

Pennington  
Moore  
Wilkinson  
Bell &  
Dunbar P.A.  
ATTORNEYS AT LAW  
www.penningtonlaw.com

ORIGINAL

Howard E. "Gene" Adams  
Attorney at Law

(850) 222-3533  
[gene@penningtonlaw.com](mailto:gene@penningtonlaw.com)

RECEIVED - FPSC  
07 MAY 21 PM 4:34  
COMMISSION  
CLERK

May 21, 2007

Ms. Ann Cole  
Public Service Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

Re: Time Warner Telecom Transfer and Registration of IXC from  
Xspedius Communication

Dear Ms. Cole:

Please find enclosed a Notice of Registration for an inter-exchange company. This registration form is for registration of Time Warner Telecom of Florida, L.P. as the new owner of the IXC registration belonging to Xspedius Management Company Switched Services, LLC, d/b/a Xspedius Communications. Time Warner Telecom, L.P. has recently acquired the assets and customer base of Xspedius Management Company Switched Services, LLC and intends to operate the certificate. This IXC Registration Form is evidence of the transfer of the IXC and its assets.

Also enclosed are ten labels to use in changing the six tariffs to reflect Time Warner Telecom of Florida, L.P. adoption of the current IXC tariffs. Enclosed is a customer notice to be delivered to each customer of the IXC informing them of the change. We are also requesting a waiver of Rule 25-4.118 regarding provider selection and have enclosed a petition for that waiver.

I have also enclosed a duplicate copy of this letter. I would appreciate your stamping and returning this copy in the enclosed envelope to indicate receipt of the enclosed materials.

Please do not hesitate to contact me if I can be of further assistance or provide further information in this matter.

RECEIVED & FILED

FPSC-BUREAU OF RECORDS

Labels forwarded to CMP  
Enclosures

HEA/kra

Ann Cole Ltr. IXC registration form.05-08-07

Sincerely,



Howard E. Adams  
Attorneys for Time Warner Telecom

DOCUMENT NUMBER-DATE

04133 MAY 21 5

# ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

DOCKET NO.:  
FILED: May 21 2007

**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 an IXC Certificate 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 an IXC 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.
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

DOCUMENT NUMBER-DATE

04133 MAY 21 5

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.

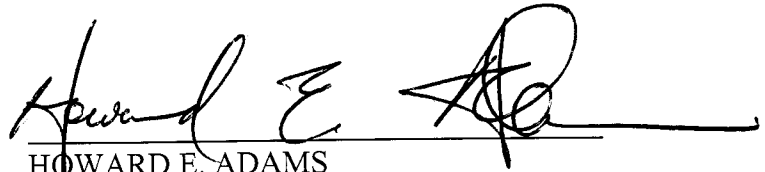
5. The customer notice will be forwarded to all customers and Time Warner Telecom has designated a person to receive complaints from Xspedius customers who may be dissatisfied. That customer contact is as follows:

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 21<sup>st</sup> day of May 2007.

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

HOWARD E. ADAMS

Florida Bar Number: 0322210

PETER M. DUNBAR

Florida Bar Number: 146594

ATTORNEYS FOR TIME WARNER TELECOM

Pennington, Moore, Wilkinson, Bell  
& Dunbar, P.A.

215 South Monroe St., Second Floor

Post Office Box 10095

Tallahassee, Florida 32302-2095

Telephone: (850) 222-3533

Facsimile: (850) 222-2126

## IXC REGISTRATION FORM

Company Name Time Warner Telecom of Florida, L.P.

Florida Secretary of State Registration No. B93 000 000 059, FEIN No.: 061 363374

Fictitious Name(s) as filed at Fla. Sec. of State \_\_\_\_\_

Company Mailing Name Time Warner Telecom of Florida, L.P.

Mailing Address 555 Church Street; Ste. 2300; Nashville, TN 37219

Web Address www.twtelecom.com

E-mail Address Carolyn.Ridley@twtelecom.com

Physical Address 10475 Park Meadows Drive, Littleton, CO 80124

Company Liaison Carolyn Ridley

Title V.P. for Regulatory Affairs

Phone (615) 376-6404

Fax (615) 376-6405

E-mail address Carolyn.Ridley@twtelecom.com

Consumer Liaison to PSC Carolyn Ridley

Title V.P. for Regulatory Affairs

Address 555 Church Street, Suite 2300, Nashville, TN 37219

Phone (615) 376-6404

Fax (615) 376-6405

E-mail address Carolyn.Ridley@twtelecom.com

My company's tariff as required in Section 364.04, Florida Statutes, is enclosed with this form. I understand that my company must notify the Commission of any changes to the above information pursuant to Section 364.02, Florida Statutes. My company will owe Regulatory Assessment Fees for each year or partial year my registration is active pursuant to Section 364.336, Florida Statutes. My company will comply with Section 364.603, Florida Statutes, concerning carrier selection requirements, and Section 364.604, Florida Statutes, concerning billing practices.



Signature of Company Representative

Carolyn Ridley, V.P. for Regulatory Affairs

Printed/Typed Name of Representative

Date

5/18/07

**DRAFT**

Dear Customer:

**AN IMPORTANT NOTICE REGARDING YOUR TELECOMMUNICATION SERVICE  
FROM XSPEDIUS MANAGEMENT CO. SWITCHED SERVICES, LLC  
AND XSPEDIUS MANAGEMENT CO. OF JACKSONVILLE, LLC SERVICES**

Thank you for being a loyal customer of Xspedius Management Co. Switched Services, LLC or Xspedius Management Co. of Jacksonville, LLC (collectively "Xspedius"). It has been our pleasure to provide you with quality telecommunications service.

As you know, Xspedius recently sold its Florida regulated telecommunications assets to Time Warner Telecom, Inc. We are pleased to now inform you that Time Warner Telecom, Inc. is consolidating all of its Florida regulated telecommunications assets into Time Warner Telecom of Florida, L.P., a subsidiary of Time Warner Telecom, Inc. Following this consolidation, Xspedius will no longer provide telecommunications services in Florida. Your transition from Xspedius to Time Warner Telecom of Florida, L.P. for telecommunications services requires no action on your part.

The transfer of your service to Time Warner Telecom of Florida, L.P. will be invisible to you because Time Warner Telecom of Florida, L.P. will utilize the same facilities that currently serve your account. Moreover, there will be no change in the services you have ordered. The transfer of your services to Time Warner Telecom of Florida, L.P. will be seamless and without down time or modification to existing services or rates. This transfer requires no action on your part. The local account team who services your account today will continue to provide you the excellent service that you have experienced to date.

We believe that this new development will be good for your company. The vision, financial capital, and experience of Time Warner Telecom, Inc. will bring our customers innovation and excellent customer service. As your new service provider, Time Warner Telecom of Florida, L.P. will continue to provide you with the same telecommunications services you currently receive in accordance with the rates, terms and conditions of your existing contract or effective tariffs on file with the Florida Public Service Commission. If in the future Time Warner Telecom of Florida, L.P. determines that rates, terms, or conditions require modification, it will follow the contract terms or the Florida Public Service Commission rules regarding such changes, including, where required, written 30 day notice to customers. Xspedius and Time Warner Telecom, Inc. will continue to be responsible for the resolution of any complaints filed or otherwise raised until the consolidation is finalized. Any complaint regarding your Xspedius service schedule should be submitted to Carolyn Ridley, V.P. for Regulatory Affairs, 555 Church Street, Suite 2300, Nashville, TN 37219, (615)376-6404, E-mail [Carolyn.Ridley@twtelecom.com](mailto:Carolyn.Ridley@twtelecom.com).

If you do not wish to become a customer of Time Warner Telecom of Florida, L.P., you may, in accordance with the terms of your contract, select another service provider within thirty days of the date of this letter. If you do not select another provider Time Warner Telecom of Florida, L.P. will automatically become your service provider effective thirty days from the date

of this letter. You will not incur any charges for the change to Time Warner Telecom of Florida, L.P. However, should you select another provider, you may incur additional charges. If you change providers, the terms and conditions of your Xspedius contract will still apply, including any applicable termination liability or change charges. Please be aware that you are responsible for paying all bills rendered to you by Xspedius during this transition. You may be subject to termination of your service in accordance with the terms of your contract and applicable Commission rules if you fail to pay your telephone bill.

If you do not want service from Time Warner Telecom of Florida, L.P. you must select a new provider as soon as possible. Otherwise, you need do nothing and your service will seamlessly transfer to Time Warner Telecom of Florida, L.P.

Xspedius remains committed to providing you with excellent service during this period of transition. If you have any questions regarding this notice or your service, please call 1-800-937-7473. You may also direct questions regarding this notice to the Division of Regulatory Compliance and Consumer Assistance of the Florida Public Service Commission Staff at 1-800-511-0809.

Time Warner Telecom of Florida, L.P. looks forward to meeting your communication needs including bundled packages of voice and data services, local phone service, Internet access, and managed networking solutions.

Time Warner Telecom of Florida, L.P.

Time Warner Telecom of Florida, L.P.

Time Warner Telecom of Florida, L.P.

Time Warner Telecom of Florida, L.P.

Time Warner Telecom of Florida, L.P.

Time Warner Telecom of Florida, L.P.

Time Warner Telecom of Florida, L.P.

Time Warner Telecom of Florida, L.P.

Time Warner Telecom of Florida, L.P.

Time Warner Telecom of Florida, L.P.

Carolyn Ridley, V.P. for Regulatory Affairs  
555 Church Street, Ste. 2300  
Nashville, TN 37219

Carolyn Ridley, V.P. for Regulatory Affairs  
555 Church Street, Ste. 2300  
Nashville, TN 37219

Carolyn Ridley, V.P. for Regulatory Affairs  
555 Church Street, Ste. 2300  
Nashville, TN 37219

Carolyn Ridley, V.P. for Regulatory Affairs  
555 Church Street, Ste. 2300  
Nashville, TN 37219

Carolyn Ridley, V.P. for Regulatory Affairs  
555 Church Street, Ste. 2300  
Nashville, TN 37219

Carolyn Ridley, V.P. for Regulatory Affairs  
555 Church Street, Ste. 2300  
Nashville, TN 37219

Carolyn Ridley, V.P. for Regulatory Affairs  
555 Church Street, Ste. 2300  
Nashville, TN 37219

Carolyn Ridley, V.P. for Regulatory Affairs  
555 Church Street, Ste. 2300  
Nashville, TN 37219

Carolyn Ridley, V.P. for Regulatory Affairs  
555 Church Street, Ste. 2300  
Nashville, TN 37219

Carolyn Ridley, V.P. for Regulatory Affairs  
555 Church Street, Ste. 2300  
Nashville, TN 37219