010 Telecommunications Company or IVoIP Annual Report for AboveNet Communications, Inc.

If you have any questions or need any additional information please feel free to contact me at (914) 421-7546.

I appreciate your assistance and cooperation in this matter.

Best Regards,

William T. Scheppy  
Phone: (914)-421-7546  
Fax: (914)-421-6716  
Email: [wscheppy@above.net](mailto:wscheppy@above.net)

**AboveNet Communications Inc. (F/K/A MetroMedia Fiber Network Services Inc.)**

**Company Name**

(Provide the full name of the company as certificated or registered with the Missouri Public Service Commission. Do not abbreviate; include any Commission approved d/b/a or fictitious name, if applicable.)

**TELECOMMUNICATIONS COMPANY OR IVOLP PROVIDER  
ANNUAL REPORT  
TO THE  
MISSOURI PUBLIC SERVICE COMMISSION**

**FILED<sup>3</sup>**

**SEP - 7 2011**

**Missouri Public  
Service Commission**

For the Calendar Year of  
January 1 - December 31, 2010

Please select how the company is certificated or registered with the Commission under the Company Name as shown above (check all that apply):

- ☐ Incumbent Local Telecommunications Company (not competitively classified ILEC)
- ☐ Incumbent Local Exchange Telecommunications Company (competitively classified ILEC)
- ☒ Competitive Local Exchange Telecommunications Company (CLEC)
- ☒ Interexchange Telecommunications Company (IXC)
- ☐ Local Non-switched Telecommunications Provider (classified in EFIS as IXC)
- ☐ Interconnected Voice over Internet Protocol Service Provider (IVoIP)

If more than one certificate or registration is held by the company then keep in mind that you must file an annual report in the Commission's Electronic Filing and Information System (EFIS) based on each certificate or registration. In such situations, we anticipate the annual reports to be identical; however please verify the following:

- ☐ The various annual reports filed in EFIS are identical.
- ☐ The various annual reports filed in EFIS are different.
- ☐ Not applicable (Company only has one certificate or registration; therefore only one annual report was filed in EFIS.)

Please choose one of the following filing options to indicate the security level of the filing:

- ☒ Public submission (NOT Proprietary or Highly Confidential)
- ☐ Non-Public submission (Highly Confidential or Proprietary)  
(See instructions for special requirements.)

Please review the instructions document before proceeding by using the link below:  
[Instructions - 2010 Annual Report Telco and IVoIP](#)

Annual Report of AboveNet Communications Inc. (F/K/A MetroMedia Fiber Network Services Inc.)  
for the calendar year of January 1 - December 31, 2010

1. State in full the company's information below:

<u>360 Hamilton Avenue - 7th Floor</u>			<u>(914) 421-7546</u>
Company Street Address			Telephone Number
<u>360 Hamilton Avenue - 7th Floor</u>			<u>(914) 421-7688</u>
Company Mailing Address			Fax Number
<u>White Plains</u>	<u>NY</u>	<u>10601</u>	<u>wscheppy@above.net</u>
City	State	Zip	E-Mail Address

2. This company is currently a (check appropriate box):

☒ Corporation      ☐ Sole Proprietorship      ☐ LP  
☐ Partnership      ☐ LLC      ☐ Other - Explain

3. Annual Report Contact Information:

List the contact information of the person completing the form, whether an employee or a third-party preparer. This may differ from the address in Item No. 1.

<u>William T. Scheppy</u>			<u>(914) 421-7546</u>
Name			Telephone Number
<u>360 Hamilton Avenue - 7th Floor</u>			<u>(914) 421-7688</u>
Street Address			Fax Number
<u>360 Hamilton Avenue - 7th Floor</u>			<u>wscheppy@above.net</u>
Mailing Address			E-mail Address
<u>White Plains</u>	<u>NY</u>	<u>10601</u>	
City	State	Zip	

4. Identify the principal or general officers of the company at the end of the year. Please include an additional sheet, if enough space is not provided on this page, to completely provide the requested information.

Title of General Officer
<u>President &amp; CFO</u>
<u>SVP &amp; CFO</u>
<u>SVP, Secretary &amp; General Counsel</u>

Name of Person Holding Office
<u>William G. LaPerch</u>
<u>Joseph P. Ciavarella</u>
<u>Robert J. Sokota</u>

5. Please provide a list of all mergers, consolidations, and reorganizations involving the registered or certificated company and completed during the last year. Do not include internal company reorganizations or personnel issues.

None- In the past year

Annual Report of AboveNet Communications Inc. (F/K/A MetroMedia Fiber Network Services Inc.)

for the calendar year of January 1 - December 31, 2010

6. Please provide the following information concerning the company's revenues for this calendar year:

Row	Revenues:	MO Jurisdictional (Column A)	Total Company <sup>1</sup> (Column B)
<b>RETAIL</b>			
1.	<b>Local Service Revenues</b> include tariffed revenues attributed to local telecommunications services, extended area service, secondary features such as call forwarding, caller ID, local operator services, directory-related services, etc. and for IVolP service.		
2.	<b>Interexchange Revenues</b> include revenues attributed to interexchange telecommunications services such as toll services, 800 services, interexchange operator services and interexchange IVolP services.		
3.	<b>Non-Switched Telecommunications Service Revenues</b> include revenues attributed to retail local and interexchange private line services (but not special access or private line services provided to other telecommunications carriers).		
4.	<b>Bundled or Packaged Revenues</b> include any revenues whereby the company is providing voice services in combination with multiple services whereby revenue can not be easily attributed to local, interexchange or non-switched categories. If such bundles includes Internet, video or some non-regulated service then the company's revenue shall be based on the company's rate offer for solely voice services. The excess revenue associated with the bundled service which is over the amount related to revenue associated with voice only service shall be recorded in the Total Company column. If voice service is only offered as part of a bundled service, the company shall identify all revenue associated with the bundle of services in the Missouri Jurisdictional column.		
5.	<b>Retail Uncollectible Revenues</b> from telecommunications revenues. (This amount is generally a negative number.)		
6.	<b>RETAIL TOTAL</b> (This amount should equal the total of Rows 1 - 5 above and should also match your Missouri Universal Service Fund Net Jurisdictional Revenue Report amount)		
<b>OTHER</b>			
7.	<b>Wholesale Revenues</b> include intrastate switched, special access service revenues, carrier billing and collection revenues, and any other revenues derived from other telecommunications carriers.		
8.	<b>Miscellaneous Revenues<sup>2</sup> associated with non-retail services</b> , such as, advertising revenues, rent revenues, corporate operations revenues, special billing arrangements, customer operations, plant operations, other incidental regulated revenues, and other revenue settlements. <b>NOTE FOR ILEC ONLY:</b> refer to FCC account #s: 5230, 5240, 5250, 5261, 5262, 5263, 5264, 5269, and 5270.)		\$372,819,000.00
9.	<b>Other Uncollectible Revenues</b> from other revenues. (This amount is generally a negative number.)		
10.	<b>High-Cost Federal USF Revenues</b> include all revenues received as support from the Universal Service Fund for the High-Cost program.		
11.	<b>Other Federal USF Revenues</b> include all revenues received as support from the Universal Service Fund for the following programs: Low Income, Schools and Libraries, and Rural Health.	N/A	
12.	<b>State USF Revenues</b> include all revenues received as support from the Universal Service Fund.	N/A	
13.	<b>TOTAL REVENUES</b> (This amount should equal the total of Rows 6 - 12 above.) Total MO Jurisdictional Revenue (Column A) should match Total Gross Intrastat Operating Revenue on the Statement of Revenue.	0	\$372,819,000.00

<sup>1</sup> "Telecommunications Service" as defined by Missouri Revised Statutes Section 386.020(54).

<sup>2</sup> "Interconnected Voice over Internet Protocol service" as defined by Section 386.020(23) RSMo.

<sup>3</sup> List total regulated revenue and IVolP revenue provided by a registered company and, if applicable, non-regulated revenue for company name as listed at the top of this page. (This form may be submitted by an affiliate, but a separate form must be completed by each certificated or registered entity. Do not include revenues for any company NOT listed at the top of the page.

If you have miscellaneous revenue related to retail telecommunications services, then enter it in Row 1.

Annual Report of AboveNet Communications Inc. (F/K/A MetroMedia Fiber Network Services Inc.  
for the calendar year of January 1 - December 31, 2010

Low Income and Disabled Universal Service Fund Subscriber Quantities

7. Do you offer basic local telecommunications service or IVoIP service as listed under 386.020 RSMo.?

☐ Yes

☒ No

If yes, please quantify the number of low income and disabled subscribers as reported to USAC (federal support, Form 497) and to the Missouri Universal Service Fund administrator for the past calendar year. (Insert "0"s if you do not have such subscribers.)

	Number of Missouri Low Income Subscribers	Number of Missouri Disabled Subscribers
January		
February		
March		
April		
May		
June		
July		
August		
September		
October		
November		
December		
TOTAL:		

For use when filing under seal.



$\infty$ 

for the calendar year of January 1 - December 31, 2010

### Line Quantities for Local Voice Service & IVolP Service<sup>1</sup>

[illegible]

<sup>1</sup> See instructions for additional clarification about filling out this page.

2 Exchange refers to areas as listed in ILEC tariffs. (Exchanges are not

3 Exchange refers to areas as listed in ILEC tariffs. (Exchanges are not always the same as rate centers, wire centers and central offices.)

<sup>4</sup> Resale/UNE refers to lines served whereby your company or an affiliate owns the switch and/or local loop.

5. **Wholesale to Non-registered Nomadic IVoIP Providers** refers to lines served whereby your company leases all switch and loop facilities from a non-affiliated carrier either through an agreement or a discounted tariffed rate, the Missouri PSC. (Do not use this column for retail line quantities or if your company is providing wholesale services for a nomadic IVoIP provider who is not registered.)

**For use when filing under seal.**

**Relay Missouri Annual Billing, Collections and Retention**

9. Do you offer basic local telecommunications service or IVoIP service as listed under 386.020 RSMo.?

☐ Yes

☒ No

If yes, complete the following:

Month	Relay Missouri Revenue Collected (collected or received, according to your record-keeping methods)		Relay Missouri Retention Amount (of the amount collected)		Relay Missouri Revenue Remitted to Commission (of the amount collected)	
	**		**	**	**	**
January						
February						
March						
April						
May						
June						
July						
August						
September						
October						
November						
December						
Total						

10. Please indicate the per line value of the Relay Missouri Surcharge you charge your customers each month.

\$ 0.00

11. If your firm did not impose the Relay Missouri Surcharge, please explain:

No Customers in Missouri

---



---



---



---

for the calendar year of January 1 - December 31, 2010

## Annual Customer Proprietary Network Information (CPNI) Compliance Certificate

(A copy of a company's FCC CPNI filing will suffice for the required descriptions for all items, unless H.2 is chosen, then an additional description must be attached.)

12. The company affirms having established operating procedures that are adequate to ensure compliance with the Missouri Public Service Commission's CPNI rules of 4 CSR 240-33.160(7).

Indicate which of the following apply with Y (Yes) or N (No).

☐ N

A. The company has implemented a system by which the status of a customer's CPNI approval can be clearly established prior to the use of CPNI. Attached is a brief description of the company's system.

☐ N

B. The company has implemented personnel training as to when personnel are or are not authorized to use CPNI including an express disciplinary process. Attached is a brief description of the company's training and disciplinary process.

☐ N

C. The company maintains records for at least one year of sales and marketing campaigns of its own, its agents, affiliates, joint venture partners and any independent contractors, that use its customers' CPNI. Such records include a description of each campaign, the specific CPNI that was used in the campaign and what products and services were offered as a part of the campaign. Attached is a brief description of the company's record maintenance system.

☐ N

D. The company has a supervisory review process for outbound marketing situations. Attached is a brief description of the company's review process.

☐ N

E. The company has procedures in place whereby the company will provide the Missouri Commission written notice within five business days of any instance where the opt-out mechanisms do not work properly, to such a degree that customers' inability to opt-out is more than an anomaly. Attached is a brief description of the company's procedures.

F. Actions Taken - Select one of the options below:



1. The company has not taken any actions against any individual or entity that unlawfully obtains, uses, discloses or sells CPNI.



2. The company has taken actions against an individual or entity that unlawfully obtains, uses, discloses or sells CPNI, a description of which is attached.

G. Complaints Received - Select one of the options below:



1. The company has not received any customer complaints in the past year concerning the unauthorized release of CPNI.



2. The company has received customer complaints in the past year concerning the unauthorized release of CPNI, a summary of which is attached.

H. Sharing CPNI Information - Select one of the options from below:



1. The company does not share CPNI with joint venture partners or independent contractors (except for billing and collection services)



2. The company obtains OPT-IN approval from customers before disclosing a customer's CPNI to its joint venture partners or independent contractors (except for billing and collection services). The company enters into confidentiality agreements that comply with 4 CSR 240-33.160(3)(A)3 if the company shares CPNI with agents, affiliates, joint venture partners, or independent contractors. Attached is a description of how the agreements comply with MoPSC rules for sharing information with such entities.



For use when filing under seal.

Annual Report of AboveNet Communications Inc. (F/K/A MetroMedia Fiber Network Services Inc)  
for the calendar year of January 1 - December 31, 2010

VERIFICATION

The foregoing report must be verified by the oath of the President, Treasurer, General Manager or Receiver of the company. The oath required may be taken before any person authorized to administer an oath (Notary Public) by the laws of the State in which the same is taken.

OATH

State Of New York }

County Of Westchester } ss:

William T. Scheppy makes oath and says that  
Name of Affiant (Company Official/Representative)

s/he is Tax Manager  
Official Title of the Affiant (Company Official/Representative)

of AboveNet Communications Inc.  
Exact Legal Title or Name of the Respondent (Certificated Company Name)

and is located at 360 Hamilton Avenue, 7th Floor, White Plains, NY 10601  
Address and Telephone Number of the Affiant (Company Official/Representative)

that s/he has 1) examined the foregoing report; to the best of his or her knowledge, information, and belief, all statements of fact contained in the said report are true and the said report is a correct statement of the business and affairs of the above-named respondent, 2) examined (and updated as applicable) the company's contact information in EFIS; to the best of his or her knowledge, information, and belief, all listed contacts are correct, and 3) read the CPNI Certification, chosen the applicable alternatives and attached all required documentation, which is a true and correct description of the company's CPNI safeguards.

from January 1, 2010, to and including December 31, 2010  
Month/Day Year Month/Day Year

William T. Scheppy  
Signature of Affiant (Company Official/Representative)

Subscribed and sworn to before me, a Notary Public, in and for the State and County above named,

this 23 day of May, 2011

My Commission expires \_\_\_\_\_

JACKIE ROSADO  
Notary Public, State of New York  
No. 01RO6171775  
Qualified in Bronx County  
Commission Expires July 30, 2011

Jackie Rosado  
Signature of Notary Public

When filing this form electronically, electronic signatures are acceptable. See the instructions for details.

AboveNet Communications, Inc.  
Statement of Operations  
For the Year Ended December 31, 2010  
(In Thousands of Dollars)

REVENUE .....	\$ 372,819
Cost of revenue:	
Cost of network and operations .....	116,129
Third party maintenance .....	14,415
Total cost of revenue .....	<u>130,544</u>
Selling, general and administrative expense .....	85,596
Depreciation and amortization .....	56,093
Total operating expenses .....	<u>141,689</u>
OPERATING INCOME (LOSS) .....	100,586
OTHER INCOME (EXPENSE):	
Interest income .....	429
Interest expense .....	(5,199)
Other income/(expense), net .....	<u>2,489</u>
INCOME (LOSS) BEFORE INCOME TAXES .....	98,305
Benefit from income taxes .....	<u>39,599</u>
NET INCOME (LOSS) .....	<u>\$ 58,706</u>

AboveNet Communications, Inc.  
Balance Sheet  
December 31, 2010  
(In Thousands of Dollars)

ASSETS	<u>Dec 2010</u>
Current assets:	
Cash .....	\$ 50,910
Restricted cash .....	3,465
Accounts receivable, net .....	21,724
Prepaid expenses and other current assets .....	<u>12,174</u>
Total current assets .....	88,273
Fixed assets, net .....	502,861
Deferred tax assets .....	141,679
Due from subsidiaries, investment in subsidiaries and other assets ....	<u>60,557</u>
Total assets .....	<u>\$ 793,370</u>
 LIABILITIES	
Current liabilities:	
Accounts payable .....	\$ 6,080
Accrued expenses .....	57,414
Deferred revenue, current portion .....	23,484
Current portion of note payable .....	<u>7,560</u>
Total current liabilities .....	94,538
Deferred revenue .....	78,580
Deferred rent and other long-term liabilities .....	9,789
Note Payable .....	<u>42,210</u>
Total liabilities .....	<u>225,117</u>
 STOCKHOLDERS' EQUITY	
Common stock .....	264
Treasury stock .....	(22,773)
Additional paid-in capital .....	332,385
Retained earnings .....	258,724
Cumulative comprehensive loss .....	<u>(347)</u>
Total stockholders' equity .....	<u>568,253</u>
Total liabilities and stockholders' equity .....	<u>\$ 793,370</u>

FEIN: 13-3982836

Significant events, dates & data:

---

05/20/02	Filed for chapter 11 bankruptcy	
09/08/03	Emerged from bankruptcy	
	Affiliates merged in:	AboveNet Communications, Inc. Sitesmith, Inc. Metromedia Fiber Network Services, Inc. AboveNet Communication, Inc.
	Changed name from:	
	to:	

---

100% Parent Company:

Metromedia Fiber Network, Inc.  
changed name to AboveNet, Inc. on 09/08/03.

---

All of these entities are headquartered at:

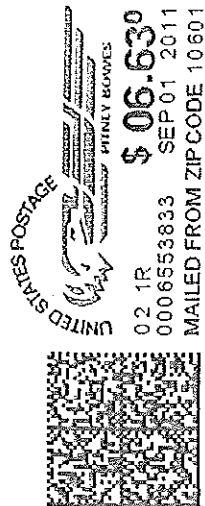
360 Hamilton Avenue  
7<sup>th</sup> Floor  
White Plains, NY 10601  
914-421-6700  
914-421-6716 (F)

---

NET COMMUNICATIONS, INC.  
1100 Avenue, 7th Floor  
New York, NY 10601  
Department



7010 1060 0000 6036 3571



Data Center Manager  
Missouri Public Service Commission  
200 Madison Street - Suite # 100  
PO Box 360  
Jefferson City, MO 65102-0630