

**BEFORE THE TENNESSEE REGULATORY AUTHORITY  
NASHVILLE, TENNESSEE**

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T.R.A. DOCKET ROOM

*In re: Petition for Approval of Name Change )  
from Xspedius, LLC to Xspedius )  
Communications, LLC. )*

Docket No. 06- 00227

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**PETITION OF XSPEDIUS COMMUNICATIONS, LLC. TO CHANGE NAME  
AND TO WAIVE TRA RULE 1220-4-1-.8(1)(a)**

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Xspedius Communications, LLC ("Petitioner") petitions the Tennessee Regulatory Authority ("TRA" or "Authority") to change Petitioner's legal name from Xspedius, LLC to Xspedius Communications, LLC and to waive the TRA's customer notification rule, 1220-4-1-.8(1)(a).

Petitioner has changed its legal name to Xspedius Communications, LLC and registered its new corporate name with the Secretary of the State of Tennessee. (See Exhibit A.)

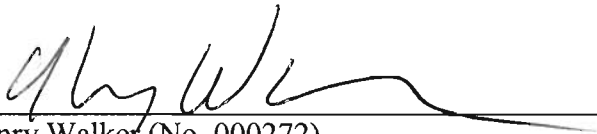
The requested name change authority entails no more than a change in Petitioner's legal name and this change will have no impact on the rates, services, or customers of Xspedius Communications, LLC in Tennessee. Existing customers have already been receiving bills in the name of Xspedius Communications, LLC. To the company's knowledge, no Tennessee customer has raised a question about the name change. Thus, the legal name change has been seamless to Petitioner's customers in Tennessee.

TRA Rule 1220-4-1-.8(1)(a) provides that notice of a name change be provided to the TRA thirty days in advance of such change. Petitioner failed to provide such notice thirty days prior to the effective date of the name change. Therefore, Petitioner respectfully requests the TRA waive the advance notice requirement of TRA Rule 1220-4-1-.8(1)(a). The TRA is

authorized to waive the requirements of this rule, for good cause shown, pursuant to TRA Rule 1220-1-1.05. Here, good cause exists to waive the thirty-day notice requirement due to the fact that the name change has been seamless to Petitioner's Tennessee customers, as these customers have already been receiving their bills under the closely-related name of "Xspedius Communications."<sup>1</sup>

Respectfully submitted,

BOULT, CUMMINGS, CONNERS & BERRY, PLC

By:   
Henry Walker (No. 000272)  
Leslie Cherry (No. 022079 )  
1600 Division Street, Suite 700  
P.O. Box 340025  
Nashville, Tennessee 37203  
(615) 252-2363

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<sup>1</sup> The Authority has previously held that it has the power to waive the customer notification rule. See Docket 06-00192, approved on August 23, 2006. If, however, the TRA holds that it does not have the power to waive the customer notice rule (see concurring opinion of Director Ron Jones in Docket 06-00192, transcript of proceedings on August 23, 2006), Petitioner requests that the Authority approve the name change request because the Petitioner's failure to comply with the rules has had no adverse impact on Petitioner's customers.

State of Tennessee



Department of State  
Corporate Filings  
312 Eighth Avenue North  
6<sup>th</sup> Floor, William R. Snodgrass Tower  
Nashville, TN 37243

APPLICATION FOR AMENDED  
CERTIFICATE OF AUTHORITY  
(LIMITED LIABILITY COMPANY)

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STATE OF TENNESSEE  
2006 SEP - 1 PM 12:41  
RILEY DARNELL  
SECRETARY OF STATE

To the Secretary of State of the State of Tennessee:

Pursuant to the provisions of §48-246-303 of the Tennessee Limited Liability Company Act or §48-249-906 of the Tennessee Revised Limited Liability Company Act, the undersigned hereby applies for an amended certificate of authority to transact business in the State of Tennessee, and for that purpose sets forth:

1. The currently recorded name of the Limited Liability Company is: Xspecius, LLC

If different, the name under which the amended certificate of authority is to be obtained is: \_\_\_\_\_

Xspecius Communications, LLC

2. The state or country under whose law it is organized is: Delaware

and its date of formation is: December 30, 2001 (must be month, day and year).

3. The complete street address (including zip code) of its principal office is:

5555 Waplesville Blvd 3rd Floor O'Fallon Mo 63368

Street City State/Country Zip Code

4. The complete street address (including the county and the zip code) of its registered office in Tennessee is:

800 S. Gay Street, Ste 2021 Knoxville, TN 37929

Street City/State County Zip Code

The name of its registered agent at that office is: CT Corporation System

5. If the provisions of TCA §48-249-309(l) (relating to foreign series LLCs) apply, then the information required by that section should be attached as part of this document.

6. Please insert the number of members at the date of filing if more than six (6). \_\_\_\_\_

**NOTE: This application must be accompanied by a certificate of existence or a document of similar import (for example, a certificate of good standing) duly authenticated by the Secretary of State or other official having custody of Limited Liability Company records in the state or country under whose law it is formed. The certificate shall not bear a date of more than two (2) month prior to the date the application is successfully filed in Tennessee.**

8/31/06  
Signature Date

Senior Vice President, Secretary and General Counsel  
Signer's Capacity  
Emmanuel Brown

Xspecius LLC  
Name of Limited Liability Company

[Signature]  
Signature  
Laurence Berenson  
Name (typed or printed)

# Delaware

PAGE 1

*The First State*

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY "XSPEDIUS COMMUNICATIONS, LLC" IS DULY FORMED UNDER THE LAWS OF THE STATE OF DELAWARE AND IS IN GOOD STANDING AND HAS A LEGAL EXISTENCE SO FAR AS THE RECORDS OF THIS OFFICE SHOW, AS OF THE THIRTY-FIRST DAY OF AUGUST, A.D. 2006.

AND I DO HEREBY FURTHER CERTIFY THAT THE ANNUAL TAXES HAVE BEEN PAID TO DATE.

5824.2756



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*Harriet Smith Windsor*

Harriet Smith Windsor, Secretary of State

AUTHENTICATION: 5014448

DATE: 08-31-06