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Our File No.: 0000332244

September 10, 2008

**By Overnight Delivery**

Renee Jenkins, Secretary  
Public Utilities Commission of Ohio  
180 E. Broad Street  
Columbus, OH 43215-3793

*90-9360-TP-TRF*

**Re: Case No. 08-987-TP-ATW - Application of Onvoy, Inc. d/b/a Onvoy Voice Services to Withdraw Tier 1 Services**

Dear Ms. Jenkins:

On behalf of Onvoy, Inc. d/b/a Onvoy Voice Services ("Onvoy"), an original and ten (10) copies of the Telecommunications Application Form for Routine Proceedings for Onvoy's withdrawal of Tier 1 services. Please associate this filing with the docket referenced above, which was established upon Onvoy's filing of a notification of discontinuance of service on August 18, 2008.

Please date-stamp the extra copy and return it in the envelope provided. Should you have any questions regarding this letter, please do not hesitate to contact Brett Ferencsak at (202) 373-6697.

Respectfully submitted,

*Brett P Ferencsak*

Jean L. Kiddoo  
Brett P. Ferencsak

Counsel for Onvoy

Boston  
Hartford  
Hong Kong  
London  
Los Angeles  
New York  
Orange County  
San Francisco  
Santa Monica  
Silicon Valley  
Tokyo  
Walnut Creek  
Washington

Bingham McCutchen LLP  
2020 K Street NW  
Washington, DC  
20006-1806  
  
T 202.373.6000  
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Technician *[Signature]* Date Processed *9-11-08*

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

In the Matter of the Application of Onvoy, Inc. d/b/a Onvoy )  
Voice Services to withdraw certain Tier 1 Services in the )  
State of Ohio )

TRF Docket No. 90-\_\_\_\_\_

Case No. 08 - 987 - **TP** - ATW

NOTE: Unless you have reserved a Case # or are filing a Contract, leave the "Case No" fields BLANK.

Name of Registrant(s) Onvoy, Inc.

DBA(s) of Registrant(s) Onvoy Voice Services

Address of Registrant(s) 300 South Highway 169, Suite 700, Minneapolis, MN 55426

Company Web Address www.onvoy.com

Regulatory Contact Person(s) Mary T. Buley, Senior Regulatory & Interconnection Manager

Phone (952) 230-4183

Fax (952) 230-4183

Regulatory Contact Person's Email Address mary.buley@onvoy.com

Contact Person for Annual Report Mary T. Buley, Senior Regulatory & Interconnection Manager

Phone (952) 230-4183

Address (if different from above)

Consumer Contact Information Mary T. Buley, Senior Regulatory & Interconnection Manager

Phone (952) 230-4183

Address (if different from above)

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

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

**Section I – Pursuant to Chapter 4901:11-6 OAC – 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 [www.puco.ohio.gov](http://www.puco.ohio.gov) 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.

Carrier Type <input type="checkbox"/> Other (explain below)	<input type="checkbox"/> ILEC	<input checked="" type="checkbox"/> CLEC	<input checked="" type="checkbox"/> CTS	<input type="checkbox"/> AOS/IOS
<b>Tier 1 Regulatory Treatment</b>				
Change Rates within approved Range	<input type="checkbox"/> TRF 1-6-04(B) (0 day Notice)	<input type="checkbox"/> TRF 1-6-04(B) (0 day Notice)		
New Service, expanded local calling area, correction of textual error	<input type="checkbox"/> ZTA 1-6-04(B) (0 day Notice)	<input type="checkbox"/> ZTA 1-6-04(B) (0 day Notice)		
Change Terms and Conditions, Introduce non-recurring service charges	<input type="checkbox"/> ATA 1-6-04(B) (Auto 30 days)	<input type="checkbox"/> ATA 1-6-04(B) (Auto 30 days)		
Introduce or Increase Late Payment or Returned Check Charge	<input type="checkbox"/> ATA 1-6-04(B) (Auto 30 days)	<input type="checkbox"/> ATA 1-6-04(B) (Auto 30 days)		
Business Contract	<input type="checkbox"/> CTR 1-6-17 (0 day Notice)	<input type="checkbox"/> CTR 1-6-17 (0 day Notice)		
Withdrawal	<input type="checkbox"/> ATW 1-6-12(A) (Non-Auto)	<input checked="" type="checkbox"/> ATW 1-6-12(A) (Auto 30 days)		
Raise the Ceiling of a Rate	Not Applicable	<input type="checkbox"/> SLF 1-6-04(B) (Auto 30 days)		
<b>Tier 2 Regulatory Treatment</b>				
Residential - Introduce non-recurring service charges	<input type="checkbox"/> TRF 1-6-05(E) (0 day Notice)	<input type="checkbox"/> TRF 1-6-05(E) (0 day Notice)		
Residential - Introduce New Tariffed Tier 2 Service(s)	<input type="checkbox"/> TRF 1-6-05(C) (0 day Notice)	<input type="checkbox"/> TRF 1-6-05(C) (0 day Notice)	<input type="checkbox"/> TRF 1-6-05(C) (0 day Notice)	
Residential - Change Rates, Terms and Conditions, Promotions, or Withdrawal	<input type="checkbox"/> TRF 1-6-05(E) (0 day Notice)	<input type="checkbox"/> TRF 1-6-05(E) (0 day Notice)	<input type="checkbox"/> TRF 1-6-05(E) (0 day Notice)	
Residential - Tier 2 Service Contracts	<input type="checkbox"/> CTR 1-6-17 (0 day Notice)	<input type="checkbox"/> CTR 1-6-17 (0 day Notice)	<input type="checkbox"/> CTR 1-6-17 (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)		<input type="checkbox"/> ACE 1-6-10 (Auto 30 days)	<input type="checkbox"/> ACE 1-6-10 (Auto 30 days)	<input type="checkbox"/> ACE 1-6-10 (Auto 30 days)
Add Exchanges to Certificate	<input type="checkbox"/> ATA 1-6-09(C) (Auto 30 days)	<input type="checkbox"/> AAC 1-6-10(F) (0 day Notice)	CLECs must attach a current CLEC Exchange Listing Form	
Abandon all Services - With Customers	<input type="checkbox"/> ABN 1-6-11(A) (Non-Auto)	<input type="checkbox"/> ABN 1-6-11(A) (Auto 90 day)	<input type="checkbox"/> ABN 1-6-11(B) (Auto 14 day)	<input type="checkbox"/> ABN 1-6-11(B) (Auto 14 day)
Abandon all Services - Without Customers		<input type="checkbox"/> ABN 1-6-11(A) (Auto 30 days)	<input type="checkbox"/> ABN 1-6-11(B) (Auto 14 day)	<input type="checkbox"/> ABN 1-6-11(B) (Auto 14 day)
Change of Official Name (See below)	<input type="checkbox"/> ACN 1-6-14(B) (Auto 30 days)	<input type="checkbox"/> ACN 1-6-14(B) (Auto 30 days)	<input type="checkbox"/> CIO 1-6-14(A) (0 day Notice)	<input type="checkbox"/> CIO 1-6-14(A) (0 day Notice)
Change in Ownership (See below)	<input type="checkbox"/> ACO 1-6-14(B) (Auto 30 days)	<input type="checkbox"/> ACO 1-6-14(B) (Auto 30 days)	<input type="checkbox"/> CIO 1-6-14(A) (0 day Notice)	<input type="checkbox"/> CIO 1-6-14(A) (0 day Notice)
Merger (See below)	<input type="checkbox"/> AMT 1-6-14(B) (Auto 30 days)	<input type="checkbox"/> AMT 1-6-14(B) (Auto 30 days)	<input type="checkbox"/> CIO 1-6-14(A) (0 day Notice)	<input type="checkbox"/> CIO 1-6-14(A) (0 day Notice)
Transfer a Certificate (See below)	<input type="checkbox"/> ATC 1-6-14(B) (Auto 30 days)	<input type="checkbox"/> ATC 1-6-14(B) (Auto 30 days)	<input type="checkbox"/> CIO 1-6-14(A) (0 day Notice)	<input type="checkbox"/> CIO 1-6-14(A) (0 day Notice)
Transaction for transfer or lease of property, plant or business (See below)	<input type="checkbox"/> ATR 1-6-14(B) (Auto 30 days)	<input type="checkbox"/> ATR 1-6-14(B) (Auto 30 days)	<input type="checkbox"/> CIO 1-6-14(A) (0 day Notice)	<input type="checkbox"/> CIO 1-6-14(A) (0 day Notice)
<b>Procedural</b>				
Designation of Process Agent(s)	<input type="checkbox"/> TRF (0 day Notice)	<input type="checkbox"/> TRF (0 day Notice)	<input type="checkbox"/> TRF (0 day Notice)	<input type="checkbox"/> 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	<input type="checkbox"/> NAG 1-7-07 (Auto 90 day)	<input type="checkbox"/> NAG 1-7-07 (Auto 90 day)		
Request for Arbitration	<input type="checkbox"/> ARB 1-7-09 (Non-Auto)	<input type="checkbox"/> ARB 1-7-09 (Non-Auto)		
Introduce or change c-t-c service tariffs,	<input type="checkbox"/> ATA 1-7-14 (Auto 30 day)	<input type="checkbox"/> ATA 1-7-14 (Auto 30 day)		
Introduce or change access service pursuant to 07-464-TP-COI	<input type="checkbox"/> ATA (Auto 30 day)			
Request rural carrier exemption, rural carrier suspension or modification	<input type="checkbox"/> UNC 1-7-04 or 1-7-05 (Non-Auto)	<input type="checkbox"/> UNC 1-7-04 or 1-7-05 (Non-Auto)		
Pole attachment changes in terms and conditions and price changes.	<input type="checkbox"/> UNC 1-7-23(B) (Non-Auto)	<input type="checkbox"/> UNC 1-7-05 (Non-Auto)		
<b>CMRS Providers</b> See 4901:1-6-15	<input type="checkbox"/> RCC [Registration & Change in Operations] (0 day)		<input type="checkbox"/> NAG [Interconnection Agreement or Amendment] (Auto 90 days)	
<b>Other</b> (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 the 4901:1-6-14 Filing Requirements on the Commission's Web Page 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) - <b>Not Applicable - See Exhibit C.</b>
B	The Tariff pages subject to the proposed change(s), reflecting the change, with the change(s) marked in the right margin. - <b>Not Applicable - See Exhibit C.</b>
C	A short description of the nature of the change(s), the intent of the change(s), and the customers affected. - <b>Please see Exhibit C.</b>
D	A copy of the notice provided to customers, along with an affidavit that the notice was provided according to the applicable rule(s). - <b>Please see Exhibit D</b>

### Section III. – Attestation

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

#### AFFIDAVIT

##### *Compliance with Commission Rules and Service Standards*

I am an officer/agent of the applicant corporation, Onvoy, Inc., 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) 9-5-08 at (Location) DOUGLAS COUNTY, COLORADO  
(Signature and Title)  (Date) 9-5-08  
SCOTT E. BEER, GENERAL COUNSEL

- 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, SCOTT E. BEER 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.

(Signature and Title)  SCOTT E. BEER, GENERAL COUNSEL (Date) 9-5-08

\*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**

Tariff Pages Before Revisions

**NOT APPLICABLE - See Exhibit C**

**EXHIBIT B**

Revised Tariff Pages

**NOT APPLICABLE - See Exhibit C**

## **EXHIBIT C**

### **Description of the Withdrawal of Tier 1 Services**

Applicant incorporates by reference the notification letter filed in this Case on August 18, 2008 (the "Notice Letter"), which contains a description of Applicant and the withdrawal of Tier 1 Services. Applicant clarifies that all of the 69 affected customers are all business customers. However, only 24 of those customers receive Tier 1 Services (less than four (4) local business lines) while the rest receive Tier 2 services (typically at least eight (8) local business lines or a T-1 or greater circuit). Since the filing of the Notice Letter, four (4) of the affected customers have moved their service to other carriers or changed to a different service plan with Onvoy and, therefore, only 65 affected customers remain on Onvoy's network of which 24 receive Tier 1 Services.

Following the discontinuance of the affected customers, Onvoy will continue to offer Tier 1 Services to certain business customers that also maintain a certain level of Tier 2 Services (a T-1 or greater circuit). At this time, therefore, Onvoy does not have any revisions to make to its local exchange tariff, Ohio P.U.C. Tariff No. 1. Upon completion of the discontinuance, Onvoy will evaluate whether any services should be removed from that tariff or otherwise revised.

As described in the Notice Letter, Applicant provided all affected customers notice of the discontinuance on August 7, 2008. Applicant intends to discontinue services to the affected customers on September 30, 2008 subject to regulatory approval. Applicant will include a billing message regarding the discontinuance in the affected customers' bills until the discontinuance is actually completed. Finally, as required by OAC 4901:1-6-12(A)(2) Applicant has sent a notice to AT&T regarding the withdrawal of Tier 1 Services. A copy of that notice is provided as Exhibit E.

**EXHIBIT D**

**Notice to Customers and Affidavit**





**NOTICE OF TELEPHONE, DATA AND INTERNET  
SERVICE DISCONTINUANCE**

***YOU MUST TAKE IMMEDIATE ACTION  
TO PREVENT DISRUPTION OF YOUR SERVICE***

**DO NOT DISREGARD THIS NOTICE**

[NAME]

[ADDRESS]

ACCOUNT #

August 7, 2008

Dear Customer,

After careful consideration, Zayo Managed Services ("ZMS") and its affiliate Onvoy Voice Services ("Onvoy"), have made the decision to terminate your current service offering effective September 30, 2008, subject to regulatory approval. As a result, **all telecommunications services (local, long distance and data services)** provided to you by Onvoy as part of your ZMS service plan, and any other non-telecommunications services you obtain through ZMS, will be discontinued on or after September 30, 2008, subject to regulatory approval.

**YOUR IMMEDIATE ACTION IS REQUIRED! YOU MUST SELECT A NEW SERVICE OFFERING WITH ZAYO MANAGED SERVICES or YOU MUST ELECT A NEW TELECOMMUNICATIONS SERVICE PROVIDER AS QUICKLY AS POSSIBLE OR YOU MAY LOSE ALL LOCAL AND LONG DISTANCE SERVICES PROVIDED BY ONVOY.**

**To select a new service offering with Zayo Managed Services, please contact our Account Management Team at: 866-251-7804.**

**If you choose a new service provider, do so as soon as possible to avoid any interruption of service.** Please do not delay in arranging for a new service provider as some providers may require several weeks to install or connect new services. To help avoid service disruption, please check carefully that all Onvoy voice, data, and internet services you currently have as part of your ZMS service plan (including all local and long distance telecommunications services) are moved to your new service provider.

We understand that switching to another carrier can be inconvenient, and we will help you with the transition. You can generally find a list of telephone service providers in your local telephone directory. Once you have chosen your new carrier, we will work closely with that company to provide your network and other customer information necessary to transfer your services.

Please be aware that you remain responsible for paying all bills rendered to you on behalf of Onvoy through the transition. You may be subject to suspension or termination of your phone service in accordance with your state Commission's rules if you fail to pay your telephone bills. Any deposits or credits associated with your account will be applied to your final bill, and any remaining balance will be returned to you.

The Federal Communications Commission ("FCC") permits customers to object to discontinuance of their service by a telecommunications provider. As provided in the FCC's rule 47 CFR 63.71:

*"The FCC will normally authorize this proposed discontinuance of service unless it is shown that customers would be unable to receive service or a reasonable substitute from another carrier or that the public convenience and necessity is otherwise adversely affected. If you wish to object, you should file your comments as soon as possible, but no later than 15 days after the Commission releases public notice of the proposed discontinuance. Address them to the Federal Communications Commission, Wireline Competition Bureau, Competition Policy Division Washington, D.C. 20554, and include in your comments a reference to the Section 63.71 Application of Onvoy, Inc. d/b/a Onvoy Voice Services. Comments should include specific information about the impact of this proposed discontinuance upon you or your company, including any inability to acquire reasonable substitute service."*

If you would like to contact your state regulator about the discontinuance, please see the numbers provided below:

Indiana Contacts

Indiana Utility Regulatory Commission  
101 W. Washington Street, Room 1500E  
Indianapolis, IN 46204  
Toll Free: 1-800-851-4268

Indiana Office of Utility Consumer Counselor  
National City Center  
115 W. Washington St., Suite 1500 South  
Indianapolis, Indiana 46204  
Toll Free: 1-888-441-2494

Michigan Contact

Michigan Public Service Commission  
P.O. Box 30221  
Lansing, MI 48909  
Toll Free: 1-800-292-9555

Ohio Contacts

Public Utilities Commission of Ohio  
180 East Broad Street  
Columbus, Ohio 43215  
Toll Free: 1-800-686-7826  
TTY Toll-Free: 1-800-686-1570

We appreciate having the opportunity to serve you and are committed to making the service transition as smooth as possible. If you have further questions regarding the discontinuance of our services, please contact our Customer Care Department at 800-850-9048.

Sincerely,

Zayo Managed Services  
Onvoy Voice Services

CUSTOMER NOTICE AFFIDAVIT

STATE OF COLORADO:


SS:

COUNTY OF BOULDER:

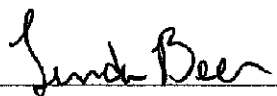
AFFIDAVIT

I Scott E. Beer, am an authorized agent of the applicant corporation, Onvoy, Inc. d/b/a Onvoy Voice Services, and am authorized to make this statement on its behalf. I attest that customer notices accompanying this affidavit were sent to affected customers through U.S. Mail on or about , 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 9-5-08 DOUGLAS COUNTY, COLORADO  
(Date) (Location)

/s/  9-5-08  
(Signature and Title) (Date)  
SCOTT E BEER  
GENERAL COUNSEL

Subscribed and sworn to before me this \_\_\_\_\_  
(Date)

 \_\_\_\_\_

Notary Public

My Commission Expires: 6-08-2011

**EXHIBIT E**

**Notice of Withdrawal of Tier 1 Services to AT&T**



300 South Highway 169  
Suite 700  
Minneapolis, MN 55426

September 8, 2008

Ohio District Manager  
Regulatory Affairs Department  
ATT Corporate Center  
227 W. Monroe Street  
Chicago, IL 60606

Re: Withdrawal of Tier 1 Services in Akron and Toledo, Ohio

Dear Sir or Madam:

Pursuant to OAC 4901:1-6-12(A)(2), this letter notifies AT&T Ohio that Onvoy, Inc. d/b/a Onvoy Voice Services plans to discontinue providing Tier 1 Services to certain customers in Akron and Toledo, Ohio. Specifically, Onvoy is withdrawing its stand-alone local services. The effective date of the discontinuance is September 30, 2008, subject to any necessary regulatory approvals. Additional information regarding the discontinuance is available through the Public Utility Commission of Ohio's Docketing Information System (Case No. 08-987-TP-ATW).

Should you have any questions regarding this letter, please contact our outside regulatory counsel, Brett Ferenchak at (202) 373-6697.

Regards,

A handwritten signature in black ink, appearing to read "S. Beer", written over the printed name and title.

Scott E. Beer  
General Counsel