

April 13, 2009 2600 Maitland Center Pkwy. Via Efile Suite 300 Maitland, FL 32751 Ms. Renee Jenkins, Commission Secretary P.O. Drawer 200 **Docketing Division** Winter Park, FL Public Utilities Commission of Ohio 180 East Broad Street, 13th Floor 32790-0200 Columbus, Ohio 43215 Tel: 407-740-8575 407-740-0613 Fax: RE: **ACN Communication Services, Inc.** www.tminc.com **Revision to Ohio Tariff No. 4 (Local Exchange)**

Docket No. 09-317-TP-ATA

Dear Ms. Jenkins:

Attached is a revision to P.U.C.O. Tariff No. 4 (Local Exchange) filed on behalf of ACN Communication Services, Inc. This filing increases the Late Payment fee. All Customers are being been notified via a bill message, a copy of which is enclosed with this filing. Also enclosed is the Affidavit of Notification for the customer notice. Additionally, the Company address, a change about which the Commission was previously notified in separate correspondence, is updated. The Company respectfully requests an effective date of May 15, 2009.

The following tariff pages are included with this filing:

1st Revised Title Page Preface, 2nd Revised Page 2 Section 2, 1st Revised Page 21 Updates Company Address Updates Check Sheet Increases Late Payment Fee

Questions regarding this filing may be directed to me at (407) 740-3005 or via email at <u>mbyrnes@tminc.com</u>.

Sincerely,

Manique Bypures

Monique Byrnes, Consultant to ACN Communication Services, Inc.

MB/spAttachmentscc:R. Glassman - ACNfile:ACN - OH Localtms:OHf0902

The Public Utilities Commission of Ohio TELECOMMUNICATIONS APPLICATION FORM for ROUTINE PROCEEDINGS (Effective: 01/18/2008)

In the Matter of the Application of <u>ACN Communication</u> Services, Inc.)	TRF Docket No. 90 Case No. 09 - 317 - TP -	ATA
To Revise the Late Payment Fee)	NOTE: Unless you have reserved a C leave the "Case No" fields BLANK.	Case # or are filing a Contract,
Name of Registrant(s) ACN Communication Services, Inc.			
DBA(s) of Registrant(s) <u>N/A</u>			
Address of Registrant(s) 1000 Progress Place NE, Concord	, North Carc	<u>olina 28025</u>	
Company Web Address www.acninc.com			
Regulatory Contact Person(s) Monique Byrnes, Consultant		Phone <u>407-740-3005</u>	Fax <u>407-740-0613</u>
Regulatory Contact Person's Email Address mbyrnes@tmin	nc.com		
Contact Person for Annual Report Monique Byrnes, Consu	<u>ltant</u>		Phone <u>407-740-3005</u>
Address (if different from above) Technologies Management	nt, Inc. 2600) Maitland Center Pkwy., Suite 3	00, Maitland, FL 32751
Consumer Contact Information Tracy Wiewel			Phone <u>704-370-5528</u>
Address (if different from above) 1000 Progress Place NE,	Concord, N	orth Carolina 28025	
Motion for protective order included with filing? [] Yes [🛛 No		
Motion for waiver(s) filed affecting this case? \Box Yes \boxtimes	No [Note:	Waivers may toll any automatic	timeframe.]

Section I – Pursuant to Chapter <u>4901:11-6 OAC</u> – Part I – Please indicate the Carrier Type and the reason for submitting this form by checking the boxes below. *CMRS providers: Please see the bottom of Section II.*

NOTES: (1) For requirements for various applications, see the identified section of Ohio Administrative Code Section 4901 and/or the supplemental application form noted.

(2) Information regarding the number of copies required by the Commission may be obtained from the Commission's web site at <u>www.puco.ohio.gov</u> under the docketing information system section, by calling the docketing division at 614-466-4095, or by visiting the docketing division at the offices of the Commission.

<u>Carrier Type</u> Other (explain below)			CTS	AOS/IOS
Tier 1 Regulatory Treatment				
Change Rates within approved Range	TRF <u>1-6-04(B)</u> (0 day Notice)	TRF <u>1-6-04(B)</u> (0 day Notice)		
New Service, expanded local calling area, correction of textual error	☐ ZTA <u>1-6-04(B)</u> (0 day Notice)	□ ZTA <u>1-6-04(B)</u> (0 day Notice)		
Change Terms and Conditions, Introduce non-recurring service charges	ATA <u>1-6-04(B)</u> (Auto 30 days)	☐ ATA <u>1-6-04(B)</u> (Auto 30 days)		
Introduce or Increase Late Payment or Returned Check Charge	☐ ATA <u>1-6-04(B)</u> (Auto 30 days)	⊠ ATA <u>1-6-04(B)</u> (Auto 30 days)		
Business Contract	CTR <u>1-6-17</u> (0 day Notice)	CTR <u>1-6-17</u> (0 day Notice)		
Withdrawal	☐ ATW <u>1-6-12(A)</u> (Non-Auto)	ATW <u>1-6-12(A)</u> (Auto 30 days)		
Raise the Ceiling of a Rate	Not Applicable	SLF <u>1-6-04(B)</u> (Auto 30 days)		
Tier 2 Regulatory Treatment				
Residential - Introduce non-recurring service charges	☐ TRF <u>1-6-05(E)</u> (0 day Notice)	☐ TRF <u>1-6-05(E)</u> (0 day Notice)		
Residential - Introduce New Tariffed Tier 2 Service(s)	TRF <u>1-6-05(C)</u> (0 day Notice)	☐ TRF <u>1-6-05(C)</u> (0 day Notice)	☐ TRF <u>1-6-05(C)</u> (0 day Notice)	
Residential - Change Rates, Terms and Conditions, Promotions, or Withdrawal	☐ TRF <u>1-6-05(E)</u> (0 day Notice)	☐ TRF <u>1-6-05(E)</u> (0 day Notice)	□ TRF <u>1-6-05(E)</u> (0 day Notice)	
Residential - Tier 2 Service Contracts	CTR <u>1-6-17</u> (0 day Notice)	CTR <u>1-6-17</u> (0 day Notice)	CTR <u>1-6-17</u> (0 day Notice)	
Commercial (Business) Contracts	Not Filed	Not Filed	Not Filed	
Business Services (see "Other" below)	Detariffed	Detariffed	Detariffed	
Residential & Business Toll Services (see "Other" below)	Detariffed	Detariffed	Detariffed	

Section I – Part II – Certificate Status and Procedural

Certificate Status	ILEC	CLEC	CTS	AOS/IOS
Certification (See Supplemental ACE form)		ACE <u>1-6-10</u> (Auto 30 days)	ACE <u>1-6-10</u> (Auto 30 days)	ACE <u>1-6-10</u> (Auto 30 days)
Add Exchanges to Certificate	☐ ATA <u>1-6-09(C)</u> (Auto 30 days)	AAC <u>1-6-10(F)</u> (0 day Notice)	CLECs must attach a c Exchange Listing Form	
Abandon all Services - With Customers	☐ ABN <u>1-6-11(A)</u>	☐ ABN <u>1-6-11(A)</u>	☐ ABN <u>1-6-11(B)</u>	☐ ABN <u>1-6-11(B)</u>
	(Non-Auto)	(Auto 90 day)	(Auto 14 day)	(Auto 14 day)
Abandon all Services - Without		☐ ABN <u>1-6-11(A)</u>	☐ ABN <u>1-6-11(B)</u>	☐ ABN <u>1-6-11(B)</u>
Customers		(Auto 30 days)	(Auto 14 day)	(Auto 14 day)
Change of Official Name (See below)	☐ ACN <u>1-6-14(B)</u>	ACN <u>1-6-14(B)</u>	CIO <u>1-6-14(A)</u>	CIO <u>1-6-14(A)</u>
	(Auto 30 days)	(Auto 30 days)	(0 day Notice)	(0 day Notice)
Change in Ownership (See below)	☐ ACO <u>1-6-14(B)</u>	ACO <u>1-6-14(B)</u>	CIO <u>1-6-14(A)</u>	CIO <u>1-6-14(A)</u>
	(Auto 30 days)	(Auto 30 days)	(0 day Notice)	(0 day Notice) (
Merger (See below)	AMT <u>1-6-14(B)</u>	☐ AMT <u>1-6-14(B)</u>	CIO <u>1-6-14(A)</u>	CIO <u>1-6-14(A)</u>
	(Auto 30 days)	(Auto 30 days)	(0 day Notice)	(0 day Notice)
Transfer a Certificate (See below)	☐ ATC <u>1-6-14(B)</u>	ATC <u>1-6-14(B)</u>	☐ CIO <u>1-6-14(A)</u>	CIO <u>1-6-14(A)</u>
	(Auto 30 days)	(Auto 30 days)	(0 day Notice)	(0 day Notice)
Transaction for transfer or lease of property, plant or business (See below)	☐ ATR <u>1-6-14(B)</u>	ATR <u>1-6-14(B)</u>	CIO <u>1-6-14(A)</u>	CIO <u>1-6-14(A)</u>
	(Auto 30 days)	(Auto 30 days)	(0 day Notice)	(0 day Notice)
Procedural				
Designation of Process Agent(s)	TRF (0 day Notice)	TRF (0 day Notice)	TRF (0 day Notice)	TRF (0 day Notice)

Section II - Carrier to Carrier (Pursuant to 4901:1-7), CMRS and Other

Carrier to Carrier	ILEC	CLEC			
Interconnection agreement, or amendment to an approved agreement	□ NAG <u>1-7-07</u> (Auto 90 day)	□ NAG <u>1-7-07</u> (Auto 90 day)			
Request for Arbitration	□ ARB <u>1-7-09</u> (Non-Auto)	☐ ARB <u>1-7-09</u> (Non-Auto)			
Introduce or change c-t-c service tariffs,	☐ ATA <u>1-7-14</u> (Auto 30 day)	ATA <u>1-7-14</u> (Auto 30 day)			
Introduce or change access service pursuant to 07-464-TP-COI	ATA (Auto 30 day)				
Request rural carrier exemption, rural carrier supension or modifiction	UNC <u>1-7-04</u> or (Non-Auto) <u>1-7-05</u>	UNC <u>1-7-04</u> or (Non-Auto) <u>1-7-05</u>			
Pole attachment changes in terms and conditions and price changes.	UNC 1-7-23(B) (Non-Auto)	UNC <u>1-7-05</u> (Non-Auto)			
<u>CMRS Providers</u> See <u>4901:1-6-15</u>	RCC [Registration & Change in Operations] (0 day)		☐ NAG [Interconnection Agreement or Amendment] (Auto 90 days)		
Other* (explain)					

*NOTE: During the interim period between the effective date of the rules and an Applicant's Detariffing Filing, changes to existing business Tier 2 and all toll services, including the addition of new business Tier 2 and all new toll services, will be processed as 0-day TRF filings, and briefly described in the "Other" section above.

All Section I and II applications that result in a change to one or more tariff pages require, at a minimum, the following exhibits. Other exhibits may be required under the applicable rule(s). ACN, ACO, AMT, ATC, ATR and CIO applications see <u>the 4901:1-6-14 Filing Requirements on the Commission's Web Page</u> for a complete list of exhibits.

Exhibit	Description:
A	The tariff pages subject to the proposed change(s) as they exist before the change(s)
В	The Tariff pages subject to the proposed change(s), reflecting the change, with the change(s) marked in the right margin.
С	A short description of the nature of the change(s), the intent of the change(s), and the customers affected.
D	A copy of the notice provided to customers, along with an affidavit that the notice was provided according to the applicable rule(s).

AFFIDAVIT

Compliance with Commission Rules and Service Standards

I am an officer/agent of the applicant corporation, <u>ACN Communication Services, Inc.</u>, and am authorized to make this statement on its behalf. (Name)

I attest that these tariffs comply with all applicable rules, including the Minimum Telephone Service Standards (MTSS) Pursuant to Chapter 4901:1-5 OAC for the state of Ohio. I understand that tariff notification filings do not imply Commission approval and that the Commission's rules, including the Minimum Telephone Service Standards, as modified and clarified from time to time, supersede any contradictory provisions in our tariff. We will fully comply with the rules of the state of Ohio and understand that noncompliance can result in various penalties, including the suspension of our certificate to operate within the state of Ohio.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on (Date) April 13, 2009

at (Location) Maitland, FL Monique Byrnes, Consultant to ACN Communication Services. Inc. (Date) April 13, 2009

This affidavit is required for every tariff-affecting filing. It may be signed by counsel or an officer of the applicant, or an authorized agent of the applicant.

VERIFICATION

I, <u>Monique Byrnes, Consultant to ACN Communication Services, Inc.</u> verify that I have utilized the Telecommunications Application Form for Routine Proceedings provided by the Commission and that all of the information submitted here, and all additional information submitted in connection with this case, is true and correct to the best of my knowledge.

UND Monique Byrnes, Consultant to AGN Communication Services, Inc. (Date) April 13, 2009 *Verification is required for every filing. It may be signed by counsed of an officer of the applicant, or an authorized agent of the applicant

Send your completed Application Form, including all required attachments as well as the required number of copies, to:

Public Utilities Commission of Ohio Attention: Docketing Division 180 East Broad Street, Columbus, OH 43215-3793

Or

Make such filing electronically as directed in Case No 06-900-AU-WVR

ACN Communication Services, Inc.

EXHIBIT A

SUPERCEDED TARIFF PAGES

This P.U.C.O. Tariff No. 4 issued by ACN Communication Services, Inc., cancels and replaces P.U.C.O. Tariff No. 2 issued by ACN Communication Services, Inc.

REGULATIONS AND SCHEDULE OF INTRASTATE CHARGES APPLYING TO LOCAL EXCHANGE SERVICE WITHIN THE STATE OF OHIO

This Tariff describes the Company's Regulated Local Service Tier 1 Terms, Conditions, Payments and Rates and Charges required in conformance with Competitive Retail Telephone Rules (Case No. 06-1345-TP-ORD). The Company provides certain Tier 2, regulated services which are not required in the Company's tariff on file with the Public Utilities Commission of Ohio (Rule 4901:1-06-05(g)).

The Customer may view the Detariffed / Nonregulated Services not included in this tariff on the Company's website at:

www.acninc.com

This tariff contains the descriptions, regulations, and rates applicable to the provision of local exchange telecommunications services provided by ACN Communication Services, Inc. with principal offices at 32991 Hamilton Court, Farmington Hills, Michigan 48334 for services furnished within the State of Ohio. This tariff is on file with the Public Utility Commission of Ohio, and copies may be inspected, during normal business hours, at the Company's principal place of business.

CHECK SHEET

Pages of this tariff are effective as of the date shown at the bottom of the respective page(s). Original and revised pages as named below comprise all changes from the original tariff and are currently in effect as of the date on the bottom of this page.

SECTION	PAGE	REVISION		SECTION	PAGE	REVISION
	Title	Original		2	16	Original
Preface	1	Original		2	17	Original
Preface	2	1 st Revised	*	2	18	Original
Preface	3	1 st Revised	*	2	19	Original
Preface	4	Original		2	20	Original
Preface	5	Original		2	21	Original
Preface	6	Original		2	22	Original
1	1	Original		2	23	Original
1	2	Original		2	24	Original
1	3	Original		2	25	Original
1	4	Original		2	26	Original
1	5	Original		2	27	Original
2	1	Original		2	28	Original
2	2	Original		2	29	Original
2	3	Original		2	30	Original
2	4	Original		2	31	Original
2	5	Original		2	32	Original
2	6	Original		2	33	Original
2	7	Original		2	34	Original
2	8	Original		2	35	Original
2	9	Original		2	36	Original
2	10	Original		2	37	Original
2	11	Original		2	38	Original
2	12	Original		2	39	Original
2	13	Original		2	40	Original
2	14	Original		2	41	Original
2	15	Original				

* - indicates those pages included with this filing.

SECTION 2.0 - REGULATIONS, (CONT'D.)

2.5 Payment Arrangements

2.5.2 Billing and Collection of Charges

Bills will be rendered monthly to Customer. The Company's bills and billing practices will comply with Minimum Telephone Service Standards as codified Chapter 4901:1-5 of the Ohio Administrative Code.

A. Late Payment

Amounts not paid within thirty (30) days after the date of the invoice, but no sooner than fourteen (14) days after the postmark on the bill, are considered past due, and a late payment penalty shall be due the Company. The late payment penalty shall be that portion of the payment not received by the due date minus any charges billed as local taxes, multiplied by 1.5%.

Issued: April 3, 2008 Issued by:

Daniel Crowley Vice President - Finance 32991 Hamilton Court Farmington Hills, MI 48334

EXHIBIT B

PROPOSED REVISED TARIFF PAGES

This P.U.C.O. Tariff No. 4 issued by ACN Communication Services, Inc., cancels and replaces P.U.C.O. Tariff No. 2 issued by ACN Communication Services, Inc.

REGULATIONS AND SCHEDULE OF INTRASTATE CHARGES APPLYING TO LOCAL EXCHANGE SERVICE WITHIN THE STATE OF OHIO

This Tariff describes the Company's Regulated Local Service Tier 1 Terms, Conditions, Payments and Rates and Charges required in conformance with Competitive Retail Telephone Rules (Case No. 06-1345-TP-ORD). The Company provides certain Tier 2, regulated services which are not required in the Company's tariff on file with the Public Utilities Commission of Ohio (Rule 4901:1-06-05(g)).

The Customer may view the Detariffed / Nonregulated Services not included in this tariff on the Company's website at:

www.acninc.com

This tariff contains the descriptions, regulations, and rates applicable to the provision of local exchange telecommunications services provided by ACN Communication Services, Inc. with principal offices at 1000 Progress Place NE, Concord, North Carolina 28025 for services furnished within the State of Ohio. This tariff is on file with the Public Utility Commission of Ohio, and copies may be inspected, during normal business hours, at the Company's principal place of business.

Richard Boughrum Treasurer/CFO 1000 Progress Place NE Concord, North Carolina 28025 **(T)**

CHECK SHEET

Pages of this tariff are effective as of the date shown at the bottom of the respective page(s). Original and revised pages as named below comprise all changes from the original tariff and are currently in effect as of the date on the bottom of this page.

SECTION	PAGE	REVISION		SECTION	PAGE	REVISION
	Title	1 st Revised	*	2	16	Original
Preface	1	Original		2	17	Original
Preface	2	2 nd Revised	*	2	18	Original
Preface	3	1 st Revised		2	19	Original
Preface	4	Original		2	20	Original
Preface	5	Original		2	21	1 st Revised *
Preface	6	Original		2	22	Original
1	1	Original		2	23	Original
1	2	Original		2	24	Original
1	3	Original		2	25	Original
1	4	Original		2	26	Original
1	5	Original		2	27	Original
2	1	Original		2	28	Original
2	2	Original		2	29	Original
2	3	Original		2	30	Original
2	4	Original		2	31	Original
2	5	Original		2	32	Original
2	6	Original		2	33	Original
2	7	Original		2	34	Original
2	8	Original		2	35	Original
2	9	Original		2	36	Original
2	10	Original		2	37	Original
2	11	Original		2	38	Original
2	12	Original		2	39	Original
2	13	Original		2	40	Original
2	14	Original		2	41	Original
2	15	Original				

* - indicates those pages included with this filing.

SECTION 2.0 - REGULATIONS, (CONT'D.)

2.5 Payment Arrangements

2.5.2 Billing and Collection of Charges

Bills will be rendered monthly to Customer. The Company's bills and billing practices will comply with Minimum Telephone Service Standards as codified Chapter 4901:1-5 of the Ohio Administrative Code.

A. Late Payment

Amounts not paid within thirty (30) days after the date of the invoice, but no sooner than fourteen (14) days after the postmark on the bill, are considered past due, and a late payment penalty shall be due the Company. The late payment penalty shall be \$5.00 or that portion of the payment not received by the due date minus any charges billed as local taxes, multiplied by 1.5%, whichever is greater.

(I) (I)

ACN Communication Services, Inc.

EXHIBIT C

DESCRIPTION OF CHANGES

Increase in Late Payment fee.

ACN Communication Services, Inc.

EXHIBIT D

CUSTOMER NOTICE

And

AFFIDAVIT OF CUSTOMER NOTICE

PUBLIC UTILITIES COMMISSION OF OHIO CUSTOMER NOTICE AFFIDAVIT

STATE OF: North Carolina

COUNTY OF: Cabarrus

AFFIDAVIT

I, Lynn T. Buchau Dirchov Pravel, am an authorized agent of the applicant corporation, ACN Communication Services, Inc., and am authorized to make this statement on its behalf. I attest that the customer notice accompanying this affidavit was sent to affected customers via bill message in the March/April 2009 bill cycles in accordance with Rule 4901:1-6-16, Ohio Administrative Code. I declare under penalty of perjury that the foregoing is true and correct.

Executed on <u>4/2/09</u> North Cavolina (Date) (Location)

(Name) (Date)

Subscribed and sworn to before me this $\frac{4007}{(Date)}$

4 N. Curle

Notary Public My Commission Expires: April 12, 2011

ACN Communication Services, Inc. Bill Message Customer Notice - Late Payment Ohio March/April 2009

Beginning May 15, 2009 the late payment charge for past due unpaid balances on your ACN invoice will change from up to 1.5 % of the unpaid balance to up to the greater of \$5.00 or 1.5% of the unpaid balance. If you have any questions or wish to discuss your account, please contact Customer Care at 888-226-9013 for local service and 877-226-1010 for long distance service or visit us at our website at www.myacn.com.

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

4/13/2009 3:07:08 PM

in

Case No(s). 09-0317-TP-ATA

Summary: Tariff revision for P.U.C.O. Tariff No. 4 (Local Exchange) to increase the Late Payment fee electronically filed by Ms. Suzanne Pagana on behalf of ACN Communication Services, Inc.