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November 13, 2012

*Via Overnight Courier*

Jeff Derouen, Executive Director  
Kentucky Public Service Commission  
211 Sower Boulevard  
Frankfort, Kentucky 40601

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PUBLIC SERVICE  
COMMISSION

**Re: 360networks (USA) inc.  
Voluntary Surrender of Authorization and Withdrawal of Tariff(s)**

Dear Mr. Derouen:

By this letter, 360networks (USA) inc. ("360networks") voluntarily surrenders its authorization. 360networks is authorized as a long distance carrier (Utility ID 22250507). 360networks also withdraws its tariff(s) on file with the Commission. 360networks request that the surrender of its authorization and withdrawal of its tariff(s) be effective immediately.

360networks does not provide telecommunications services to any customers in the State of Kentucky and does not hold any deposits or advance payments from any Kentucky customers for such services. 360networks has no current plans to pursue the provision of telecommunications services in Kentucky. 360networks therefore submits that the public will not be harmed by the surrender (and cancellation by the Commission) of its Certificate and that such surrender is reasonable and necessary and not disruptive to the present or future public interest, convenience and necessity.

Questions regarding this filing should be directed to:

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Questions or inquiries regarding any outstanding regulatory obligations of 360networks should be directed to:

Tim Gentry  
Corporate Controller  
Zayo Group, LLC  
400 Centennial Parkway, Suite 200  
Louisville, CO 80027  
303-381-4662 (tel)  
303-226-5922 (fax)  
[tim.gentry@zayo.com](mailto:tim.gentry@zayo.com)

An original and ten (10) copies of this letter are enclosed for filing. Please date-stamp the extra copy and return it in the envelope provided. Please do not hesitate to contact us if you have any questions.

Respectfully submitted,



Jean L. Kiddoo  
Brett P. Ferenchak

*Counsel for 360networks (USA) inc.*



360networks (USA) inc.

**INTEREXCHANGE SERVICE**

360networks (USA) inc.  
143 Union Blvd., Suite 300  
Lakewood, Colorado 80228

**TELECOMMUNICATIONS TARIFF**

This tariff contains the descriptions, regulations, and rates applicable to the furnishing of Telecommunications Services by 360networks (USA) inc., with principal offices at 143 Union Blvd., Suite 300, Lakewood, Colorado 80228. This tariff applies to services furnished within the Commonwealth of Kentucky. This tariff is on file with the Kentucky Public Service Commission, and copies may be inspected, during normal business hours, at the company's principal place of business.

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Effective Date:

David Love  
Senior Vice President  
360networks (USA) inc.  
143 Union Blvd., Suite 300  
Lakewood, Colorado 80228

Issue Date: SERVICE COMMISSION  
OF KENTUCKY  
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**OCT 06 2000**

PURSUANT TO 807 KAR 5.011,  
SECTION 9 (1)  
BY: Stephan D. Bell  
SECRETARY OF THE COMMISSION

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EXPLANATION OF SYMBOLS

- (C) - To signify changed regulation.
- (D) - To signify discontinued rate or regulation.
- (I) - To signify increased rate.
- (M) - To signify that material has been transferred from another sheet or place in the tariff.
- (N) - To signify new rate or regulation.
- (O) - To signify no change\*.
- (R) - To signify reduced rate.
- (S) - To signify reissued matter.
- (T) - To signify a change in text but no change in rate or regulation.

\*The use of the symbol "0" shall be discretionary unless its use in the interest of clarity or is evident or specifically requested by the Commission.

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APPLICATION OF TARIFF

This tariff sets forth the service offerings, rates, terms and conditions applicable to the furnishing of interexchange services statewide.

SERVICE OFFERING

The Company will offer facilities-based long distance services.

CUSTOMER SERVICE

The toll free number for 360networks (USA) inc. Customer service is 877-735-7366.

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SECTION 1 - DEFINITIONS

**Asynchronous Transfer Mode:** ATM is a high bandwidth, low-delay connection-oriented, packet-like switching and multiplexing technique. Usable capacity is segmented into 53-byte fixed-size cells consistent of header and information fields, allocated to services on demand. The term "asynchronous" applies, as each cell is presented to the network on a "start-stop" basis.

**Commission:** The Kentucky Public Service Commission.

**Company:** 360networks (USA) inc., a Nevada Corporation, which is the issuer of this tariff.

**Customer:** The person, firm, corporation or other entity which orders or uses service and, has agreed by signature or otherwise to honor the terms of the service herein, and is responsible for the payment of rates and charges for service to call customer locations and for compliance with tariff regulations.

**Individual Case Basis ("ICB"):** A service arrangement in which the regulations, rates and charges are developed based on the specific circumstances of the Customer's situation.

**Internet Protocol Transfer:** Transfer of information through the use of software that tracks the Internet address of nodes, routes outgoing messages, and recognizes incoming messages. Used in gateways to connect networks at OSI network Level 3 and above.

**LATA:** A local access and transport area established pursuant to the Modification of Final Judgment entered by the United States District court for the District of Columbia in Civil Action No. 8200192 for the provision and administration of communications services.

**OC-48:** Optical Carrier Speed of 2.488 Gbps

**Private Line Transmission:** A dedicated nonswitchable link from one or more customer-specified locations to one or more customer-specified locations.

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SECRETARY OF THE COMMISSION



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SECTION 2 – RULES AND REGULATIONS

2.1 Use of Services

- 2.1.1 360networks (USA) inc.'s services may be used for any lawful purpose consistent with the transmission and switching parameters of the telecommunications facilities utilized in the provision of services, subject to any limitations set forth in this Section 2.2.
- 2.1.2 The use of 360networks (USA) inc.'s services without payment for service or attempting to avoid payment for service by fraudulent means or devices, schemes, false or invalid numbers, or false calling or credit cards is prohibited.
- 2.1.3 360networks (USA) inc.'s services may be denied for nonpayment of charges or for other violations of this tariff.
- 2.1.4 Customers shall not use the service provided under this tariff for any unlawful purpose.
- 2.1.5 The Customer is responsible for notifying the Company immediately of any unauthorized use of services.

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SECTION 9 (1)  
BY: Starkey  
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## SECTION 2 – RULES AND REGULATIONS (CONT'D)

2.2 Liability of the Company

- 2.2.1 The Company shall not be liable for any claim, loss, expense or damage for interruption, delay, error, omission or defect in any service, facility, or transmission provided under this tariff, if caused by the Underlying Carrier, an act of God, fire, war, civil disturbance, act of government, or due to any other causes beyond the Company's control.
- 2.2.2 The Company shall not be liable for, and shall be fully indemnified and held harmless by the Customer against any claim, loss, expense, or damage for defamation, libel, slander, invasion, infringement of copyright or patent, unauthorized use of any trademark, trade name or service mark, proprietary or creative right, or any other injury to any person, property or entity arising out of the material, data or information transmitted.
- 2.2.3 No agent or employee of any other carrier or entity shall be deemed to be an agent or employee of the Company.
- 2.2.4 The Company's liability for damages, resulting in whole or in part from or arising in connection with the furnishing of service under this tariff, including but not limited to mistakes, omissions, interruptions, delays, errors, or other defects or misrepresentations shall not exceed an amount equal to the charges provided for under this tariff for the long distance call for the period during which the call was affected. No other liability in any event shall attach to the Company.
- 2.2.5 The Company shall not be liable for and shall be indemnified and saved harmless by any Customer or by any other entity from any and all loss, claims, demands, suits, or other action or any liability whatsoever, whether suffered, made, instituted, or asserted by any Customer or any other entity for any personal injury to, or death of, any person or persons, and for loss, damage, defacement or destruction of the premises of any Customer or

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SECTION 9 (1)  
BY: *Stephen D. Love*  
SECRETARY OF THE COMMISSION

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SECTION 2 – RULES AND REGULATIONS (CONT'D)

2.2 Liability of the Company (cont'd)

2.2.5 (cont'd)

any other entity or any other property whether owned or controlled by the Customer or others.

2.2.6 The Company shall not be liable for any indirect, special, incidental, or consequential damages under this tariff including, but not limited to, loss of revenue or profits, for any reason whatsoever, including the breakdown of facilities associated with the service, or for any mistakes, omissions, delays, errors, or defects in transmission occurring during the course of furnishing service.

2.2.7 The remedies set forth are exclusive and in lieu of all other warranties and remedies, whether express, implied, or statutory, INCLUDING WITHOUT LIMITATION IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE.

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SECTION 9 (1)  
BY: *Stacy A. Boyd*  
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 SECTION 3 – SERVICES, LOCATION, PRICES AND CHARGES
3.1 Description of Service

360networks (USA) inc. will provide high capacity transport on a leased long-term basis. There will be no standard offering as all contracts for high capacity transport will be negotiated and performed on an individual case basis.

3.2 Location of Service

360networks (USA) inc. is completing a technologically advanced 90,300 kilometer (56,100 mile) network linking 90 major cities, including a fiber optic terrestrial network in North America and Europe, and undersea cables linking North America, South America and Europe.

3.3 Rates for Service

There will be no standard offering as all contracts for high capacity transport will be negotiated and performed on an individual case basis.

<u>Description</u>	<u>Rate</u>
High capacity transport at OC-48	ICB
Private Line Transmission	ICB
Packet-Based Data Services	ICB
Internet Protocol Transfer	ICB
Asynchronous Transfer Mode	ICB
Virtual Voice Trunking	ICB

3.4 Application for Service

Application for service must be made in writing. The name(s) of the customer(s) desiring to use the service must be set forth in the application for service.

3.5 Deposits

Deposits and/or advanced payments are not required.

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