

**KELLEY DRYE & WARREN LLP**

A LIMITED LIABILITY PARTNERSHIP

**WASHINGTON HARBOUR, SUITE 400**

**3050 K STREET, NW**

**WASHINGTON, D.C. 20007-5108**

(202) 342-8400

NEW YORK, NY

CHICAGO, IL

STAMFORD, CT

PARSIPPANY, NJ

BRUSSELS, BELGIUM

AFFILIATE OFFICES

MUMBAI, INDIA

FACSIMILE

(202) 342-8451

[www.kelleydrye.com](http://www.kelleydrye.com)

DIRECT LINE: (202) 342-8819

EMAIL: [wbrantl@kelleydrye.com](mailto:wbrantl@kelleydrye.com)

April 19, 2011

***Electronically Filed***

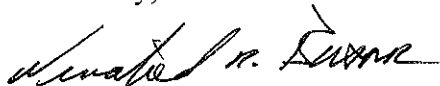
Ms. Renee Jenkins  
Secretary  
Public Utilities Commission of Ohio  
180 East Broad Street, 10<sup>th</sup> Floor  
Columbus, OH 43215-3793

Re: Detariffing Filing of AboveNet Communications, Inc.  
TRF Docket No. 90-5895-CT-TRF

Dear Ms. Jenkins,

Enclosed, on behalf of AboveNet Communications, Inc. ("AboveNet"), please find the Company's *Telecommunications Application Form for Detariffing and Related Actions* in response to the Commission's orders in Case No. 10-1010-TO-ORD. Also included in this filing is the Company's *Telecommunications Retail Service Offering Form*. If there are any questions concerning this filing, please contact me by phone at (202) 342-8819 or via email at [wbrantl@kelleydrye.com](mailto:wbrantl@kelleydrye.com). Thank you for your assistance with this matter.

Cordially,



Winifred R. Brantl  
Counsel for AboveNet Communications, Inc.

attachments

Per the Commission's 01/19/2011 "Implementation Order" in Case No. 10-1010-TP-ORD  
(Effective: 01/20/2011 through 05/20/2011)

NOTE: Unless you have reserved a Case No. leave the "Case No." fields BLANK.

Address (if different from above) \_\_\_\_\_

**Part III. – Attestation**

Registrant hereby attests to its compliance with pertinent entries and orders issued by the Commission.

**AFFIDAVIT**

***Compliance with Commission Rules***

I am an officer/agent of the applicant corporation, AboveNet Communications, Inc., and am authorized to make this statement on its behalf.  
(Name)

I attest that these tariffs comply with all applicable rules for the state of Ohio. I understand that tariff notification filings do not imply Commission approval and that the Commission's rules, 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) 4/12/11

at (Location) Columbus, OH

\*(Signature and Title) Untellet SUP 4/12/11

(Date) 4/12/11

- 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, J. H. Sandell, verify that I have utilized the Telecommunications Application Form for Detariffing and Related Actions 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.

\*(Signature and Title) J. H. Sandell - Assistant General Counsel

(Date) 4-12-11

\*Verification is required for every filing. It may be signed by counsel or 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*

**Exhibit A**

**“Existing Affected Tariff Pages”**

See attached.

TITLE SHEET

DEDICATED TELECOMMUNICATIONS SERVICES

This tariff applies to the provision of dedicated one-way and/or two-way information transmission services furnished by AboveNet Communications, Inc. ("AboveNet" or "Company" or "Carrier") between one or more points in the State of Ohio. This tariff is on file with the Public Utilities Commission of Ohio, and copies may be inspected during normal business hours at AboveNet's principal place of business, 360 Hamilton Avenue, White Plains, New York 10601. A Service Guide describing the services that have been detariffed pursuant to Case No. 06-1345-TP-ORD can be found at: [www.above.net](http://www.above.net).

Customers have certain rights and responsibilities under the Minimum Telephone Service Standards (Ohio Adm.Code 4901:1-5)(MTSS). These safeguards can be found in the Appendix to Ohio Adm.Code 4901:1-5-03, which is entitled "Telephone Customer Rights and Responsibilities". These rights and responsibilities include complaint handling, ordering or changing service, service repair, payment of bills, and disconnection and reconnection of service.

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Issued: May 27, 2008

Effective: May 28, 2008

Issued under authority of the Public Utilities Commission of Ohio in Case No. 99-1341-CT-ACE

Issued by: AboveNet Communications, Inc.  
360 Hamilton Avenue  
White Plains, NY 10601

## Section I.

### 1. Late Payment Charge

If any portion of the payment is received by the Company after the date due, or if any portion of the payment is received by the Company in funds which are not immediately available upon presentment, then a late payment penalty shall be due to the Company. The late payment penalty shall be the portion of the payment not received by the date due, multiplied by a late factor. The late factor shall be the lesser of:

- (a) a rate of 1.5 percent per month; or
- (b) the highest interest rate which may be applied under Ohio state law for commercial transactions.

In the event that a billing dispute is resolved by the Company in favor of the Customer, any disputed amount withheld pending resolution of the billing dispute shall not be subject to the late payment charge. In the event that a billing dispute is resolved in favor of the Company, the Customer shall pay the late payment charge.

### 2. Returned Check Charge

The Customer will be assessed a charge of twenty-five dollars (\$25.00) for each check submitted by the Customer to the Company which a financial institution refuses to honor.

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Issued: May 27, 2008

Effective: May 28, 2008

Issued under authority of the Public Utilities Commission of Ohio in Case No. 99-1341-CT-ACE

Issued by: AboveNet Communications, Inc.  
360 Hamilton Avenue  
White Plains, NY 10601

**Section 1. *continued***

**3. Customer Deposits and Advance Payments**

**3.1 Deposits**

To safeguard its interests, the Company may require the Customer to make a deposit to be held as a guarantee for the payment of charges. A deposit does not relieve the Customer of the responsibility for the prompt payment of bills on presentation. The deposit will not exceed an amount equal to:

- (A) three months' charges for a service or facility which has a minimum payment period of one month; or
- (B) the charges that would apply for the minimum payment period for a service or facility which has a minimum payment period of more than one month; except that the deposit may include an additional amount in the event that a termination charge is applicable.

A deposit may be required in addition to any advance payments required for the provision of services.

When a service or facility is discontinued, the amount of a deposit, if any, will be applied to the Customer's account and any credit balance remaining will be refunded. Before the service or facility is discontinued, the Company may, at its option, return the deposit or credit it to the Customer's account. If the amount of the deposit is insufficient to cover the balance due to the Customer's account, the Company retains the right to collect any amounts owing after the deposit has been applied plus any costs related to the collection of any remaining balance.

Deposits held will accrue interest at a rate of 7% per annum. Interest will not accrue on any deposit after the date on which reasonable effort has been made to return it to the Customer.

**3.2 Advance Payments**

To safeguard its interests, the Company may require a Customer to make an advance payment before services and facilities are furnished. The advance payment will not exceed an amount up to two months of estimated monthly usage charges. In addition, where special construction is involved, the advance payment may also include an amount equal to the estimated non-recurring charges for the special construction and recurring charges (if any) for a period to be set between the Company and the Customer. The advance payment will be credited to the Customer's initial bill. An advance payment may be required in addition to a deposit.

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Issued: May 27, 2008

Effective: May 28, 2008

Issued under authority of the Public Utilities Commission of Ohio in Case No. 99-1341-CT-ACE

Issued by: AboveNet Communications, Inc.  
360 Hamilton Avenue  
White Plains, NY 10601

## **Exhibit B**

### **“Proposed Revised Tariff Pages”**

AboveNet has no proposed revised tariff pages to submit. Pursuant to the Commission’s January 19, 2011 “Implementation Order” in Case No. 10-1010-TP-ORD, the Company’s services and rates for intrastate Ohio telecommunications are entirely detariffed.

## Exhibit C

### Description of Changes

AboveNet does not offer basic local exchange services or the other services identified in Rule 4901:1-6-11. With this filing, AboveNet proposes the following changes to its current P.U.CO. Tariff No. 1:

Title Page	Detariffed
Late Payment Charge	Detariffed
Returned Check Charge	Detariffed
Customer Deposits and Advance Payments	Detariffed

This will result in a complete detariffing of the Company's intrastate Ohio telecommunications services and rates. Information regarding these will remain available to customers in a service guide on the Company website, located at [www.above.net](http://www.above.net).

## **Exhibit D**

### **Statement Regarding Customer Notice Consistent with Rule 4901:1-6-07**

At this time, AboveNet has no customers for its intrastate Ohio services and consequently, no issuance of customer notice was required in connection with this detariffing filing.

## **Exhibit E**

### **Statement Regarding Affidavit of Customer Notice Delivery**

As explained in Exhibit D, AboveNet has no customers for its intrastate Ohio services at this time. Consequently, no customer notice has been issued regarding this detariffing filing.

*The Public Utilities Commission of Ohio*  
**TELECOMMUNICATIONS RETAIL SERVICE OFFERING FORM**  
**For Non-BLES Carriers**

**Per the Commission's 01/19/2011 "Implementation Order" in Case No. 10-1010-TP-ORD**  
(Effective: 01/20/2011)

Company Name AboveNet Communications, Inc.

Company Address 360 Hamilton Avenue, White Plains, New York 10601

Company Web Address www.above.net

Regulatory Contact Person Jill Sandford, Assoc. General Counsel Phone (914) 421-7585 Fax (914) 421-6793

Regulatory Contact Person's Email Address jsandford@above.net

Contact Person for Annual Report William Scheppy, Tax Manager Phone (914) 421-6700 Fax (914) 421-6793

Consumer Contact Information Jill Sandford, Assoc. Gen. Counsel Phone (914) 421-7585 Fax (914) 421-6793

TRF Docket No. 90 - 5895 - CT-TRF

**I. Company Type (Check all applicable):**

☐ Non-BLES CLEC    ☒ IXC    ☐ Other (explain) \_\_\_\_\_

**II. Services offered (Check all applicable):**

☒ Toll services (intrastate)

☐ Local Exchange Service (i.e., residential or business bundles)

☒ Other (explain) Dedicated transmission services

**III. Tariffed Provisions/Services (To the extent offered, check all applicable and attach tariff pages):**

☐ Toll Presubscription

☐ Intrastate Special and Switched Access Services to Carriers (facilities-based local carriers only)\*

☐ N-1-1 Service

☐ Pole Attachment and Conduit Occupancy

☐ Pay Telephone Access Lines

☐ Inmate Operator Service

☐ Telephone Relay Service

\*Access service tariffs shall be maintained separately and are subject to the Commission's carrier-to-carrier rules found in Chapter 4901:1-7, Ohio Administrative Code.

**Part IV. – Attestation**

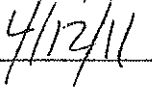
**Carrier hereby attests to its compliance with pertinent entries and orders issued by the Commission.**

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I am an officer/agent of the carrier/telephone company, AboveNet Communications, Inc., and am authorized to make statements on its behalf. I understand that Telephone companies have certain responsibilities to its customers under the Telecommunications Rules (Ohio Adm. Code 4901:1-6). These responsibilities include: warm line service; not committing unfair or deceptive acts and practices; truth in billing requirements; and slamming and preferred carrier freeze requirements. We will comply with the rules of the state of Ohio and understand that non-compliance 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.

  
\_\_\_\_\_  
(Signature and Title)

  
\_\_\_\_\_  
(Date)

**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

**4/19/2011 2:49:40 PM**

**in**

**Case No(s). 11-2601-TP-ATA**

Summary: Tariff Filing to Detariff Services and Submit Retail Services Offering Form electronically filed by Ms. Winifred R Brantl on behalf of AboveNet Communications, Inc.