

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Request for Approval of Transfer of)
 Certificate from Xspedius Management)
 Company Switched Services, LLC)
 to Time Warner Telecom of Florida, L.P)
 _____)

DOCKET NO.: 070330-TX
 FILED: May 24, 2007

**AMENDED PETITION FOR APPROVAL OF TRANSFER OF CERTIFICATE
 FROM XSPEDIUS MANAGEMENT COMPANY SWITCHED SERVICES, LLC
 TO TIME WARNER TELECOM OF FLORIDA, L.P.**

COMES NOW Time Warner Telecom of Florida, L.P., (Time Warner Telecom) and petitions for approval of the transfer of certificate #5474 and waiver of Rule 25-4.118, Florida Administrative Code regarding selection of the telecommunications provider and would show the following:

1. Time Warner Telecom, L.P. is acquiring the assets and customer base of Xspedius Management Company Switched Services, LLC (Xspedius) of Florida.
2. Time Warner Telecom, L.P. has filed an application for transfer of the certificate to provide for assignment and transfer of the certificate to Time Warner Telecom.
3. Time Warner Telecom also simultaneously files with this Petition for Waiver a proposed customer notice which will be forwarded to all current customers of Xspedius notifying them of the change and providing an opportunity for a change in providers. The proposed customer notice also provides that the preferred carrier freeze will not be maintained and that a positive action on the part of the customer will be necessary in order to reinstate the preferred carrier freeze. The customer notice has been included with this filing for reference by the Commission.

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4. Time Warner Telecom asks that the Commission waive the requirements of Rule 25-4.118, Florida Administrative Code. That rule currently provides that the provider of a

customer's local, local toll or toll provider selection shall not be changed without the customer's authorization. Here, the acquisition of Xspedius would change the provider of telecommunication services without the customer's authorization. However, such acquisition and proposal for change provides that no change in rates or terms of service will be made until the expiration of the customer's current contract with Xspedius. Such terms and conditions will be honored by Time Warner Telecom for all Xspedius contracts. The parties to the acquisition ask that the Commission waive the conditions provided in Section 25-4.118, Florida Administrative Code, in order to allow the orderly transfer of all customers of records. The parties have made the necessary filings with the Federal Communications Commission regarding the acquisition and that states such transfer and transitions are in the best interest of the public.

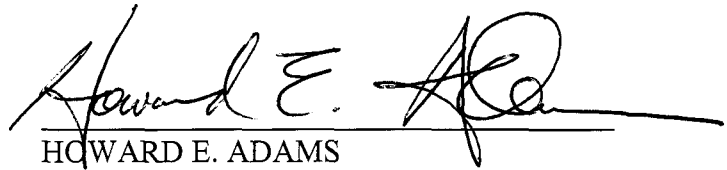
5. The customer notice will be forwarded to all customers and Time Warner Telecom has designated a person to receive complaints from Xspedius customers who may be dissatisfied. That customer contact is as follows:

6. Neither Time Warner Telecom nor Xspedius Communications has any outstanding actions pending against them which would inhibit or prevent the acquisition from proceeding upon approval of the Florida Public Service Commission.

7. Time Warner Telecom has paid all 2006 regulatory assessment fees and will pay all regulatory assessment fees assessed against Xspedius within thirty (30) days of approval of Commission and any necessary computation of the required regulatory assessment fee.

WHEREFORE, Time Warner Telecom asks that the Commission approve the Joint Request for transfer of the certificate, waiver of Rule 25-4.118, Florida Administrative Code, as applicable to this transfer and grant such other and further relief as it may deem appropriate.

Respectfully submitted this 6th day of June 2007.

A handwritten signature in black ink, appearing to read "Howard E. Adams", written over a horizontal line.

HOWARD E. ADAMS

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