

Tel 914 421 6700 Fox 914 421 6777

AboveNet, Inc. 360 Hamilton Avenue White Plains, NY 10601 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 FILED³
MAY 2 7 2011

Missouri Public Service Commission

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

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 IVoIP PROVIDER ANNUAL REPORT TO THE MISSOURI PUBLIC SERVICE COMMISSION

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

	elect how the company is certificated or registered with to Name as shown above (check all that apply):	the Commission under the
	Incumbent Local Telecommunications Company (not competitively	classified ILEC)
	Incumbent Local Exchange Telecommunications Company (compe	litively classified ILEC)
\checkmark	Competitive Local Exchange Telecommunications Company (CLEC	;)
✓	Interexchange Telecommunications Company (IXC)	
	Local Non-switched Telecommunications Provider (classified in EFI	S as IXC)
	Interconnected Voice over Internet Protocol Service Provider (IVolf	P)
must file a	an one certificate or registration is held by the company an annual report in the Commission's Electronic Filing a each certificate or registration. In such situations, we a cal; however please verify the following:	and Information System (EFIS)
	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 of was filed in EFIS.)	nly one annual report
Please ch	oose <u>one</u> of the following filing options to indicate the s	ecurity level of the filing:
\checkmark	Public submission (NOT Proprietary or Highly Confidential)	
	Non-Public submission (Highly Confidential or Proprietary) (See instructions for special requirements.)	
	ew the instructions document before proceeding by using the link - 2010 Annual Report Telco and IVolP	below:
Adobe Interacti	ve Rev. 1/28/2011	For use when filing under seal.

Form Page 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 1. State in full the company's information below: 360 Hamilton Avenue - 7th Floor (914) 421-7546 Company Street Address Telephone Number 360 Hamilton Avenue -7th Floor (914) 421-7688 Company Mailing Address Fax Number NY White Plains 10601 wscheppy@above.net City State Zip E-Mail Address 2. This company is currently a (check appropriate box): Corporation Sole Proprietorship □ LP Partnership 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. William T. Scheppy (914) 421-7546 Name Telephone Number 360 Hamilton Avenue - 7th Floor (914) 421-7688 Street Address Fax Number 360 Hamilton Avenue - 7th Floor wscheppy@above.net Mailing Address E-mail Address White Plains NY 10601 State City 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** Name of Person Holding Office President & CFO William G. LaPerch SVP & CFO Joseph P. Ciavarella SVP, Secretary & General Counsel Robert J. Sokota 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

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:		(Column A)		Total Company ' (Column B)
RE	TAIL	**	Section 1 to 1	* *	The second secon
	Local Service Revenuesinclude tariffed revenues attributed to local	10000			The state of the s
	telecommunications services, extended area service, secondary features such	1	English		
	as call forwarding, caller ID, local operator services, directory-related services,		No. and State of Stat		
	etc. and for IVoIP service.	200	ender der der der der der der Herter		
2.	Interexchange Revenuesinclude revenues attributed to interexchange	77.25	1 Apr. 1		
	telecommunications services such as toll services, 800 services, interexchange				
	operator services and interexchange IVoIP services.		10 m/s 1		
3.	Non-Switched Telecommunications Service Revenuesnolude revenues	122			
	attributed to retail local and interexchange private line services (but not special				
	access or private line services provided to other telecommunications carriers).		engle engle open open open open open open open ope		
4.	Bundled or Packaged Revenuesinclude any revenues whereby the company is		mers 1 Aug 2		
	providing voice services in combination with multiple services whereby revenue		United States Control of State		db
	can not be easily attributed to local, interexchange or non-switched categories. If		0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0		
	such bundles includes Internet, video or some non-regulated service then the	1.55			
	company's revenue shall be based on the company's rate offer for solely voice	墨			
	services. The excess revenue associated with the bundled service which is over		[00]		
	the amount related to revenue associated with voice only service shall be		9,674 (10) 10,64 (40) 10,74 (40)		
	recorded in the Total Company column. If voice service is only offered as part of		3,5/40 entre 6/30 entre 10/40		
	a bundled service, the company shall identify all revenue associated with the	200	med ra med ra mean kelq F d an		
	bundle of services in the Missouri Jurisdictional column.	55	S Vol. 1 S Vol.		
		220			
	Retail Uncollectible Revenues from telecommunications revenues.		100		
	(This amount is generally a negative number.)				
6.	RETAIL TOTAL		e control of the cont		
	(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)				
	HER		Appendix of the control of the contr		
ł	Wholesale Revenuesinclude intrastate switched, special access service				
	revenues, carrier billing and collection revenues, and any other revenues derived				
	from other telecommunications carriers.	150	7 (A)		
8.	Miscellaneous Revenues associated with non-retail services, such as,	T.	enter (
]	advertising revenues, rent revenues, corporate operations revenues, special		130 1307 1307		
	billing arrangements, customer operations, plant operations, other incidental	100	i mighta i minut i minut i minut i minut i minut i minut		
- 1	regulated revenues, and other revenue settlements.NOTE FOR ILEC ONLY:		e maga E granden E granden E granden E granden		\$372,819,000.00
	refer to FCC account #s: 5230, 5240, 5250, 5261, 5262, 5263, 5264, 5269, and	155	10001 10001 10001 10001 10001 10001		Ψον 2,610,000.00
	5270.)		2,900 2,900 2,000		
9.	Other Uncollectible Revenuesfrom other revenues.			ŝ	
	(This amount is generally a negative number.)				
10.	High-Cost Federal USF Revenuesinclude all revenues received as support		7.1.0 		
	from the Universal Service Fund for the High-Cost program.		N/A		
11.	Other Federal USF Revenuesinclude all revenues received as support from		200	1	
	he Universal Service Fund for the following programs: Low Income, Schools		5 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0		
- 1	and Libraries, and Rural Health.		N/A		
	State USF Revenues include all revenues received as support from the	222	Copyring	17-2	
	Jniversal Service Fund.		e apparent		
	FOTAL REVENUES (This amount should equal the total of Rows 6 - 12 above.)		en e	200	
3	TO THE REVENUES (This amount should equal the total of nows 0 - 12 above.)		many to make the second of the		\$372,819,000.00
	Fotal MO, Juriadiational Povenua (Column A) should match Total Cross Introduct				1 5577 STYLING (II)
ľ	Total MO Jurisdictional Revenue (Column A) should match Total Gross Intrastat Operating Revenue on the Statement of Revenue.			===	Ψοι 2,ο 10,000.00

2	If you have miscellaneo	ous revenue rela	ted to retail telecom	munications service	s, then enter it in Rov	v 1.	
			¹⁹⁸ -жийд <u>, Б</u> олдондуу, шашашаш онд са - 2 √ - 3 - 2 √ √ - 3 - 1 - 2 √ √ - 3 - 3 - 2 √ √ - 3 - 3 - 2 √ √ - 3 - 3 - 3 - 2 √ √ - 3 - 3 - 3 - 3 - 3 - 3 - 3 - 3 - 3		And Anthonorus Conservation and the conservation of the Conservati		 TO A TOP OF THE PERSON WHITE PARTY AND A PROPERTY OF THE PERSON OF THE P

¹ List total regulated revenue and IVoIP 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.

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

Do you offer basic loca under 386.020 RSMo.	al telecommunications service or IVoIP service as listed?
	Yes
\checkmark	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	The second secon
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for the calendar year of January 1 - December 31, 2010

8. Line Quantities for Local Voice Service & IVoIP Service¹

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		Resident			Busines		Nomadic IVoIP	
Exchange ²	**	Facility-based ³ ** **	Resale/UNE⁴	**	Facility-based ³ ** **	Resale/UNE ⁴ ** **	Providers⁵ *	*
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Totals:			0				2 125 125 125 125 125 125 125 125 125 12	

¹ See instructions for additional clarification about filling out this page.

.1 11	e Missouri PSC.	(Do not use this column for retail line quantities of it your company sets the end user's rates.)	
			·
			For use when filing under seal

² Exchange refers to areas as listed in ILEC tariffs. (Exchanges are not always the same as rate centers, wire centers and central offices.)

³ Facility-based refers to lines served whereby your company or an affiliate owns the switch and/or local loop.

⁴ Resale/UNE 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.

Wholesale to Non-registered Nomadic IVoIP Providers refers to arrangements where your company is providing wholesale services for a nomadic IVoIP provider who is not registered with the Missouri PSC. (Do not use this column for retail line quantities or if your company sets the end user's rates.)

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Relay Missouri Annual Billing, Collections and Retention
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Please indicate the month.		of the Relay M	issouri S	urcharge you charge	your custome	ers each
f your firm did not to Customers in Misso		lay Missouri S	urcharge	, please explain:		

For use when filing under seal.

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.)

		pany affirms having established operating procedures that are adequate to ensure compliance with the Public Service Commission's CPNI rules of 4 CSR 240-33.160(7).
	dicate N	which of the following apply with Y (Yes) or N (No). 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
	N	of the company's system. 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.
1	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.
I	N	D. The company has a supervisory review process for outbound marketing situations. Attached is a brie description of the company's review process.
9	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.

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County Of	We	estchester	}		
·		am T. Scheppy		makes oath an	d says that
	Name of Afflant (C	company Official/Re	epresentative)		
s/he is			Tax Manager	40-	
	Off	ficial Title of the Affi	iant (Company Offici	al/Representative)	
of		AboveNe	t Communication	ns Inc.	
	Exact Leg	al Title or Name of	the Respondent (Ce	rtificated Company Na	me)
and is located at	360 Ha	amilton Avenue,	, 7th Floor, White	e Plains, NY 1060	1
	Address and	Telephone Numbe	r of the Affiant (Com	namy Official/Poproson	tativa)
statements of fact cor affairs of the above-n	nined the foregoing repo ntained in the said repo amed respondent, 2) ex	ort; to the best of h ort are true and the camined (and upd	nis or her knowledg e said report is a co ated as applicable)	e, information, and b rrect statement of th the company's cont	pelief, all e business and act information in
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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	 130,544
Selling, general and administrative expense	85,596
Depreciation and amortization	56,093
Total operating expenses	141,689
OPERATING INCOME (LOSS)	100,586
Interest income	429
Interest expense	(5,199)
Other income/(expense), net	2,489
INCOME (LOSS) BEFORE INCOME TAXES	98,305
Benefit from income taxes	39,599
NET INCOME (LOSS)	\$ 58,706

AboveNet Communications, Inc.

Balance Sheet December 31, 2010

(In Thousands of Dollars)

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

FEIN: 13-3982836

Significant events, dates & data:

05/20/02

Filed for chapter 11 bankruptcy

09/08/03

Emerged from bankruptcy

Affliliates merged in:

AboveNet Communications, Inc.

Sitesmith, Inc.

Changed name from:

Metromedia Fiber Network Services, Inc.

to:

AboveNet Communication, Inc.

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

7th Floor

White Plains, NY 10601

914-421-6700

914-421-6716 (F)

T:\1-Structure & Ownership\[MFNS events.xls]Sheet1





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