

In The Matter of the Application of )  
)  
EarthLink Business, LLC for Registration ) Case No. \_\_\_\_\_  
to Provide (1) Resold and Facilities-Based )  
Basic Local Exchange and Exchange )  
Access Telecommunications Services and )  
(2) Interconnected Voice over Internet )  
Protocol Service )

COMES NOW EarthLink Business, LLC (“Applicant”), pursuant to §392.550 and §392.611 RSMo., and for its application to the Missouri Public Service Commission (“Commission”) states as follows:

1170 Peachtree Street  
Atlanta, GA 20239  
Tel: 404-815-0770  
Fax: 404-287-1036  
[www.earthlinkbusiness.com](http://www.earthlinkbusiness.com)

Please direct all questions regarding Applicant's ongoing operations to:

Mary Whiting  
Director, Regulatory Compliance  
EarthLink Business  
2851 Charlevoix Drive SE, Suite 209  
Grand Rapids, MI 49546  
Tel: 616-988-7028  
[mwhiting@elink.com](mailto:mwhiting@elink.com)

2. Applicant's registered agent in the State of Missouri is:

National Registered Agents, Inc.  
120 South Central Ave.  
Clayton, MO 63105

3. Applicant currently holds a Certificate of Authority to provide competitive interexchange and non-switched local exchange services pursuant to a certificate issued by the Commission in Case No. TA-2000-311 as amended to reflect its current name in File No. XN-2013-0191, Tariff No. YX-2013-0188. This Application seeks to expand Applicant's existing authority.

4. The Applicant seeks registration to offer and provide (1) resold and facilities-based basic local exchange and exchange access telecommunications services and (2) interconnected voice over Internet protocol service.

3. Attached is an affidavit signed by an officer or general partner of the Applicant making the eight statements required by §392.550.3 and §392.611.4 RSMo, plus confirmation the Applicant's service meets the criteria of basic local exchange and exchange access telecommunications services and interconnected voice over Internet protocol service as defined by §386.020(23).

WHEREFORE, the Applicant requests the Commission to issue an order granting the Applicant a registration to offer and provide (1) basic local exchange and

exchange access telecommunications services and (2) interconnected voice over Internet protocol service in the exchanges listed in the Affidavit.

Respectfully submitted,

/s/ Mark W. Comley

Mark W. Comley [MO Bar # 28847]  
Newman, Comley & Ruth P.C.  
601 Monroe Street, Suite 301  
P.O. Box 537  
Jefferson City, Missouri 65102-0537  
573-634-2266 (tel)  
573-636-3306 (fax)  
comleym@ncrpc.com

#### **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the above and foregoing document was sent via e-mail on this 27th day of March, 2015, to General Counsel's Office at staffcounsel@psc.mo.gov; and Office of Public Counsel at opcservice@ded.mo.gov.

/s/ Mark W. Comley

## **AFFIDAVIT**

I, Mary Whiting, a natural person, do hereby swear and affirm that I am Director, Regulatory Compliance of EarthLink Business, LLC (“Applicant”), and that the following statements are true and correct to the best of my knowledge and belief:

(1) The following principal executive officers of the Applicant can be reached through Applicant’s principal address 1170 Peachtree Street, Suite 900, Atlanta, Georgia 30309:

Joseph F. Eazor	President and Chief Executive Officer
Bradley A. Ferguson	Executive Vice President, Chief Financial Officer
Samuel R. DeSimone, Jr.	Executive Vice President, General Counsel and Secretary
Stacie S. Hagan	Executive Vice President, Customer Service Delivery and Care
Michael D. Toplisek	Executive Vice President, Chief Revenue Officer
Brian P. Fink	Executive Vice President, Technology and Chief Information Officer
John T. Dobbins	Executive Vice President, Network Operations
Richard C. Froehlich	Executive Vice President, Products and Consumer
Louis M. Alterman	Executive Vice President, Strategy, Operations and Transformation
Alexandra Gobbi	Senior Vice President, Corporate Marketing and Communications
Valerie C. Benjamin	Senior Vice President, Human Resources
Michael Flannery	Senior Vice President, Small Business
Christopher L. Murray	Senior Vice President, Public Policy
Shawn Murray	Senior Vice President, Sales
Michele D. Sadwick	Senior Vice President, Mid-Market Revenue and Retention

Richard Michael Thurston	Vice President, Controller
Alva "Trey" Huffman	Vice President, Treasurer
Clay Robinson	Vice President, Tax and Assistant Treasurer
Mary Whiting	Director, Regulatory Affairs

(2) The Applicant is registering to provide (a) basic local exchange and exchange access telecommunications service and (b) interconnected voice over Internet protocol service in all exchange in Missouri. The exchanges in which the Applicant seeks authority are listed in the approved tariffs of the respect incumbent local exchange carriers ("ILECs"). The Company's proposed service areas will mirror the respective exchange boundaries of each ILEC and shall be no smaller than an exchange.

(3) That the Applicant is legally, financially, and technically qualified to provide basic local exchange and exchange access telecommunications services and interconnected voice over Internet protocol services;

(4) That the Applicant is ready, willing, able, and will comply with all applicable state and federal laws and regulations imposed upon providers of basic local exchange and exchange access telecommunications services and interconnected voice over Internet protocol services;

(5) That the Applicant will charge and collect from its end user customers on basic local exchange telecommunications services and interconnected voice over Internet protocol service, and remit to the appropriate authority, fees and surcharges in the same manner as are charged and collected upon end user customers of local exchange telecommunications service and remitted by local exchange telecommunications companies, including but not necessarily limited to:

- (a) Telecommunications programs under section 209.255, RSMo;
- (b) Missouri universal service fund under section 392.248;
- (c) Local enhanced 911;
- (d) Any applicable license tax;

(6) That the Applicant will remit the annual assessment imposed by the Commission under section 386.370, RSMo;

(7) That the Applicant will file, either directly or indirectly through an affiliated competitive local exchange carrier, with the Commission an annual report at a time and covering the yearly period fixed by the Commission;

(8) That the Applicant has established a process for handling inquiries from customers concerning billing issues, service issues, and other consumer-related complaints. The Commission may direct consumer complaints to:

Nadine Justice, Director Customer Care  
EarthLink Business  
330 Monroe Avenue  
Rochester, NY 14607  
585-697-2120 (tel)  
[njustice@elink.com](mailto:njustice@elink.com)

Customers may contact EarthLink Business Customer Support at 855-352-2731 or [customercare@earthlinkbusiness.com](mailto:customercare@earthlinkbusiness.com) with complaints or inquiries.

and

(9) The Applicant's interconnected voice over Internet protocol service meets the following criteria:

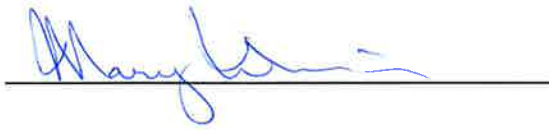
- (a) Enables real-time, two-way voice communications;
- (b) Requires a broadband connection from the user's location;

(c) Requires Internet protocol-compatible customer premises equipment;  
and

(d) Permits users generally to receive calls that originate on the public switched telephone network and to terminate calls to the public switched telephone network.

**[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]**

This concludes my affidavit.



Mary Whiting

Printed Name

Director, Regulatory Compliance

(Title)

State of Michigan

County of Kent

Subscribed and sworn before me this 19<sup>th</sup> day of March, 2015.

KAREN L. ROSENBERGER  
Notary Public, State of Michigan  
County of Kent  
My Commission Expires 05-22-2020  
Acting in the County of Kent

  
Notary Public

Notary Seal:

