

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

WISPNET, LLC)	
)	
COMPLAINANT)	
)	
v.)	CASE NO. 2006-00413
)	
XSPEDIUS COMMUNICATIONS)	
)	
DEFENDANT)	

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.

ATTEST:



Executive Director

By the Commission

GREENEBAUM DOLL & McDONALD PLLC

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OCT 5 2006
PUBLIC SERVICE
COMMISSION

Michael G. Shaiken*	Jane N. King	William L. Montague	Patrick R. Northern	Craig P. Siegenthaler	W. Ashley Hass	Jay W. Warren	Negohise Akepi	Pamela W. Pehr
Ivan M. Diamond	Bruce E. Cryder	Mark S. Riddle	Gregory S. Shumate	Anne A. Chesnut	Kevin R. Ghassoumi	James W. Herr	Ross D. Cohen	Glenn D. Bellamy
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Wm. T. Robinson III	Barbara R. Hartung	Stephen W. Switzer	Thomas J. Birchfield	Claude R. Bowles	Michael J. Biede	Carrie Stuffleborger	Brigid O. Gies	Michael V. Withrow
Charles Fassler	Richard S. Cleary	Jeffrey A. McKenzie	Mark H. Oppenheimer	Jennifer S. Smart	Brett S. Gumbaw	Elena S. Martinez	Michael A. Grim	John F. Bilings
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Michael L. Ades	Janet P. Jakubowicz	Patrick J. Walsh	John K. Bush	Nicholas W. Ferrigno, Jr.	Andrew D. Stesberg	Christopher W. D. Jones	OF COUNSEL	David L. Armstrong
W. Plumer Wiseman, Jr.	Margaret E. Keene	John C. Bender	Amy B. Berge	D. Craig Dance	Kenji Tashiro	Kurt A. Schertenberger	A. Robert Doll	Emily M. Doriso
Eric L. Ison	Mark H. Longenecker	Louis K. Ebling	James C. Eaves, Jr.	Melissa N. Bork	George D. Adams	Jesse A. Mudd	Suzan J. Hixon	Jacqueline C. Kingsolver
John R. Cummins	Richard Boydston	Michael H. Brown	Suzanne P. Lond	Mikio Nishizu	Kelly A. Dant	James M. Dickerson, Jr.	Edwin H. Perry	Professional Service Corporation
P. Richard Anderson, Jr.	Tandy C. Patrick	Glenn A. Price, Jr.	Steven R. Smith	P. Blaine Grant	Benjamin J. Evans	Shanda L. Spurlock	Thomas A. Brown	
James L. Beckner	Raymond J. Stewart	Bradley E. Dillon	Lloyd R. Cross, Jr.	Sean P. Gallagher	Jeffrey L. Gehring	William C. Vall, Jr.	John H. Sittes, III	
Charles J. Lavelle	Henry C.T. Richmond, III	David E. Fisher	Brent R. Baughtman	Ann Toni Kariakos	Theodore R. Martin	Haifong Hong	John S. Greenebaum	
Mark S. Ament	Carl W. Broadring	Philip J. Schworer	Laurel S. Doherty	Andrew M. Fleischman	John Casner Wheelock	Matthew J. Rueff	William C. Ballard, Jr.	
Marcus P. McGraw	C. Christopher Muth	David A. Owen	Robert L. Brown	Brian M. Johnson	Todd B. Logsdon	Benjamin D. Allen	Martin J. Cunningham, III	
Job D. Turner, III	Stephen E. Gillen	Mark F. Sommer	Waitred L. Bryant Becker	Christie A. Moore	Steven A. Brehm	Peter L. Thurman	Lori Berker Sullivan	
Hiram Ely, III	Holland N. McTyre V	Robert D. Hudson	H. Buckley Cole	Nancy J. Bried	Kimberly H. Bryant	Helen A. Thompson	David L. Kneez	
Peggy B. Lyndrup	Mary G. Eaves	Michael Hawthorne	Paul B. Whitty	Elizabeth S. Gray	Mark A. Loyd, Jr.			

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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COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED
OCT 5 2006
PUBLIC SERVICE
COMMISSION

In the matter of:

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

COMPLAINT

The complaint of WISPNET LLC respectfully shows:
(Your Full Name)

(a) WISPNET LLC
(Your Full Name)
250 W. Main ST. Ste 1920 Lexington KY 40507
(Your Address)

(b) Xpedius Communications
(Name of Utility)
5555 W. Ingaven Blvd Ste 300 O'Fallon Mo. 63368
(Address of Utility)

(c) That: Xpedius overcharged WISPNET in the amount of
(Describe here, attaching additional sheets if necessary,
\$ 21,081.⁰⁰ for services beyond the original contract date in which Xpedius
the specific act, fully and clearly, or facts that are the reason

no longer provided. Xpedius conspired to bind WISPNET beyond the original
and basis for the complaint.)
contract by deliberately stalling to deliver a requested Letter of Authorization,
On April 17, 2006 Xpedius initiated a conference call to discuss

Formal Complaint

WISPNET LLC vs. Xpedius Communications

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The WispNET complaint. Barbara Harrington, Jim Falvey, others represented
Xpedius during that conference. It was determined on that call to re-
imburse WISPNET for the over payment. On June of 2006 Ms. Harrington
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, 2006
(Month)

Mark J. [Signature]
(Your Signature)

Margaret A. Miller
Margaret A. Miller
(Name and address of attorney, if any)

Greenebaum Doll & McDonald PLLC
300 W. Vine Street, Suite 1100
Lexington, KY 40507
(859) 231-8500
COUNSEL FOR WISPNET, LLC

GREENBAUM
GREENBAUM DOLL & MADONALO INC.

300 West Vines Street, Suite 1100
Lexington, Kentucky 40507

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