

October 26, 2001

Tom Dorman  
Executive Director  
Kentucky Public Service Commission  
P.O. Box 615  
211 Sower Boulevard  
Frankfort, Kentucky 40602-0615

RECEIVED

OCT 29 2001

PUBLIC SERVICE  
COMMISSION

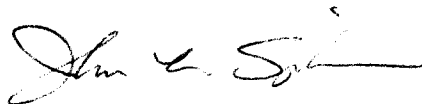
Dear Mr. Dorman:

This letter is to inform the Kentucky Public Service Commission that Broadslate Networks of Kentucky, Inc. will discontinue its provision of broadband data services in the Lexington market and four Kentucky central offices near the Cincinnati market. The service discontinuation is due to a determination by Broadslate and its Board of Directors that the operations of Broadslate in these markets have not achieved their financial goals because of the current economic climate. Broadslate currently services approximately 50 customers in these Kentucky markets and this permanent discontinuance will affect all of these customers.

Notification letters were mailed to the customers on October 23, 2001 via overnight delivery. The form of notice sent to the customers is attached hereto as Attachment A. NuVox Communications, Inc. ("NuVox") and Broadslate have entered into an agreement to transition the customers to NuVox and the parties intend that the majority of the customers would be transferred to NuVox on or before November 30, 2001. Broadslate is actively working with NuVox to ensure that comparable service is provided to the discontinued customers as expeditiously as possible. Broadslate intends to discontinue providing broadband services to customers in Kentucky on December 14, 2001. A filing to withdraw our tariff will be submitted under separate letter. A copy of Broadslate's FCC filing is attached hereto as Attachment B.

If you require additional information please do not hesitate to call me at 434-220-7606.

Sincerely,



John L. Spilman  
Director Regulatory Affairs & Industry Relations

Attachments

CC: Amy Dougherty



Broadslate Networks, Inc.  
630 Peter Jefferson Parkway, Suite 300  
Charlottesville, VA 22911  
Tel: 1.800.go.slate

October 22, 2001

Dear Broadslate Customer:

This is to inform you that Broadslate Networks is currently in the process of transitioning customers in your region to NuVox Communications, a broadband carrier focused on the Cincinnati, Dayton, and Lexington markets. The service, speeds, and monthly prices that you will receive from NuVox are comparable to those of Broadslate.

A representative from NuVox will be in contact with you this week to sign a new service agreement and help to make the transition of your service, including e-mail, web hosting, and DNS management. Your new service needs to be transitioned to NuVox by December 1, 2001. A NuVox representative may be contacted at 888-255-0507.

We apologize for any inconvenience that this causes your business. Our intent is to try and provide you with the best possible options for your broadband service.

We hope your experience with Broadslate was a positive one, and we certainly appreciated the opportunity to serve you. If you have any questions about this, please feel free to contact our Customer Service department at 877-200-7020.

Sincerely,

Broadslate Networks, Inc.

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 within 15 days after receipt of this notification. Address them to the Federal Communications Commission, Washington, DC 20554, referencing the Section 63.71 Application of Broadslate Networks of Ohio, Inc. 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.

**ATTACHMENT B**

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

IN THE MATTER OF )  
SECTION 63.71 APPLICATION OF )  
 )  
BROADSLATE NETWORKS OF OHIO, )  
INC., BROADSLATE NETWORKS OF )  
KENTUCKY AND CARDINAL )  
COMMUNICATIONS OF )  
PENNSYLVANIA, INC. D/B/A )  
BROADSLATE NETWORKS OF )  
PENNSYLVANIA, INC. )  
 )  
FOR AUTHORITY PURSUANT TO )  
SECTION 214 OF THE )  
COMMUNICATIONS ACT OF 1934, AS )  
AMENDED, TO DISCONTINUE THE )  
PROVISION OF DOMESTIC )  
TELECOMMUNICATIONS SERVICES )  
TO CUSTOMERS IN THE STATES OF )  
OHIO, KENTUCKY AND )  
PENNSYLVANIA )

SECTION 63.71 APPLICATION

**Earle A. MacKenzie, President  
Broadslate Networks of Ohio, Inc.  
Broadslate Networks of Kentucky, Inc.  
Cardinal Communications of  
Pennsylvania, Inc. d/b/a Broadslate  
Networks of Pennsylvania, Inc.  
630 Peter Jefferson Parkway  
Suite 300  
Charlottesville, Virginia 22911  
Telephone: (434) 220-7700  
Facsimile: (434) 220-7701**

**Dated: October 29, 2001**

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

IN THE MATTER OF )  
SECTION 63.71 APPLICATION OF )  
)  
BROADSLATE NETWORKS OF OHIO, )  
INC., BROADSLATE NETWORKS OF )  
KENTUCKY AND CARDINAL )  
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TO CUSTOMERS IN THE STATES OF )  
OHIO, KENTUCKY AND )  
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**SECTION 63.71 APPLICATION**

Broadslate Networks of Ohio, Inc., a Delaware corporation (“Broadslate-OH”), Broadslate Networks of Kentucky, Inc., a Delaware corporation (“Broadslate-KY”) and Cardinal Communications of Pennsylvania, Inc., d/b/a Broadslate Networks of Pennsylvania, Inc, a Delaware corporation (“Broadslate-PA”) (each one a “Petitioner” and, together are referred to herein, collectively, as the “Petitioners”) hereby seek authorization pursuant to Section 214(a) of the Communications Act of 1934,<sup>1</sup> and Section 63.71 of the Federal Communications Commission’s (the “Commission”) regulations<sup>2</sup>, to discontinue its provision of broadband data services in (i) Cincinnati and Dayton, Ohio, (ii) Lexington, Kentucky, (iii) several central offices in Kentucky

<sup>1</sup> 47 U.S.C. §214(a).

<sup>2</sup> 47 C.F.R. §63.71.

bordering Cincinnati, Ohio, namely Covington, Florence, Ft. Thomas, and Lakeside Park, (iv) Allentown and West Philadelphia, Pennsylvania and (v) one central office near York, Pennsylvania.

#### **I. IDENTIFICATION OF THE PETITIONERS**

1. Petitioners are wholly-owned subsidiaries of Broadslate Networks, Inc., a Delaware corporation ("Broadslate"). Broadslate, through other of its wholly-owned subsidiaries, provides broadband data services in other states, and Broadslate-PA provides broadband data services in other locations in Pennsylvania. Broadslate-OH currently provides broadband data services to small and medium-sized businesses in Cincinnati and Dayton, Ohio. Broadslate-KY currently provides broadband data services to small and medium-sized businesses in Lexington, Kentucky and in several central offices in Kentucky bordering Cincinnati, Ohio, namely Covington, Florence, Ft. Thomas, and Lakeside Park. Broadslate-PA currently provides broadband data services to small and medium-sized businesses in Allentown and West Philadelphia, Pennsylvania and one central office near York, Pennsylvania. Petitioners do not provide voice services, and Petitioners do not serve any residential customers. The Petitioners' principal place of business is: 630 Peter Jefferson Parkway, Suite 300, Charlottesville, Virginia 22911.

2. Broadslate-OH is authorized to provide broadband data services in the State of Ohio. Broadslate-KY is authorized to provide broadband data services in the State of Kentucky. Broadslate-PA is authorized to provide broadband data services in the State of Pennsylvania. Currently, Broadslate-OH serves approximately 218 customers in Cincinnati (including the central offices in Kentucky bordering Cincinnati) and 180 customers in Dayton. Broadslate-KY serves approximately 25 customers in Lexington.

Broadslate-PA serves approximately 23 customers in Allentown, 23 customers in West Philadelphia and 2 customers from the central office near York. Each of the Petitioners is considered a non-dominant carrier with respect to the services provided by it.

3. This permanent service discontinuance will affect all customers of Broadslate-OH in Cincinnati and Dayton, Ohio, all customers of Broadslate-KY in Lexington, Kentucky and in the several central offices in Kentucky bordering Cincinnati, Ohio, namely Covington, Florence, Ft. Thomas, and Lakeside Park, and all customers of Broadslate-PA in West Philadelphia and Allentown, Pennsylvania and in the central office near York, Pennsylvania, effective December 14, 2001.

## **II. DESIGNATED CONTACTS**

4. All correspondence, notices and inquiries regarding this Application should be addressed to:

**John Spilman  
Broadslate Networks of Ohio, Inc.  
Broadslate Networks of Kentucky, Inc.  
Cardinal Communications of Pennsylvania, Inc. d/b/a  
Broadslate Networks of Pennsylvania, Inc.  
630 Peter Jefferson Parkway  
Suite 300  
Charlottesville, Virginia 22911  
Telephone: (434) 220-7700  
Facsimile: (434) 220-7701**

## **III. REASON FOR REQUEST TO DISCONTINUE BROADBAND SERVICE**

5. The service discontinuation in Ohio is due to a determination by Broadslate and its Board of Directors that the operations of Broadslate-OH in Cincinnati and Dayton, Ohio have not achieved its financial goals because of the current economic climate. Similarly, the service discontinuance in Lexington, Kentucky, the several central offices in Kentucky bordering Cincinnati, Ohio, namely Covington, Florence, Ft.

Thomas, Lakeside Park, West Philadelphia and Allentown, Pennsylvania and the central office near York, Pennsylvania is due to unprofitable operations because of the economy. Broadslate has determined that these dramatic steps are necessary in order to reduce expenses, conserve resources and reach profitability as soon as possible.

#### **IV. CUSTOMER NOTIFICATION AND TRANSITION PROCESS**

6. Notification letters were mailed to the customers in Cincinnati and Dayton, Ohio, Lexington, Kentucky, the several central offices in Kentucky bordering Cincinnati, Ohio, namely Covington, Florence, Ft. Thomas, Lakeside Park, West Philadelphia and Allentown, Pennsylvania and one central office near York, Pennsylvania on October 23, 2001 via overnight delivery. The forms of notice sent to the customers in Cincinnati and Dayton, Ohio, Lexington, Kentucky, the several central offices in Kentucky bordering Cincinnati, Ohio, namely Covington, Florence, Ft. Thomas, Lakeside Park, West Philadelphia and Allentown, Pennsylvania and one central office near York, Pennsylvania are attached hereto as Attachment A. NuVox Communications, Inc. ("NuVox"), Broadslate-OH and Broadslate-KY have entered into an agreement to transition the Ohio (including the several central offices in Kentucky bordering Cincinnati, Ohio, namely Covington, Florence, Ft. Thomas, Lakeside Park) and Lexington, Kentucky customers to NuVox, except for 7 customers served from the Sprint central offices in Lebanon and Mason, Ohio, and the parties intend that the majority of the Petitioners' customers in Cincinnati (including those in the several central offices in Kentucky bordering Cincinnati, Ohio, namely Covington, Florence, Ft. Thomas, Lakeside Park) and Dayton, Ohio and Lexington, Kentucky, except for those customers served from the Sprint central offices in Lebanon and Mason, Ohio, would be



transitioned to NuVox on or before November 30, 2001. Network Access Solutions Corp. ("NAS") and Broadslate-PA have entered into an agreement to transition the West Philadelphia and Allentown, Pennsylvania customers and the 2 customers served from the central office near York, Pennsylvania to NAS and the parties intend that the majority of those customers would be transitioned to NAS on or before November 30, 2001.

7. Petitioners believe that other carriers are interconnected at each of the central offices to which the Petitioners are interconnected and that NuVox and NAS will provide substitute service to Petitioners' customers or the customers will likely be able to obtain substitute service from other providers, including Broadwing. The Petitioners are actively working with NuVox and NAS to ensure that comparable service is provided to the discontinued customers as expeditiously as possible. Petitioners believe that the permanent discontinuance of service will not affect rates to any small to medium-sized business (or any other person) in the communities served by the Petitioners.

#### **V. TIMEFRAME**

8. Petitioners intend to discontinue providing broadband services to customers in Cincinnati (including the several central offices in Kentucky bordering Cincinnati, Ohio, namely Covington, Florence, Ft. Thomas, and Lakeside Park) and Dayton, Ohio, Lexington, Kentucky, West Philadelphia and Allentown, Pennsylvania and one central office near York, Pennsylvania on December 14, 2001.

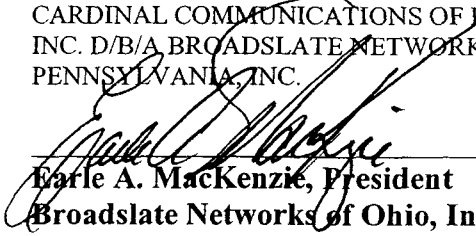
#### **VI. CONCLUSION**

9. On October 29, 2001, the Petitioners mailed a copy of this Application to the Secretary of Defense and the Public Utility Commission and the Governor of each State in which the discontinuance is proposed.

10. WHEREFORE, the Petitioners respectfully request that the Commission grant them the authority to discontinue the provision of data services to customers in Cincinnati and Dayton, Ohio, Lexington, Kentucky, the several central offices in Kentucky bordering Cincinnati, Ohio, namely Covington, Florence, Ft. Thomas, and Lakeside Park, West Philadelphia and Allentown, Pennsylvania and one central office near York, Pennsylvania on an expedited basis. In consideration of this request, the Petitioners submit that the public convenience and necessity will not be adversely affected by the discontinuance of service in the aforementioned areas. Customers may choose from numerous other carriers offering similar services at competitive rates under reasonable terms and conditions.

Respectfully submitted,

BROADSLATE NETWORKS OF OHIO, INC.  
BROADSLATE NETWORKS OF KENTUCKY, INC.  
CARDINAL COMMUNICATIONS OF PENNSYLVANIA,  
INC. D/B/A BROADSLATE NETWORKS OF  
PENNSYLVANIA, INC.



**Earle A. MacKenzie, President**  
**Broadslate Networks of Ohio, Inc.**  
**Broadslate Networks of Kentucky, Inc.**  
**Cardinal Communications of Pennsylvania, Inc.**  
**d/b/a Broadslate Networks of Pennsylvania, Inc.**  
**630 Peter Jefferson Parkway**  
**Suite 300**  
**Charlottesville, Virginia 22911**  
**Telephone: (434) 220-7700**  
**Facsimile: (434) 220-7701**

Dated: October 29, 2001

ATTACHMENT A



Broadslate Networks, Inc.  
630 Peter Jefferson Parkway, Suite 300  
Charlottesville, VA 22911  
Tel: 1.800.go.slate

October 22, 2001

Dear Broadslate Customer:

This is to inform you that Broadslate Networks is currently in the process of transitioning customers in your region to NuVox Communications, a broadband carrier focused on the Cincinnati, Dayton, and Lexington markets. The service, speeds, and monthly prices that you will receive from NuVox are comparable to those of Broadslate.

A representative from NuVox will be in contact with you this week to sign a new service agreement and help to make the transition of your service, including e-mail, web hosting, and DNS management. Your new service needs to be transitioned to NuVox by December 1, 2001. A NuVox representative may be contacted at 888-255-0507.

We apologize for any inconvenience that this causes your business. Our intent is to try and provide you with the best possible options for your broadband service.

We hope your experience with Broadslate was a positive one, and we certainly appreciated the opportunity to serve you. If you have any questions about this, please feel free to contact our Customer Service department at 877-200-7020.

Sincerely,

Broadslate Networks, Inc.

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 within 15 days after receipt of this notification. Address them to the Federal Communications Commission, Washington, DC 20554, referencing the Section 63.71 Application of Broadslate Networks of Ohio, Inc. 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.



Broadslate Networks, Inc.  
630 Peter Jefferson Parkway, Suite 300  
Charlottesville, VA 22911  
Tel: 1.800.go.slate

October 22, 2001

Dear Broadslate Customer:

As a result of changes in our service area, it is with regret that Broadslate Networks must inform you that we will no longer be able to provide your business with broadband services over our network.

In order to minimize the disruption this may cause your business, we encourage you to make arrangements with another service provider as soon as possible. (A list of providers in your area is attached.) Your transition from Broadslate to another service provider should be complete by December 1, 2001. Broadslate will not be charging you for our service during the month of November.

We apologize for any inconvenience that this causes your business. We hope your experience with Broadslate was a positive one, and we certainly appreciated the opportunity to serve you. If you have any questions about this, please feel free to contact our Customer Service department at 877-200-7020.

Sincerely,

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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 within 15 days after receipt of this notification. Address them to the Federal Communications Commission, Washington, DC 20554, referencing the Section 63.71 Application of Broadslate Networks of Ohio, Inc. 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.

# SDSL Providers in the Allentown Area

| Service Provider                        | Reseller of |         |           |     | Phone Number             | Web Site   | SDSL  |       |       |       |       |
|---|-------------|---------|-----------|-----|--------------------------|--|-------|-------|-------|-------|-------|
|   | Comcast     | Verizon | Earthlink | Net |                          |  | SDSL  | SDSL  | SDSL  | SDSL  |       |
| Net Vista                               | X           |         |           |     | 1-888-638-8478           | http://www.netvista.net/dsplus/                            | \$140 | \$199 | \$289 | \$349 | \$429 |
| Navpoint.com                            | X           |         |           |     | 1-215-836-4600           | http://www.navpoint.com/                                   |       | \$199 | \$299 | \$399 | \$449 |
| Velotel.com                             | X           |         | X         |     | 1-888-873-9925           | http://www.velotel.com/                                    | \$149 | \$229 | \$339 |       |       |
| MegaPath Networks                       | X           |         | X         |     | 1-877-MEGAPATH           | http://www.megapath.net/                                   | \$139 | \$179 | \$259 |       | \$399 |
| Intercom Online, Inc.                   | X           |         | X         |     | 1-866-634-2248           | http://www.intercom.com/index.html?header.html&0           | \$118 | \$173 | \$241 | \$291 |       |
| ETI                                     | X           |         |           | X   | 1-877-429-8638           | http://www.silicom.net/services/DSL_Center/dsl_center.html | \$119 | \$169 | \$229 | \$279 | \$349 |
| CommKey Internet                        | X           |         |           | X   | 1-800-227-1141           | http://www.commkey.net/                                    | \$125 | \$175 | \$260 | \$290 | \$335 |
| Kennett Internet                        | X           |         |           | X   | 1-610-444-9008           | http://www.beaconet.com/                                   | \$249 | \$399 |       |       | \$449 |
| Earth2Net                               | X           |         |           |     | 1-877-713-9971           | http://www.earth2net.com/                                  | \$132 | \$179 | \$279 | \$389 |       |
| Reliant Access Communications           | X           |         | X         |     | 1-770-921-7017 ext. 7204 | http://www.reliantaccess.net/sds/service.htm               | \$150 | \$180 | \$240 | \$290 | \$370 |
| Net Access Corporation                  | X           |         |           | X   | 1-800-NET-ME-36          | http://www.nac.net/DSL/index.asp?referenceid=3             |       | \$199 | \$295 | \$389 | \$499 |
| Online Exchange                         | X           |         |           |     | 1-800-804-0207           | http://www.oie.net/  | \$139 | \$179 | \$249 | \$329 | \$399 |
| BEANet Interactive                      | X           |         |           |     | 1-773-304-2000           | http://www.beannet.com/dsl.htm                             | \$129 | \$189 | \$229 | \$289 | \$329 |
| Matrixwebs.com                          | X           |         | X         |     | 1-800-711-2829           | http://www.matrixwebs.com/intercomservices_dsl.htm         | \$149 | \$199 | \$289 | \$399 |       |
| DSL1                                    | X           |         | X         |     | 1-800-935-3527           | http://partners.dsl.com/dsireports/                        | \$139 | \$179 | \$269 | \$329 | \$399 |
| Ardent Communications                   | X           |         |           |     | 1-888-260-CAIS           | http://ardentcomm.com/index3.html                          | \$169 | \$209 | \$329 | \$389 | \$429 |
| Virtual Communications                  | X           |         | X         |     | 1-866-531-5363           | http://www.usadsl.com/                                     | \$169 | \$259 | \$329 |       |       |
| Direct Internet Access                  | X           |         | X         |     | 1-877-708-0375           | http://www.directinternet.net/dsl/                         | \$79  | \$89  | \$124 | \$164 | \$214 |
| GalaxyDSL                               | X           |         |           | X   | 1-888-3-GALAXY           | http://www.galaxydsl.com/                                  |       | \$149 | \$249 |       | \$419 |
| Rhino Networks                          | X           |         |           | X   | 1-207-689-2030           | http://www.rhinonetworks.com/rhito/                        |       | \$175 | \$275 |       |       |
| Steel City Telecom                      | X           |         |           |     | 1-877-327-8111           | http://www.steelcitytelecom.com/                           |       | \$150 | \$249 |       |       |
| IWC Inc.                                | X           |         | X         |     | 1-877-492-6381           | http://home.iwc.net/dsl.htm                                | \$169 | \$229 | \$289 | \$389 |       |
| CompuHelp Internet Access               | X           |         |           |     | 1-800-266-7834           | http://www.compuhelp.com/indexIE.htm                       |       | \$169 | \$249 |       |       |
| brainlink.com                           | X           |         |           |     | 1-877-272-4654           | http://www.brainlink.com/services/dsl.html                 |       | \$209 | \$309 |       |       |
| Stickdog                                | X           |         |           |     | 1-703-319-1700           | http://www.stickdog.com/                                   |       | \$159 | \$245 |       |       |
| icNet                                   | X           |         |           |     | 1-734-998-0090           | http://sales.ic.net/index.html                             |       | \$199 | \$299 | \$329 | \$399 |
| EarthLink                               | X           |         |           | X   | 1-888-4375 x4DSL         | http://register.earthlink.net/services/earthlink/04047024  | \$139 | \$199 | \$289 | \$349 | \$399 |
| A + Net                                 | X           |         |           | X   | 1-877-275-8763           | http://www.aplus.net/services/ra-dsl.html                  | \$129 | \$169 | \$259 | \$299 | \$329 |
| iNYC.com                                | X           |         |           |     | 1-718-677-4111           | http://www.inyc.com/                                       |       | \$199 | \$249 |       |       |
| Synet Communications Inc.               | X           |         |           |     | 1-301-664-6000           | http://www.synet.net/                                      |       | \$173 | \$233 |       | \$356 |
| Interconnect.com                        | X           |         | X         |     | 1-801-364-4059           | http://www.earthlink.net/                                  | \$138 | \$197 |       | \$344 | \$434 |
| IC&C Western Division                   | X           |         |           |     | 1-206-812-4000           | http://www.fw.tcx.net/                                     | \$138 | \$197 | \$271 | \$344 | \$434 |
| digizip.com                             | X           |         | X         |     | 1-866-DSL-TECH           | http://www.digizip.com/                                    | \$139 | \$179 | \$249 |       |       |
| PatriotNet                              | X           |         |           |     | 1-703-277-7737           | http://www.patriot.net/index.mv                            | \$149 | \$189 | \$279 | \$319 | \$525 |
| Atlantech Online, Inc.                  | X           |         |           |     | 1-800-256-1612           | http://www.atlantech.net/index.shtml                       | \$200 | \$195 | \$385 | \$495 | \$350 |
| Forward.net                             | X           |         |           |     | 1-312-577-2250 ext. 2    | http://www.forward.net/                                    |       | \$299 | \$349 | \$399 |       |
| XO Communications                       | X           |         |           |     | 1-888-493-6232           | http://www.xo.com/xoferrings/interne/dsl/                  | \$169 | \$179 | \$249 | \$299 | \$379 |
| SSTDigital                              | X           |         | X         |     | 1-425-455-1906           | http://www.sstdigital.com/                                 | \$149 | \$189 | \$289 | \$459 |       |
| Cyberonic Internet Communications, Inc. | X           |         | X         |     | 1-888-929-2372           | http://www.cyberonic.com/int-for-bus.shtml                 | \$139 | \$179 | \$259 | \$389 |       |



Broadslate Networks, Inc.  
630 Peter Jefferson Parkway, Suite 300  
Charlottesville, VA 22911  
Tel: 1.800.go.slate

October 22, 2001

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