

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

FILED

MAY 10 2010

ANNUAL REPORT TO THE MISSOURI PUBLIC SERVICE COMMISSION

Missouri Public
Service Commission

For the Calendar Year of
January 1 - December 31, 2009

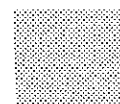
Please select how the company is certificated or registered with the Commission under the Company Name as shown above (check all that apply):

- 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)

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 filing)
(See instructions for special requirements.)

Please review the instructions document before proceeding by using the link below:
[Instructions - 2009 Annual Report Telco and IVoIP](#)



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, 2009

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.

<u>Title of General Officer</u>	<u>Name of Person Holding Office</u>
<u>President & CEO</u>	<u>William G. LaPerch</u>
<u>SVP & CFO</u>	<u>Joseph P. Ciavarella</u>
<u>SVP, Secretary & General Counsel</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

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

Row	Revenues:	MO Jurisdictional (Column A)	Total Company ¹ (Column B)
I. RETAIL			
1.	Local Service Revenues 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 IVoIP service.	\$ -	
2.	Interexchange Revenues include revenues attributed to interexchange telecommunications services such as toll services, 800 services, interexchange operator services and interexchange IVoIP services.		
3.	Non-Switched Telecommunications Service Revenues 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.	Bundled or Packaged Revenues 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.	Retail Uncollectible Revenues from telecommunications revenues. (This amount is generally a negative number.)		
6.	RETAIL TOTAL (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)	\$ -	\$ -
II. OTHER			
7.	Wholesale Revenues include intrastate switched, special access service revenues, carrier billing and collection revenues, and any other revenues derived from other telecommunications carriers.		
8.	Miscellaneous Revenues² associated with non-retail services , such as, advertising revenues, rent revenues, corporate operations revenues, special billing arrangements, customer operations, plant operations, other incidental regulated revenues, and other revenue settlements. (NOTE FOR ILEC ONLY refer to FCC account #s: 5230, 5240, 5250, 5261, 5262, 5263, 5264, 5269, and 5270.)		\$ 328,024,850.00
9.	Other Uncollectible Revenues from other revenues. (This amount is generally a negative number.)		
10.	High-Cost Federal USF Revenues include all revenues received as support from the Universal Service Fund for the High-Cost program.	N/A	
11.	Other Federal USF Revenues 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.	State USF Revenues include all revenues received as support from the Universal Service Fund.		
13.	TOTAL REVENUES (This amount should equal the total of Rows 6 - 12 above.) Total MO Jurisdictional Revenue (Column A) should match Total Gross Intrastate Operating Revenue on the Statement of Revenue .	\$ -	\$ 328,024,850.00

"Telecommunications Service" as defined by Missouri Revised Statutes Section 386.020(54).

"Interconnected Voice over Internet Protocol service" as defined by Section 386.020(23) RSMo.

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.

² If you have miscellaneous revenue related to retail telecommunications services, then enter it in Row 1.



for the calendar year of January 1 - December 31, 2009

7. Low Income and Disabled Universal Service Fund Subscriber Quantities


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	NONE	
April		
May		
June		
July		
August		
September		
October		
November		
December		
TOTAL:	0	0


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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	NONE		
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.

\$ -

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

NO customers in Missouri



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 except H.2.)

- 12. Check this box if the company submitted its annual CPNI filing for this year in a separate filing to the MO Public Service Commission that is not attached to the company's annual report. If this box is not checked, please complete the requested items shown below:

- 13. 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 from the drop-down box below (by clicking the cell below and then clicking on the arrow to the right of the box directly below):

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

G. Complaints Received - Select one of the options from the drop-down box below (by clicking the cell below and then clicking on the arrow to the right of the box directly below):

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

H. Sharing CPNI Information - Select one of the options from the drop-down box below (by clicking the cell below and then clicking on the arrow to the right of the box directly below):

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

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AboveNet Communications, Inc.
Statement of Operations
For the Year Ended December 31, 2009
(In Thousands of Dollars)

REVENUE	\$ 328,025
Cost of revenue:	
Cost of network and operations	104,478
Third party maintenance	15,558
Total cost of revenue	<u>120,036</u>
Selling, general and administrative expense	71,170
Depreciation and amortization	45,466
Total operating expenses	<u>116,636</u>
OPERATING INCOME (LOSS)	91,353
OTHER INCOME (EXPENSE):	
Interest income	699
Interest expense	(4,779)
Other income/(expense), net	2,674
INCOME (LOSS) BEFORE INCOME TAXES	89,947
Benefit from income taxes	<u>(184,599)</u>
NET INCOME (LOSS)	\$ 274,546

AboveNet Communications, Inc.

Balance Sheet

December 31, 2009

(In Thousands of Dollars)

	Dec 2009
ASSETS	
Current assets:	
Cash	\$ 157,326
Restricted cash	3,396
Accounts receivable, net	14,123
Prepaid expenses and other current assets	11,985
Total current assets	186,830
Fixed assets, net	440,780
Deferred tax assets	180,000
Due from subsidiaries, investment in subsidiaries and other assets	53,386
Total assets	\$ 860,996
LIABILITIES	
Current liabilities:	
Accounts payable	\$ 8,624
Accrued expenses	55,707
Deferred revenue, current portion	23,703
Current portion of note payable	7,560
Total current liabilities	95,594
Deferred revenue	85,841
Deferred rent and other long-term liabilities	10,026
Note Payable	49,770
Total liabilities	241,231
STOCKHOLDERS' EQUITY	
Common stock	253
Treasury stock	(16,723)
Additional paid-in capital	308,179
Retained earnings	328,977
Cumulative comprehensive loss	(921)
Total stockholders' equity	619,765
Total liabilities and stockholders' equity	\$ 860,996

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.
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)
