

BOD/jc
Enclosure

KentuckyUnbridledSpirit.com



An Equal Opportunity Employer M/F/D

Beth O'Donnell
Executive Director

Sincerely,

We enclose one attested copy of the Commission's Order in the above case.

RE: Case No. 2006-00413

Barbara Harrington
Manager Credit & Collection
Xpedius Communications
5555 Winghaven Blvd.
Suite 300
O'Fallon, MO 63368

October 16, 2006

Commonwealth of Kentucky
Public Service Commission
211 Sower Blvd.
P.O. Box 615
Frankfort, Kentucky 40602-0615
Telephone: (502) 564-3940
Fax: (502) 564-3460
psc.ky.gov

Teresa J. Hill, Secretary
Environmental and Public
Protection Cabinet
Christopher L. Lilly
Commissioner
Department of Public Protection



Mark David Goss
Chairman

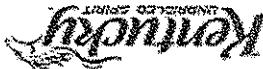
John W. Clay
Commissioner

Ernie Fletcher
Governor

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KentuckyUnbridledSport.com

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RE: Case No. 2006-00413

Mark I. Hayes
President CLEC Services
Wispet, LLC
250 West Main Street
Suite 1920
Lexington, KY 40507

October 16, 2006

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Environmental and Public
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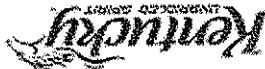


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RE: Case No. 2006-00413

Honorable Margaret A. Miller
Attorney at Law
Greenebaum Doll & McDonald PLLC
300 West Vine Street
Suite 1100
Lexington, KY 40507-1665

October 16, 2006

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Lexington, KY 40507

Honorable Margaret A. Miller
Attorney at Law
Greenebaum Doll & McDonald PLLC
300 West Vine Street
Suite 1100
Lexington, KY 40507-1665

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

WISPNET, LLC

COMPLAINANT

v.

XSPEDIUS COMMUNICATIONS

DEFENDANT

CASE NO. 2006-00413

ORDER TO SATISFY OR ANSWER

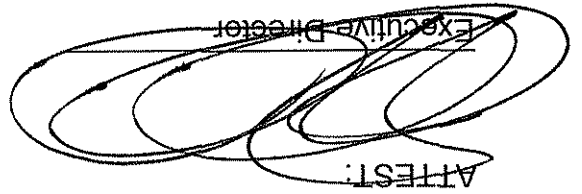
Xspedius Communications ("Xspedius") is hereby notified that it has been named as defendant in a formal complaint filed on October 5, 2006, a copy of which is attached hereto.

Pursuant to 807 KAR 5:001, Section 12, Xspedius is HEREBY ORDERED to satisfy the matters complained of or file a written answer to the complaint within 10 days from the date of service of this Order.

Should documents of any kind be filed with the Commission in the course of this proceeding, the documents shall also be served on all parties of record.

Done at Frankfort, Kentucky, this 16th day of October, 2006.

By the Commission

ATTEST:

Executive Director

GREENEBAUM DOLL & MCDONALD PLLC

RECEIVED
OCT 5 2006
PUBLIC SERVICE
COMMISSION

- Michael G. Shaikun*
- Ivan M. Dombard
- Bruce E. Crider
- John W. Amos
- John W. Amos
- Philip D. Scott
- Wm. T. Robinson III
- Charles Fessler
- John A. West
- Michael L. Adee
- Janet F. Jakubowicz
- Mark T. Hayden
- John S. Luoken
- John K. Bush
- Amy B. Berger
- John C. Bender
- Louie K. Ebbog
- Michael H. Brown
- Gren A. Pico, Jr.
- Bradley E. Dillon
- Henry C. I. Rhimond, III
- Daniel E. Fisher
- Carl W. Breeding
- Christopher Muth
- Stephan E. Glenn
- Holland N. McTigue V
- Mary G. Feves
- Michael Hewthorne
- Robert D. Hudson
- Paul B. Whitney
- Patrick R. Northam
- Breary S. Somanie
- J. Mark Grundy
- Patrick R. Northam
- William L. Montague
- Mark S. Rheda
- Prisp C. Eschels
- Jeffrey A. Swartz
- Barbara R. Hartung
- Richard S. Cleary
- Stephen W. Switzer
- Jeffrey A. McKenzie
- Patrick T. Hayden
- John S. Luoken
- John K. Bush
- Amy B. Berger
- James C. Evans, Jr.
- Madessa N. Bork
- Mikko Mitzu
- P. Blake Grant
- Sean F. Gallagher
- Ann Tom Kereakes
- Andrew M. Johnson
- Brian M. Johnson
- Christie A. Moore
- Steven A. Brehm
- Kimberly H. Bryant
- Nancy J. Bilde
- Esabeth S. Gray
- Craig F. Siegenhimer
- Kevin R. Chenuk
- Margaret A. Miller
- Gregory R. Boyles
- Andrew J. Schaeffer
- Lois E. Kerkie
- Kevin R. Hassenson
- James W. Warren
- Jay W. Warren
- Naghisa Akagi
- Frank W. Papp
- Glenn D. Behamy
- W. R. "Pat" Patterson
- Katherine A. Hassenbruch
- Michael V. Whitrow
- John F. Billings
- James C. Lemaster
- David L. Armstrong
- Emily M. Doriso
- Jacqueline C. Kingstover
- OF COUNSEL
- A. Robert Dab
- Robert F. Matthews
- Jesse A. Mudd
- Kurt A. Scherfberger
- Susan J. Hixon
- James M. Dickerson, Jr.
- Edwan H. Perry
- Thomas A. Brown
- John H. Sikes, III
- John S. Greenebaum
- William C. Vogt, Jr.
- Shande L. Spurlock
- Matthew J. Huell
- Berjamen D. Allen
- Peter L. Thurman
- Helen A. Thompson
- David L. Knox
- Richard Service Corporation

October 4, 2006

Public Service Commission
211 Sower Blvd.
P.O. Box 615
Frankfort, KY 40602-0615

Case No. 2006-00413

Re: WISPNET LLC v. Xspedius Communications

Dear Sir or Madam:

Enclosed please find a Complaint to be entered on behalf of my client, WISPNET LLC against Xspedius Communications. Please return a stamped copy to me in the envelope provided. Your assistance in this matter is appreciated. If you have any questions, please contact me.

Sincerely yours,

Margaret A. Miller

MAM/bjt

Enclosure

cc: Mark J. Hayes

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Greenebaum Doll & McDonald PLLC 300 West Vine Street, Suite 1100, Lexington, Kentucky 40507-1665
Main 859/231-8500 Main Fax 859/255-2742 www.greenebaum.com
Louisville, KY Covington, KY Cincinnati, OH Nashville, TN Frankfort, KY Washington, DC Atlanta, GA

No longer provided. Xpedius conspired to bind WISPNET beyond the original contract by deliberately failing to deliver a requested letter of Authorization. On April 17, 2006, Xpedius invited a conference call to discuss the specific act, fully and clearly, or facts that are the reason for services beyond the original contract date in which Xpedius

(c) That Xpedius overcharged WISPNET in the amount of \$21,081.00 for services beyond the original contract date in which Xpedius

5555 W. Ingaven Blvd Ste 300 O Fallon Mo. 63368

(b) Xpedius Communications

250 W. Main St Ste 1930 Lexington KY 40507

(a) WISPNET LLC

The complaint of WISPNET LLC respectfully shows:

COMPLAINANT

WISPNET LLC (Your Full Name)
VS.
Xpedius Communications (Name of Utility)
DEFENDANT

In the matter of:

BEFORE THE PUBLIC SERVICE COMMISSION

COMMONWEALTH OF KENTUCKY

RECEIVED
OCT 5 2006
PUBLIC SERVICE
COMMISSION

Formal Complaint

WISPNET LLC vs. Xpedius Communications

The WISPNET Complaint, Barbara Houston, Tim Falvey, others represented Xpedius during that conference. It was determined on that call to reimburse WISPNET for the over payment. On June 05 2006 Ms Houston submitted the amount of \$21,081.00 for approval. To date nothing has been credited to WISPNET LLC

Wherefore, complainant asks Xpedius Communications to (Specifically state the relief desired.)

repay in full, the amount of \$21,081.00 plus interest to WISPNET LLC.

Dated at Lexington, Kentucky, this 4th day (Your City)

of OCTOBER (Month)

2004

Margaret A. Miller (Your Signature) *Margaret A. Miller*

(Name and address of attorney, if any) Margaret A. Miller
Greenebaum Doll & McDonald PLLC
300 W. Vine Street, Suite 1100
Lexington, KY 40507
(859) 231-8500
COUNSEL FOR WISPNET, LLC

Print your name, address and ZIP Code here

PUBLIC SERVICE COMMISSION
 211 SOMER BLVD.
 P.O. BOX 615
 FRANKFORD, MD. 21060



USE TO AVOID PAYMENT
 PENALTY FOR FAILURE
 OF POSTAGE



UNITED STATES POSTAL SERVICE

PS Form 3811, December 1991 *U.S. GPO: 1992-323-402
 DOMESTIC RETURN RECEIPT
 06-413 DDC 10/1/06

9. Signature (Agent) <i>[Signature]</i>	
8. Addressee's Address (Only if requested and fee is paid)	
7. Date of Delivery <i>11-18</i>	
4b. Service Type <input type="checkbox"/> Insured <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Express Mail	
3. Article Addressed to: Barbara Harrison Expedius Communications 533 Wigham Blvd. Suite 300 O'Fallon, MO 63368	
4a. Article Number 7005 1820 0006 1154 778B	
1. <input type="checkbox"/> Addressee's Address 2. <input type="checkbox"/> Restricted Delivery Consult postmaster for fee.	
I also wish to receive the following services (for an extra fee):	
SENDER: Complete items 1 and/or 2 for additional services. Complete items 3, and 4a & b. Print your name and address on the reverse of this form so that we can return this card to you. Attach this form to the front of the mailpiece, or on the back if space does not permit. Write "Return Receipt Requested" on the mailpiece below the article number. The Return Receipt will show to whom the article was delivered and the date delivered.	

Is your RETURN ADDRESS completed on the reverse side?

Thank you for using Return Receipt Service.