

FILE  
NC

06-1500-TP-ATR

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A LIMITED LIABILITY PARTNERSHIP

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AFFILIATE OFFICES  
MUMBAI, INDIA

December 22, 2006

VIA UPS

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

PUCO

2006 DEC 26 AM 11:50

RECEIVED-DOCKETING DIV

Re: Notification of Asset Transfer, Including Customers, from Acceris Management and Acquisition LLC and New Access Communications LLC to First Communications, LLC

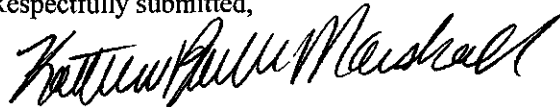
Dear Ms. Jenkins:

Enclosed please find, for filing one original and ten (10) copies of the Telecommunications Application Form filed on behalf of Acceris management and Acquisition LLC ("Acceris"), New Access Communications LLC ("NAC") and First Communications, LLC ("First"), which outlines an asset transfer, including customers from Acceris and NAC to First. First is already certified in Ohio to provide both interexchange and local telecommunications services.

Revised pages from First's Tariffs Nos. 1 and 3 respectively are included with this filing. These revised pages update First's local exchange and interexchange tariffs to include the services currently offered to the customers of Acceris and NAC. Thus, the customers that are acquired in this transaction will have access to the same packages and rates as they currently have through Acceris or NAC.

Please date stamp the duplicate of this filing and return in the self-addressed, postage prepaid envelope. Thank you for your assistance in this matter and please do not hesitate to contact me if you have any questions or concerns.

Respectfully submitted,



Katherine E. Barker Marshall

Enclosure

DC01/BARKK/263586.1

This is to certify that the images appearing are an accurate and complete reproduction of the document delivered in the original.  
Technician HW Date 12-26-06

**The Public Utilities Commission of Ohio**  
**TELECOMMUNICATIONS APPLICATION FORM**

(Effective: 03/22/2004)

(Pursuant to Case Nos. 99-998-TP-COI and 99-563-TP-COI)

In the Matter of the Application of **Acceris Management and Acquisition LLC**

**New Access Communications LLC And First Communications, LLC** Case No. **06 - 1500 - TP - ATR**  
to **Transfer Assets from Acceris Management and Acquisition LLC**  
**and New Access Communications, LLC to First Communications, LLC\***

\*First Communications, LLC ("First") is already authorized to provide telecommunications service in Ohio (See Amended Certificate No. 90-9217).

Name of Registrant(s) **First Communications, LLC**  
DBA(s) of Registrant(s) **N/A**  
Address of Registrant(s) **3340 West Market Street, Akron, Ohio 44333**  
Company Web Address **www.firstcomm.com**  
Regulatory Contact Person(s) **Mary Cegelski** Phone **(216) 468-1614** Fax **(216) 468-1680**  
Regulatory Contact Person's Email Address **mcegelski@firstcomm.com**  
Contact Person for Annual Report **Mary Cegelski** Phone **(216) 468-1614**  
Consumer Contact Information **Mary Cegelski** Phone **(216) 468-1614**  
Date \_\_\_\_\_ TRF Docket No. \_\_\_\_\_ - CT-TRF **or** \_\_\_\_\_ - TP-TRF

Name of Registrant(s) **Acceris Management and Acquisition LLC**  
DBA(s) of Registrant(s) **N/A**  
Address of Registrant(s) **9530 Padgett Street, Suite 101, San Diego, CA 92126**  
Company Web Address **www.acceris.com**  
Regulatory Contact Person(s) **Drew Backstrand** Phone **(612) 465-0265** Fax **(612) 455-1022**  
Regulatory Contact Person's Email Address **backstrand@ncequity.net**  
Contact Person for Annual Report **Drew Backstrand** Phone **(612) 465-0265**  
Consumer Contact Information **Drew Backstrand** Phone **(612) 465-0265**  
Date \_\_\_\_\_ TRF Docket No. **05-849-TP-CTA**

Name of Registrant(s) **New Access Communications LLC**  
DBA(s) of Registrant(s) **N/A**  
Address of Registrant(s) **801 Nicollet Mall, Suite 350, Minneapolis, MN 55402**  
Company Web Address **www.acceris.com**  
Regulatory Contact Person(s) **Drew Backstrand** Phone **(612) 465-0265** Fax **(612) 455-1022**  
Regulatory Contact Person's Email Address **backstrand@ncequity.net**  
Contact Person for Annual Report **Drew Backstrand** Phone **(612) 465-0265**  
Consumer Contact Information **Drew Backstrand** Phone **(612) 465-0265**  
Date \_\_\_\_\_ TRF Docket No. **01-645-TP-ACE,**

Motion for protective order included with filing? ☐ Yes ☒ No

Motion for waiver(s) filed affecting this case? ☐ Yes ☒ No [Note: waiver(s) tolls any automatic timeframe]

Company Type (check all applicable): ☒ CTS (IXC) ☐ ILEC ☒ CLEC ☐ CMRS ☐ AOS

☐ Other (explain) \_\_\_\_\_

**NOTE:** This form must accompany all applications filed by telecommunication service providers subject to the Commission's rules promulgated in Case No. 99-998-TP-COI, as well as by ILECs filing an ARB or NAG case pursuant to the guidelines established in Case No. 96-463-TP-UNC. *It is preferable **NOT** to combine different types of filings, but if you do so, you must file under the process with the **longest** applicable review period.*

**I. Please indicate the reason for submitting this form (check one)**

- ☐ 1 (AAC) Application to Amend Certificate by a CLEC to modify Serving Area (0-day notice, 7 copies)
- ☐ 2 (ABN) Abandonment of all Services  
☐ a. CLEC (90-day approval, 10 copies) ☐ b. CTS (14-day approval, 10 copies) ☐ c. ILEC (**NOT** automatic, 10 copies)
- ☐ 3 (ACE) New Operating Authority for providers other than CMRS (30-day approval, 7 copies); *for CMRS, see item No. 15 on this page.*  
☐ a. Switched Local ☐ b. Non-switched local ☐ c. CTS ☐ d. Local and CTS ☐ e. Other (explain) \_\_\_\_\_
- ☐ 4 (ACO) LEC Application to Change Ownership (30-day approval, 10 copies)
- ☐ 5 (ACN) LEC Application to Change Name (30-day approval, 10 copies)
- ☐ 6 (AEC) Carrier-to-Carrier Contract Amendment to an agreement approved in a NAG or ARB case (30-day approval, 7 copies)  
*NOTE: see item 25 (CTR) on page two of this form for all other contract filings.*
- ☐ 7 (AMT) LEC Merger (30-day approval, 10 copies)
- ☐ 8 (ARB) Application for Arbitration (see 96-463-TP-COI for applicable process, 10 copies)
- ☐ 9 (ATA) Application for Tariff Amendment for Tier 1 Services, Application to Reclassify Service Among Tiers, or Change to Non-Tier Service

- ☐ a. Tier 1 (and Carrier-to-Carrier tariff filings as set-forth in 95-845-TP-COI)
  - ☐ i. Pre-filing submittal (30-day pre-filing submittal with Staff and OCC; **Do Not Docket**, 4 copies)
  - ☐ ii. New End User Service which has been preceded by a 30-day pre-filing submittal with Staff for all submittals and also with OCC for Tier 1 residential services (0-day filing, 10 copies)
  - ☐ iii. New End User Service (**NOT** preceded by a 30-day filing submittal, 30-day approval, 10 copies)
  - ☐ iv. New Carrier-to-Carrier Service which has been preceded by a 30-day pre-filing with Staff (0-day filing, 10 copies)
  - ☐ v. Change in Terms and Conditions, textual revision, correction of error, etc. (30-day approval, 10 copies)
  - ☐ vi. Grandfather service (30-day approval, 10 copies)
  - ☐ vii. Initial Carrier-to-Carrier Services Tariff subsequent to ACE approval (60-day approval, 10 copies)
  - ☐ viii. *Withdrawal of Tier 1 service must be filed as an "ATW", not an "ATA" - see item 12, below*
- ☐ b. Reclassification of Service Among Tiers (**NOT** automatic, 10 copies)
- ☐ c. Textual revision with no effect on rates for non-specific or non-tier service (30-day approval, 10 copies)
- ☐ 10(ATC) Application to Transfer Certificate (30-day approval, 7 copies)
- ☒ 11(ATR) LEC Application to Conduct a Transaction Between Utilities (30-day approval, 10 copies)
- ☐ 12(ATW) Application to Withdraw a Tier 1 Service
  - ☐ a. CLEC (60-day approval, 10 copies)
  - ☐ b. ILEC (**NOT** automatic, 10 copies)
- ☐ 13(CIO) Application for Change in Operations by Non-LEC Providers (0-day notice, 7 copies)
- ☐ 14(NAG) Negotiated Interconnection Agreement Between Carriers (0-day effective, 90-day approval, 8 copies)
- ☐ 15(RCC) For CMRS providers only to Register or to Notify of a Change in Operations (0-day notice, 7 copies)
- ☐ 16(SLF) Self-complaint Application
  - ☐ a. CLEC only -Tier 1 (60-day automatic, 10 copies)
  - ☐ b. Introduce or increase maximum price range for Non-Specific Service Charge (60-day approval, 10 copies)
- ☐ 17(UNC) Unclassified (explain) \_\_\_\_\_ (NOT automatic, 15 copies)
- ☐ 18(ZTA) Tariff Application Involving only Tier 2 Services
  - ☐ a. New End User Service (0-day notice, 10 copies)
  - ☐ b. Change in Terms and Conditions, textual revision, correction of error, etc. (0-day notice, 10 copies)
  - ☐ c. Withdrawal of service (0-day notice, 10 copies)
- ☐ 19 Other (explain) \_\_\_\_\_ (NOT automatic, 15 copies)

**THE FOLLOWING ARE TRF FILINGS ONLY, NOT NEW CASES (0-day notice, 3 copies)**

- ☐ 20 Introduction or Extension of Promotional Offering
- ☐ 21 New Price List Rate for Existing Service
  - ☐ a. Tier 1
  - ☐ b. Tier 2
- ☐ 22 Designation of Registrant's Process Agent(s)
- ☐ 23 Update to Registrant's Maps
- ☐ 24 Annual Tariff Option For Tier 2 Services – indicate which option you intend to adopt to maintain the tariff. NOTE, changing options is only permitted once per calendar year.
  - ☐ Paper Tariff
  - ☐ Electronic Tariff. If electronic, provide the tariff's web address: \_\_\_\_\_

**THE FOLLOWING ARE CTR FILINGS ONLY, NOT NEW CASES (0-day notice, 7 copies)**

- ☐ 25 Application to establish, revise, or cancel an end-user contract. (NOTE: see item 6 on page 1 of this form for carrier-to-carrier contract amendments)  
CTR Docket No. \_\_\_\_\_ - \_\_\_\_\_ - TP – CTR (Use same CTR number throughout calendar year)

**II. Please indicate which of the following exhibits have been filed. The numbers (corresponding to the list on page (1) and above) indicate, at a minimum, the types of cases in which the exhibit is required:**

<input type="checkbox"/>	[all]	A copy of any motion for waiver of O.A.C. rule(s) associated with this filing. NOTE: the filing of a motion for waiver tolls any automatic timeframe associated with this filing.
<input type="checkbox"/>	[3]	Completed Service Requirements Form.
<input type="checkbox"/>	[3, 9(vii)]	A copy of registrant's proposed tariffs. (Carrier-to-Carrier resale tariff also required if facilities-based)
<input type="checkbox"/>	[3]	Evidence that the registrant has notified the Ohio Department of Taxation of its intent to conduct operations as a telephone utility in the State of Ohio.
<input type="checkbox"/>	[3]	Brief description of service(s) proposed.
<input type="checkbox"/>	[3a-b,3d]	Explanation of whether applicant intends to provide <input type="checkbox"/> resold services, <input type="checkbox"/> facilities-based services, or <input type="checkbox"/> both resold and facilities-based services.
<input type="checkbox"/>	[3a-b,3d]	Explanation as to whether CLEC currently offers CTS services under separate CTS authority, and whether it will be including those services within its CLEC filing, or maintaining such CTS services under a separate affiliate.
<input type="checkbox"/>	[3a-b,3d]	Explanation of how the proposed services in the proposed market area are in the public interest.
<input type="checkbox"/>	[3a-b,3d]	Description of the proposed market area.
<input type="checkbox"/>	[3a-b,3d]	Description of the class of customers (e.g., residence, business) that the applicant intends to serve.
<input type="checkbox"/>	[3a-b,3d]	Documentation attesting to the applicant's financial viability, including the following: <ol style="list-style-type: none"> <li>1) An executive Summary describing the applicant's current financial condition, liquidity, and capital resources. Describe internally generated sources of cash and external funds available to support the applicant's operations that are the subject of this certification application.</li> <li>2) Copy of financial statements (actual and pro forma income statement and a balance sheet). Indicate if financial statements are based on a certain geographical area(s) or information in other jurisdictions</li> <li>3) Documentation to support the applicant's cash and funding sources.</li> </ol>
<input type="checkbox"/>	[3a-d]	Documentation attesting to the applicant's technical and managerial expertise relative to the proposed service offering(s) and

		proposed service area.
<input type="checkbox"/>	[3a-d]	Documentation indicating the applicant's corporate structure and ownership.
<input type="checkbox"/>	[3a-b,3d]	Information regarding any similar operations in other states. Also, if this company has been previously certified in the State of Ohio, include that certification number.
<input type="checkbox"/>	[3a-b,3d]	Verification that the applicant will maintain local telephony records separate and apart from any other accounting records in accordance with the GAAP.
<input type="checkbox"/>	[3a-b,3d]	Verification of compliance with any affiliate transaction requirements.
<input type="checkbox"/>	[3a-b,3d]	Explanation as to whether rates are derived through (check all applicable): <input type="checkbox"/> interconnection agreement, <input type="checkbox"/> retail tariffs, or <input type="checkbox"/> resale tariffs.
<input type="checkbox"/>	[1,3a-b,3d]	Explanation as to which service areas company currently has an approved interconnection or resale agreement.
<input type="checkbox"/>	[3a-b,3d, 9a(i-iii)]	Explanation of whether applicant intends to provide Local Services which require payment in advance of Customer receiving dial tone.
<input type="checkbox"/>	[3a,3b,3d, 9a(i-iii)]	Tariff sheet(s) listing the services and associated charges that must be paid prior to customer receiving dial tone (if applicable).
<input type="checkbox"/>	[3a-b,3d,8]	Letters requesting negotiation pursuant to Sections 251 and 252 of the Telecommunications Act of 1996 and a proposed timeline for construction, interconnection, and offering of services to end users.
<input checked="" type="checkbox"/>	[3-5,7,10-11,13]	Certification from Ohio Secretary of State as to party's proper standing (domestic or foreign corporation, authorized use of fictitious name, etc.). In transfer of certificate cases, the transferee's good standing must be established. (SEE NOTE BELOW)
<input checked="" type="checkbox"/>	[3-4,7,10-11,13]	List of names, addresses, and phone numbers of officers and directors, or partners. (SEE NOTE BELOW)
<input type="checkbox"/>	[3]	A sample copy of the customer bill and disconnection notice the applicant plans to utilize.
<input checked="" type="checkbox"/>	[1,4,9,10-13,16-21]	Copy of superseded tariff sheet(s) & price list(s), if applicable, marked as Exhibit A. (SEE NOTE BELOW)
<input checked="" type="checkbox"/>	[1,4,9,10-13,16-21]	Copy of revised tariff sheets & price lists, marked as Exhibit B. (SEE NOTE BELOW)
<input type="checkbox"/>	[3]	Provide a copy of any customer application form required in order to establish residential service, if applicable.
<input type="checkbox"/>	[1-2,4-7,9,12-13,16,18-23,25]	Description of and rationale for proposed tariff changes, including a complete description of the service(s) proposed or affected. Specify for each service affected whether it is <input type="checkbox"/> business; <input type="checkbox"/> residence; or <input type="checkbox"/> both. Also indicate whether it is a <input type="checkbox"/> switched or <input type="checkbox"/> dedicated service. Include this information in either the cover letter or Exhibit C.
<input type="checkbox"/>	[1,2,4,9a(v-vi), 5,10,16,18(b-c), 20-21]	Specify which notice procedure has been/will be utilized: <input type="checkbox"/> direct mail; <input type="checkbox"/> bill insert; <input type="checkbox"/> bill notation or <input type="checkbox"/> electronic mail. NOTE: <input type="checkbox"/> Tier 1 price list increases must be within an approved range of rates. <input type="checkbox"/> SLF Filings – Do NOT send customer notice until it has been reviewed and approved by Commission Staff
<input type="checkbox"/>	[2,4-5,9a(v), 9b, 10,12-13,16, 18(b-c),20-21]	Copy of real time notice which has been/will be provided to customers. NOTE: SLF Filings – Do NOT send customer notice until it has been reviewed and approved by Commission Staff
<input checked="" type="checkbox"/>	[1,2,5,9a(v),11-13, 18, 21(increase only)]	Affidavit attesting that customer notice has been provided. <b>THE COMPANIES MAILED NOTICE TO THE ACCERIS AND NEW ACCESS CUSTOMERS OF THEIR TRANSFER TO FIRST IN ACCORDANCE WITH APPLICABLE FCC AND OHIO SLAMMING RULES. A COPY OF THE LETTER AND THE AFFIDAVIT ARE APPENDED HERETO AS EXHIBIT A.</b>
<input type="checkbox"/>	[2,12]	Copy of Notice which has been provided to ILEC(s).
<input type="checkbox"/>	[2,12]	Listing of Assigned (NPA) NXX's where in the LECs (NPA) NXX's would be reassigned.
<input type="checkbox"/>	[2,4,10,12-13,]	List of Ohio exchanges specifically involved or affected.
<input type="checkbox"/>	[14]	The interconnection agreement adopted by negotiation or mediation.
<input type="checkbox"/>	[15]	For commercial mobile radio service providers, a statement affirming that registrant has obtained all necessary federal authority to conduct operations being proposed, and that copies have been furnished by cellular, paging, and mobile companies to this Commission of any Form 401, 463, and / or 489 which the applicant has filed with the Federal Communications Commission.
<input type="checkbox"/>	[15]	Exhibits must include company name, address, contact person, service description, and evidence of registration with the Ohio Secretary of State.
<input type="checkbox"/>	[24]	Affidavit that total price of contract exceeds total cost of all regulated services.
<input type="checkbox"/>	[5,13]	New title sheet with proposed new company name.
<input type="checkbox"/>	[1,3,13]	For CLECs, List of Ohio Exchanges the applicant intends to serve (Use spreadsheet from: <a href="http://www.puc.state.oh.us/puco/forms/form.cfm?doc_id=357">http://www.puc.state.oh.us/puco/forms/form.cfm?doc_id=357</a> ).
<input type="checkbox"/>	[1,3a-b,3d,7, 10,13, 23]	Maps depicting the proposed serving and calling areas of the applicant.  <b>If Mirroring Large ILEC</b> exchanges for both serving area and local calling areas: • <b>Serving area</b> must be clearly reflected on an Ohio map attached to tariffs and textually described in tariffs by noting that it is reflecting a particular large ILEC/CLEC territory, and listing the involved exchanges. • <b>Local calling areas</b> must be clearly reflected on an Ohio map attached to the tariffs, and/or clearly delineated in tariffs, including a complete listing of each exchange being served and all exchanges to which local calls can be made from each of those exchanges.  <b>If Self-defining</b> serving area and/or local calling area as an area other than that of the established ILEC exchange(s): • <b>Serving Area</b> must be clearly reflected on an Ohio map attached to the tariffs, and textually described in tariffs by listing the involved exchanges. • <b>Local Calling Areas</b> must be described in the tariff through textual delineation and clear maps. Maps for self-defined <u>serving and local calling areas</u> are required to be traced on United States Geological Survey topography maps. These maps are the Standard Topographic Quadrangle maps, 7.5 minute 1:24,000.
<input type="checkbox"/>		Other information requested by the Commission staff.
<input type="checkbox"/>	[3]	Initial certification that includes Tier 2 Services, indicate which option you intend to adopt to maintain the tariff: <input type="checkbox"/> Paper Tariff <input type="checkbox"/> Electronic Tariff - If electronic, provide the web address for the tariff.

**NOTE:** ~ This is not a transfer of certificate case. The proper standing of First, its officers and directors and tariff are associated with its certification in Case 04-542-TP-ACC, Certificate No. 90-9217, April 29, 2004; Case 02-578-TP-ACE, Certificate No. 90-9217, August 21, 2002. Amendments to First's Tariff Nos. 1 and 3 are appended hereto as *Exhibit B*. This amendments the same services, rates, terms and conditions as the existing Acceris and New Access tariffs. Thus, the customers being transferred from Acceris and New Access to First will not experience any change in their services.

III. Registrant hereby attests to its compliance with the following requirements in the Service Requirements Form, as well as all pertinent entries and orders issued by the Commission with respect to these issues. Further, registrant hereby affirms that it will maintain with its TRF docket an up-to-date, properly marked, copy of the Service Requirements Form available for public inspection.

**MANDATORY REQUIREMENTS FOR ALL BASIC LOCAL EXCHANGE AND CTS PROVIDERS:**

- ☒ Sales tax  
☒ Minimum Telephone Service Standards (MTSS)  
☒ Surcharges

**MANDATORY REQUIREMENTS FOR ALL BASIC LOCAL EXCHANGE PROVIDERS:**

- ☒ 1+ IntraLATA Presubscription

**SERVICE REQUIREMENTS FOR PROVISION OF CERTAIN SERVICES (CHECK ALL APPLICABLE):**

- ☐ Discounts for Persons with Communication Disabilities and the Telecommunication Relay Service [Required if toll service provided]  
☐ Emergency Services Calling Plan [Required if toll service provided]  
☐ Alternative Operator Service (AOS) requirements [Required for all providing AOS (including inmate services) service]  
☐ Limitation of Liability Language [Required for all who have tariff language that may limit their liability]  
☐ Termination Liability Language [Required for all who have early termination liability language in their tariffs]  
☐ Service Connection Assistance (SCA) [Required for all LECs]  
☐ Local Number Portability and Number Pooling [Required for facilities-based LECs]  
☐ Package Language [Required for tariffs containing packages or service bundles containing both local and toll and/or non-regulated services]

IV. List names, titles, phone numbers, and addresses of those persons authorized to respond to inquiries from the Consumer Services Department on behalf of the applicant regarding end-user complaints:

**First Communications, LLC: Mary Cegelski, Manager of Regulatory Affairs, (216) 468-1614, 15166 Neo Parkway, Garfield Heights, OH 44128**

**Acceris Management and Acquisition LLC and New Access Communications LLC: Drew Backstrand, General Counsel, (612) 465-0265, 60 South Sixth Street, Suite 2535, Minneapolis, Minnesota 55402**

V. List names, titles, phone numbers, and addresses of those persons authorized to make and/or affirm or verify filings at the Commission on behalf of the applicant:

**First Communications, LLC: Mary Cegelski, Manager of Regulatory Affairs, (216) 468-1614, 15166 Neo Parkway, Garfield Heights, OH 44128; Katherine Barker Marshall, Attorney (202) 342-8519 – Kelley Drye & Warren LLP, 3050 K Street, NW, Suite 400, Wash., DC 20007**

**Acceris Management and Acquisition LLC and New Access Communications LLC: Drew Backstrand, General Counsel, (612) 465-0265, 60 South Sixth Street, Suite 2535, Minneapolis, Minnesota 55402**

*NOTE: An annual report is required to be filed with the Commission by each company on an annual basis. The annual report form will be sent for completion to the address and individual(s) identified in this Section unless another address or individual is so indicated.*

VI. List Name(s), DBA(s) and PUCO Certification Number(s) of any affiliates you have operating in Ohio under PUCO authority, whether Telecommunication or other. (If needed, use a separate sheet and check here: ☐)

None

**AFFIDAVIT**

***Minimum Telephone Service Standards***

I am an officer of the applicant corporation, \_\_\_\_\_, and am authorized to make this statement  
(Name of Company)

on its behalf. I attest that these tariffs comply with the Minimum Telephone Service Standards (MTSS) for the state of Ohio. I understand that the Minimum Telephone Service Standards, as modified and clarified from time to time, supercede 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 \_\_\_\_\_ at \_\_\_\_\_  
(Date) (Location)

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

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

***\* 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

**\*PLEASE SEE ATTACHED VERIFICATIONS\***

I, \_\_\_\_\_ verify that I have utilized, verbatim, the Commission's Telecommunications Application Form 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)

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

*\*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** (or to the Telecommunications Division Chief if a prefiling submittal)  
**180 East Broad Street, Columbus, OH 43215-3793**

## **Exhibit A**

### **Customer Notice Letters and Affidavit**

**AFFIDAVIT OF PROVISION OF CUSTOMER NOTICE  
FIRST COMMUNICATIONS, LLC**

State of Ohio  
County of Cuyahoga


:  
:  
:

Joseph R. Morris, Affiant, being duly sworn according to law, deposes and says that:

He is the Chief Operating Officer of First Communications, LLC;

That he is authorized to and does make this affidavit for said company; and

That First Communications, LLC has provided the required notification to all affected Acceris Management and Acquisition LLC and New Access Communications LLC customers regarding their transfer to First Communications, LLC in accordance with applicable Federal Communications Commission and Ohio rules and regulations.

  
\_\_\_\_\_  
Joseph R. Morris  
Chief Operating Officer  
First Communications, LLC

Sworn and subscribed before me this 20<sup>th</sup> day of December 2006.

**MARY CEGELSKI**  
NOTARY PUBLIC • STATE OF OHIO  
Recorded in Cuyahoga Cty.  
My commission expires Oct. 18, 2011

  
\_\_\_\_\_  
Signature of official administering oath

My Commission Expires:



**IMPORTANT INFORMATION REGARDING YOUR TELECOMMUNICATIONS SERVICE.**

December 5, 2006

Dear :

We are happy to share some exciting news about your telecommunications services. We are proud to announce that, beginning on or about March 1, 2007, your telecommunications services, formerly provided by Acceris Communications will be provided by First Communications.

**Who is First Communications?**

First Communications is a full service, facilities-based telecommunications provider located in Northeast Ohio. First Communications serves more than 130,000 business and residential customers across the U.S. with the majority located in Ohio, Michigan and Indiana. First Communications is a solid financial company with 23 straight quarters of profitable growth with a strong equity base, including a Fortune 100 company. For more information about First Communications, please visit the First Communications website [www.firstcomm.com](http://www.firstcomm.com).

**What does this mean?**

First Communications is purchasing the proprietary rights to many of Acceris Communications products, including long distance and circuits. The initial period of transition will involve your account migration to First Communications billing system. Therefore, once the migration is complete, First Communications will support your telecommunications needs.

**What happens to my services?**

Your services will not be affected during this transition. In fact, from the first day of the transitional period you will experience a superior quality of service led by First Communications veteran staff of Client Care management. During this transition, there will be **NO** change to your rates, service options, or the way that you dial and **NO** interruption in service. Please, also be assured that the operations of Acceris Communications Network Operations Center (NOC) will remain fully functional during this period. Therefore, you will continue to be able to request changes to your service, submit trouble tickets and receive timely troubleshooting resolutions.

Any future changes in rates, terms and conditions of service will be done as prescribed by the Federal Communications Commission (FCC) and your applicable state regulatory commission.

**Will I be charged for this change?**

Absolutely **NOT!** There will be no charge or fee as a result of this change to First Communications. Please contact First Communications if a charge does appear on your bill. The only difference that you will notice will be the name of your carrier and the look of your new monthly bill.

**When will this Change Occur?**

*No further action is required on your part.* First Communications anticipates that the transfer will occur on or about March 1, 2007, provided that the necessary regulatory approvals have been obtained. Beginning on or after that date, First Communications will be providing your service and Acceris Communications will no longer be your service provider. First Communications is

confident that you will find that remaining with us is the smart choice to meet your telecommunications needs; however, First Communications realizes that you have a choice of service providers, and you may choose another carrier at any point, subject to any applicable termination provisions in your contract.

All subscribers receiving this notice, even those who had arranged preferred carrier freezes through their local service providers on the service(s) involved in the transfer, will be transferred to First Communications, unless they select a different carrier before the transfer date. Existing preferred carrier freezes on the service(s) involved in the transfer will be lifted. You must contact your new local service provider (First Communications or other local service provider that you choose) to arrange a new freeze to protect you from unauthorized carrier changes after the transfer.

If you have any questions or concerns in regards to service needs, complaints or billing issues, you can also call First Communications at 1.800.274.1015 or prior to the transfer on or around March 1, 2007, call Acceris Communications at 1.800.852.7023, and a representative will assist you.

Welcome to First Communications and thank you for your time.

Sincerely,



Ray Hexamer  
Chief Executive Officer  
First Communications



Jessica R. Newman  
Chief Executive Officer  
Acceris Management and Acquisition LLC  
d/b/a Acceris Communications



**IMPORTANT INFORMATION REGARDING YOUR TELECOMMUNICATIONS SERVICE.**

December 5, 2006

Dear :

We are happy to share some exciting news about your telecommunications services. We are proud to announce that, beginning on or about March 1, 2007, your telecommunications services, formerly provided by New Access Communications will be provided by First Communications.

**Who is First Communications?**

First Communications is a full service, facilities-based telecommunications provider located in Northeast Ohio. First Communications serves more than 130,000 business and residential customers across the U.S. with the majority located in Ohio, Michigan and Indiana. First Communications is a solid financial company with 23 straight quarters of profitable growth with a strong equity base, including a Fortune 100 company. For more information about First Communications, please visit the First Communications website [www.firstcomm.com](http://www.firstcomm.com).

**What does this mean?**

First Communications is purchasing the proprietary rights to many of New Access Communications products, including long distance and circuits. The initial period of transition will involve your account migration to First Communications billing system. Therefore, once the migration is complete, First Communications will support your telecommunications needs.

**What happens to my services?**

Your services will not be affected during this transition. In fact, from the first day of the transitional period you will experience a superior quality of service led by First Communications veteran staff of Client Care management. During this transition, there will be **NO** change to your rates, service options, or the way that you dial and **NO** interruption in service. Please, also be assured that the operations of New Access Communications Network Operations Center (NOC) will remain fully functional during this period. Therefore, you will continue to be able to request changes to your service, submit trouble tickets and receive timely troubleshooting resolutions.

Any future changes in rates, terms and conditions of service will be done as prescribed by the Federal Communications Commission (FCC) and your applicable state regulatory commission.

**Will I be charged for this change?**

Absolutely **NOT!** There will be no charge or fee as a result of this change to First Communications. Please contact First Communications if a charge does appear on your bill. The only difference that you will notice will be the name of your carrier and the look of your new monthly bill.

**When will this Change Occur?**

*No further action is required on your part.* First Communications anticipates that the transfer will occur on or about March 1, 2007, provided that the necessary regulatory approvals have been obtained. Beginning on or after that date, First Communications will be providing your service and New Access Communications will no longer be your service provider. First Communications is

confident that you will find that remaining with us is the smart choice to meet your telecommunications needs; however, First Communications realizes that you have a choice of service providers, and you may choose another carrier at any point, subject to any applicable termination provisions in your contract.

All subscribers receiving this notice, even those who had arranged preferred carrier freezes through their local service providers on the service(s) involved in the transfer, will be transferred to First Communications, unless they select a different carrier before the transfer date. Existing preferred carrier freezes on the service(s) involved in the transfer will be lifted. You must contact your new local service provider (First Communications or other local service provider that you choose) to arrange a new freeze to protect you from unauthorized carrier changes after the transfer.

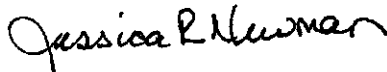
If you have any questions or concerns in regards to service needs, complaints or billing issues, you can also call First Communications at 1.800.274.1015 or prior to the transfer on or around March 1, 2007, call New Access Communications at 1.877.613.7487, and a representative will assist you.

Welcome to First Communications and thank you for your time.

Sincerely,



Ray Hexamer  
Chief Executive Officer  
First Communications



Jessica R. Newman  
Chief Executive Officer  
New Access Communications

## **Exhibit B**

### **Tariff Revisions**

CHECK SHEET

The title page and pages 1-67 inclusive of this Tariff are effective as of the date shown. Original and revised sheets, as named below, comprise all changes from the original Tariff in effect on the date indicated.

<u>SHEET</u>	<u>REVISION</u>	<u>SHEET</u>	<u>REVISION</u>	<u>SHEET</u>	<u>REVISION</u>	<u>SHEET</u>	<u>REVISION</u>
1	Original	21	Original	41	Original	61	Original
2	1 <sup>st</sup> Revised*	22	Original	42	Original	62	Original
3	Original	23	Original	43	Original	63	Original
4	Original	24	Original	44	Original	64	Original
5	Original	25	Original	45	Original	65	Original
6	Original	26	Original	46	Original	66	Original
7	Original	27	Original	47	Original	67	Original *
8	Original	28	Original	48	Original	68	Original *
9	Original	29	Original	49	Original	69	Original*
10	Original	30	Original	50	Original	70	Original *
11	Original	31	Original	51	Original	71	Original *
12	Original	32	Original	52	Original		
13	Original	33	Original	53	Original		
14	Original	34	Original	54	Original		
15	Original	35	Original	55	Original		
16	Original	36	Original	56	Original		
17	Original	37	Original	57	Original		
18	Original	38	Original	58	Original		
19	Original	39	Original	59	Original		
20	Original	40	Original	60	Original		

\* New or Revised Sheets

Issued: December 22, 2006

Effective: December 26, 2006

Issued under authority of the Public Utilities Commission of Ohio,  
Dated \_\_\_\_\_, in Case No. \_\_\_\_\_

Issued by: Joseph R. Morris  
Chief Operating Officer  
First Communications, LLC  
3340 W. Market St.  
Akron, OH 44333

5.0 Grandfathered - No new services allowed.

5.1 Grandfathered New Access Communications Services.

5.1.1 Switched Inbound Usage Rates

Business Day  
Evening/Night/Weekend

Mileage	Initial Seconds	Additional 60 Seconds
All	0.25	0.25

5.1.2 Switched Outbound Usage Rates

Business Day  
Evening/Night/Weekend

Mileage	Initial Seconds	Additional 60 Seconds
All	0.25	0.25

Issued: December 22, 2006

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Dated \_\_\_\_\_, in Case No. \_\_\_\_\_

Issued by: Joseph R. Morris  
Chief Operating Officer  
First Communications, LLC  
3340 W. Market St.  
Akron, OH 44333

5.0 Grandfathered - No new services allowed.

5.1 Grandfathered New Access Communications Services.

5.1.3 Dedicated Inbound Usage Rates

Business Day  
Evening/Night/Weekend

Mileage	Initial Seconds	Additional 60 Seconds
All	0.25	0.25

5.1.4 Dedicated Outbound Usage Rates

Business Day  
Evening/Night/Weekend

Mileage	Initial Seconds	Additional 60 Seconds
All	0.25	0.25

(N)

(N)

Issued: December 22, 2006

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Dated \_\_\_\_\_, in Case No. \_\_\_\_\_

Issued by: Joseph R. Morris  
Chief Operating Officer  
First Communications, LLC  
3340 W. Market St.  
Akron, OH 44333

## 5.0 Grandfathered Services- No new services allowed. (cont.)

## 5.1 Grandfathered New Access Communications Services

## 5.1.5 Calling Card Usage Rates

Business Day  
Evening/Night/Weekend

Mileage	Initial Seconds	Additional 60 Seconds
All	0.25	0.25

(N)

(N)

Issued: December 22, 2006

Effective: December 26, 2006

Issued under authority of the Public Utilities Commission of Ohio,

Dated \_\_\_\_\_, in Case No. \_\_\_\_\_

Issued by: Joseph R. Morris  
Chief Operating Officer  
First Communications, LLC  
3340 W. Market St.  
Akron, OH 44333

## 5.0 Grandfathered Services- No new services allowed. (cont.)

## 5.2 Grandfathered Cognigen Networks, Inc. Services

## 5.2.1 Service Charges

## 5.2.1.1 One Plus Service

## DAY/EVENING/NIGHT/WEEKEND

Mileage	Initial 60 Seconds	Additional 60 Seconds
ALL	\$0.1007	\$0.1007

5.2.1.2.1 Calling Card Usage Rates

## DAY/EVENING/NIGHT/WEEKEND

Mileage	Initial 60 Seconds	Additional 60 Seconds
ALL	\$0.099	\$0.099

## 5.2.2 Recurring Charges

Customers will incur the following monthly Recurring Charges:

Per 800 Number  
Monthly Recurring Charge Per T-1  
Monthly Billing Charge

**SWITCHED  
ACCESS**

\$1.50

\$300.00

\$1.99 if paper bill is requested  
with usage less than \$20.00;  
otherwise, N/C  
N/C for online bill

Issued: December 22, 2006

Effective: December 26, 2006

Issued under authority of the Public Utilities Commission of Ohio,

Dated \_\_\_\_\_, in Case No. \_\_\_\_\_

Issued by: Joseph R. Morris  
Chief Operating Officer  
First Communications, LLC  
3340 W. Market St.  
Akron, OH 44333

5.0 Grandfathered Services- No new services allowed. (cont.)

(N)

5.2 Grandfathered Cognigen Networks, Inc. Services

5.2.3 Returned Check Charge

\$10.00 per check.

5.2.4 Service Restoral Charge

\$25.00 per occurrence.

(N)

Issued: December 22, 2006

Effective: December 26, 2006

Issued under authority of the Public Utilities Commission of Ohio,  
Dated \_\_\_\_\_, in Case No. \_\_\_\_\_

Issued by: Joseph R. Morris  
Chief Operating Officer  
First Communications, LLC  
3340 W. Market St.  
Akron, OH 44333

Issued: August 4, 2006

Effective: September 2, 2006

Issued under authority of the Public Utilities Commission of Ohio,  
Dated \_\_\_\_\_, in Case No. \_\_\_\_\_

Issued by: Joseph R. Morris  
Chief Operating Officer  
First Communications, LLC  
3340 W. Market St.  
Akron, OH 44333

## Grandfathered Rates for Former Customers of New Access Communications LLC

11.0 Price List11.1 Local Exchange Service B Rates and Charges11.1.1 Non-recurring chargesService

Service Connection Charge(per line)	\$65.00
Service Connection Charge (per basic trunk)	\$65.00
Service Connection Charge (per digital trunk)	\$200.00

## Installation Charge

\$ Per digital transport facility	\$400.00
\$ Per DSO channel activated	\$50.00

Per Trunk Group Configured for DID Svc.	\$350.00
---	----------

Subsequent Account Changes (Changes, Additions per order)	\$10.00
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## Nonrecurring Charges IntraLATA Presubscription Change Charge

\$ Initial line, trunk, or port	\$5.00
\$ --- Additional line, trunk, or port	\$1.50

## Nonrecurring Charges InterLATA Presubscription Change Charge

\$ Initial line, trunk, or port	\$5.00
\$ --- Additional line, trunk, or port	\$1.50

Optional Feature Activation(per order)	\$10.00
--	---------

Number Change	\$45.00
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Change of Responsibility	\$25.00
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Move Order	\$50.00
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Service Restore	\$50.00
-----------------	---------

Late Payment Charge	\$3.50
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Single Service Fee	\$5.00
--------------------	--------

(charged to local only or long distance only customers)

Issued: December 22, 2006

Effective: January 22, 2007

Filed under authority by Order of the Public Utilities Commission of Ohio in Case No. .

Joseph R. Morris, COO  
3340 West Market Street  
Akron, Ohio 44333

## Grand fathered Rates for Former Customers of New Access Communications LLC

11.0 Price List11.2 Monthly Recurring ChargesServiceSwitched Network Access Channels

Zone A -	Basic Line , Per Line	\$27.25
	Basic Trunk, Per Trunk	\$25.00
	Digital Trunk, Per Trunk	\$40.00
Zone B -	Basic Line , Per Line	\$27.25
	Basic Trunk, Per Trunk	\$25.00
	Digital Trunk, Per Trunk	\$40.00
Zone C -	Basic Line , Per Line	\$27.25
	Basic Trunk, Per Trunk	\$25.00
	Digital Trunk, Per Trunk	\$40.00
Zone D -	Basic Line , Per Line	\$27.25
	Basic Trunk, Per Trunk	\$25.00
	Digital Trunk, Per Trunk	\$40.00

Optional Features:

End User Common Line Charge(Primary Line)	\$5.38	WireWorks - Multiple Line	\$6.95
Federal User Service Fee	\$0.35	WireWorks - Single Line	\$4.95
Federal User Common Line Charge (Multi-Line)	\$5.41	Caller ID with Name	\$1.95
End User Common Line Charge(Non-Primary Line)	\$5.38	New Access Local Service	\$5.00
Additional Listing - Business Line	\$1.99	New Access Long Distance	\$5.00
Multi Ring - 1st Dependent Number	\$4.00	Add'l Call Offering (CSV/CSD)	\$2.50
Multi Ring - 2nd Dependent Number	\$2.00	Semi-Private Listing	\$1.10
New Access Universal Package This Package Includes: - Call Waiting (Optional) - Call Forwarding - Three Way Calling - Repeat Dialing (*66) - Automatic Callback (*69) - Speed Calling 8 - Caller ID - Caller ID with Name			
Customer Control Busy Line Transfer Feature	\$1.00		\$19.95
Customer Control Alternate Answer Feature	\$1.00	Caller ID with Name	\$1.95
Three Way Calling	\$4.00	Private Listing Service	\$1.10
Speed Calling 30	\$4.00	Caller ID	\$6.00
Speed Calling 8	\$4.00	Automatic Callback (*69)	\$4.10
Call Forwarding	\$4.00	Local Number Portability	\$0.28
Call Waiting	\$4.15	Repeat Dialing (*66)	\$4.10
Busy Line Transfer	\$0.60	Call Screening	\$4.00
Dont Answer Transfer	\$0.60	Intercom Calling	\$2.50

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3340 West Market Street  
Akron, Ohio 44333

## Grand fathered Rates for Former Customers of New Access Communications LLC

11.0 Price List11.2 Monthly Recurring Charges (cont.)

Voice Mail Features Package	\$1.00	Outgoing Call Control	\$7.95
Voice Mail Services Package	\$1.00	Basic Choice Package	\$15.95
Message WaitingTone	\$0.25	Call Management Package	\$18.95
New Access Platinum Plan This Package Includes: - Residential Line - Call Waiting - Call Waiting ID / Wait & See - Caller ID Name & Number - 300 Minutes of State-To-State Long Distance Minutes of State-To-State Long Distance	\$47.95	Additional Listing	\$0.90
New Access Gold Plan This Package Includes: - Residential Line - Call Waiting - Call Waiting ID / Wait & See - Caller ID Name & Number - 150 Minutes of State-To-State Long Distance	\$47.95	Toll Restriction	\$3.00
New Access Bronze Plan This Package Includes: - Residential Line - Call Waiting - 75 Minutes of State-To-State Long Distance	\$37.95	Star Code Access	\$0.30
OH Residential Plus Plan This Package Includes: - Residential Line - 300 Minutes State-To-State Long Distance	\$37.95	Talking Call Waiting	\$2.50
OH Residential Plus Plan This Package Includes: - Residential Line - 300 Minutes State-To-State Long Distance	\$37.95	Talking Call Waiting	\$2.00
OH Value Plus Plan This Package Includes: - Residential Line - Call Waiting - Caller ID - 300 Minutes State-To-State Long Distance	\$41.95	911 Emergency System	\$0.12
OH Prime Plan This Package Includes: - Residential Line - Call Waiting/Call Waiting ID Wait & See - Caller ID Number/Caller ID Name - Three Way Calling - *69 - \$10 credit on first month's bill - 150 minutes of instate or state to state long distance - \$.06 per minute long distance instate or state to state beyond package allowance	\$39.95		
VoiceMail	\$7.95	Privacy Manager	\$3.95
		Privacy Manager	\$3.15
		Easy Call	\$1.50

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3340 West Market Street  
Akron, Ohio 44333

## Grand fathered Rates for Former Customers of New Access Communications LLC

11.0 Price List11.3 Usage Charges

11.3.1 Per Message Rate: The following rates will be applied on a per call basis, regardless of the duration of the call.

Per Call	\$ .08
Unlimited Calling	\$15.00

11.3.4 Directory Assistance

Each call to Directory Assistance will be charged as follows:

DA, Per call	\$0.45
DA, with Call Completion	\$0.70

11.3.5 Operator Assistance (Traditional)

The following surcharges will be applied on a per call basis.

Calling Card/Operator	\$1.00
Calling Card/Automatic	\$1.00
Third Number Billing	\$2.00
Collect Calling	\$2.00
Person to Person	\$2.00
Station to Station	\$2.00
Busy Line Verification	\$1.50
Busy Line Interrupt	\$1.50

11.3.6 Directory Listings

	Per Listing or Per Number Charge	
	NRC	Per Month
Primary Listing	N/C	N/C
Additional Listing	\$10.00	\$1.00
Foreign, Alternate and Reference Listings	\$12.00	\$2.00
Non-Listed Number	\$ 5.00	\$2.00
Non-Published Number	\$ 5.00	\$2.00

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3340 West Market Street  
Akron, Ohio 44333

## Grand fathered Rates for Former Customers of New Access Communications LLC

11.0 Price List11.3 Usage Charges11.3.7 Emergency 9-1-1 Charges

These charges pass through the charge approved by the Public Utilities Commission of Ohio for Ameritech, whose services the Company is reselling.

Current Monthly E-911 Subscriber Charge                      \$.12

11.3.8 Telephone Service Assistance

The Company will provide Telephone Service Assistance on a pass through basis charging the customer the same amount it is charged by the underlying ILEC who provides the service.

11.3.9. Pay Per Use Charges

The following charges are assessed per feature activation by the customer.

<u>Pay Per Use Description</u>	
Automatic Call Back	\$1.25
Automatic Recall (*66)	\$1.00
Call Trace	\$1.25
Directory Assistance Call Completion	\$0.35
I Called	\$0.00
Interrupt Service Charge	\$7.00
Last Call Return (*69)	\$1.25
LOCAL Calling Card	\$0.00
LOCAL Coin	\$0.00
LOCAL Collect Call	\$2.52
LOCAL Collect Call - INMATE	\$2.52
Local Directory Assistance	\$0.75
LOCAL Reverse Billing	\$0.00
LOCAL Third Party Call	\$2.10
Measured Local Service	\$0.00
Name & Number Delivery	\$1.00
National 411 Directory Assistance	\$1.49
National Directory Assistance	\$1.99
Reverse Directory Assistance	\$1.10
Three Way Calling	\$1.10
Verify Service Charge	\$2.65

Issued: December 22, 2006

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Joseph R. Morris, COO  
3340 West Market Street  
Akron, Ohio 44333

## Grand fathered Rates for Former Customers of New Access Communications LLC

11.0 Price List

## 11.4 Grand fathered Rates for Former Customers of Stonebridge Communications LLC

<b>USOC</b>	<b>USOC Description</b>	<b>Monthly Charge</b>
1FR	Residence Line	\$20.11
9LM	Federal Access Charge	\$5.38
9PZLX	Regulatory and Admin Cost Recovery Fee	\$1.95
9ZRMR	Federal Access Charge	\$5.38
ESC	Three-Way Calling	\$4.00
ESL	8 Code Speed Calling	\$4.00
ESM	Call Forwarding	\$4.00
ESX	Call Waiting	\$4.15
EVB	Call Forwarding - Busy Line External Forwarding	\$0.00
EVD	Call Forwarding Don't Answer - Intraoffice	\$0.00
N8D	Caller ID with Name	\$1.95
NBA	CALLER ID BLOCK	\$0.50
NLT	Non-Listed Service	\$1.10
NLUZ1	Universal Package (The Works)	\$19.95
NMP	CALLING NAME DISPLAY	\$1.95
NPU	Non-Published Service	\$1.10
NSD	Caller ID Number	\$6.00
NSQ	Last Call Return	\$4.10
NSR	LOCAL NUMBER PORTABILITY	\$0.00
NSS	Continuous Redial	\$4.10
NSY	Call Rejection	\$4.00
PCV6F	THE BASICS CALLING PLAN	\$15.95
PKB8N	BASIC VALUE PACKAGE	\$26.28
PKBAM	VALUE PLUS PACKAGE	\$29.30
RLT	Additional Listing	\$1.80
SW_01	Inside Wire Protection	\$3.95
SW_02	Inside Wire Protection	\$3.25
SW_07	Inside Wire Protection	\$5.95
UJR	Residence Line - Flat Rate	\$20.11

Issued: December 22, 2006

Effective: January 22, 2007

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Akron, Ohio 44333