

Direct Dial: 703.760.5203 EQuill@williamsmullen.com FILED²

Missouri Public Service Commission

June 30, 2006

VIA OVERNIGHT DELIVERY

Colleen Dale, Secretary/Chief Regulatory Law Judge Missouri Public Service Commission 200 Madison Street Suite 100 Jefferson City, MO 65101

RE: Application of Electric Lightwave, LLC For Authority to Operate Under the "Doing Business As" Name Integra Telecom

Dear Judge Dale:

Enclosed for filing on behalf of Electric Lightwave, LLC ("ELI") are an original and five (5) copies of an application for authority for ELI to operate under the "Doing Business As" ("d/b/a") name Integra Telecom.

Please date-stamp and return the enclosed extra copy of the application in the attached stamped envelope. Please do not hesitate to contact the undersigned at (703) 760-5200 if you have any questions.

Sincerely,

Edward S. Quill, Jr. Michael W. Fleming

Counsel for Integra Telecom Holdings, Inc.

cc: Aloa Stevens (Electric Lightwave, LLC)

Enclosure

A Professional Corporation

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

))

))

)

)

JUL 0 3 2006

Missouri Public Service Commission

 $F \parallel F \square^2$

In the Matter of the Application of

Electric Lightwave, LLC

For Authority to Operate Under the "Doing Business As" Name Integra Telecom

Case	No.	

APPLICATION

Electric Lightwave, LLC ("ELI" or "Applicant"), by and through undersigned counsel and pursuant to 4 CSR 240-2.060(5) and 4 CSR 240-3.434(20), hereby advises the Missouri Public Service Commission ("Commission"), and to the extent required secks approval, for ELI to adopt the "doing business as" ("d/b/a") name Integra Telecom and to operate under that name in Missouri. For the reasons set forth below, Applicant respectfully submits that the proposed d/b/a will enable ELI to better integrate its product offerings with its sister Integra operating companies and thereby prevent customer confusion. As a result, the proposed change in the name under which ELI operates will serve the public interest.

Applicant further states as follows:

I. Electric Lightwave, LLC

ELI is a provider of integrated local telephone, data, network, and long distance services. ELI generally offers local, long-distance and high-speed broadband transport via a fiber optic network that extends to population centers in major metropolitan areas. In Missouri, ELI is authorized to provide interexchange service pursuant to authority granted by the Commission in Case No. Case No. TA-97-246, on January 29, 1997.

Recently, ELI sought approval from the Commission to complete a transaction whereby ELI will become a wholly-owned subsidiary of Integra Telecom Holdings, Inc. ("Integra Holdings"). Applicant sought approval of the proposed change in ownership through an application that was subsequently dismissed for lack of jurisdiction in Case No. TM-2006-0362.

Integra Holdings, through its various operating companies, provides facilities-based, integrated communications services, primarily to small and midsize companies located in the business centers of Minnesota, North Dakota, Oregon, Utah, and Washington. Other than through ELI, however, Integra does not hold authority to provide regulated services in Missouri.

II. Designated Contacts

Correspondence or communications pertaining to this Application should be directed to:

Edward S. Quill, Jr. Michael W. Fleming WILLIAMS MULLEN 8270 Greensboro Drive, Suite 700 McLean, VA 22102 Telephone: (703) 760-5200 Facsimile: (703) 748-0244 Email: <u>EQuill@williamsmullen.com</u> <u>MFleming@williamsmullen.com</u>

III. Use of a "D/B/A" Name

In connection with Integra Holdings proposed acquisition of ELI, the two companies are working to better integrate and coordinate ELI's operations with those of the Integra operating companies. Accordingly, ELI now proposes to adopt the d/b/a Integra Telecom and operate under that name in Missouri upon completion of the transaction, on or around July 31, 2006. Although Applicant will operate under this new d/b/a name, the Company's certificate will continue to be held by ELI and ELI's name will not be formally changed.¹

Applicant emphasizes that the proposed d/b/a name will not result in any change in Applicant's corporate structure and will not have any effect on the rates, terms or conditions

¹ ELI will file corporate documents with the appropriate Missouri agency in connection with the registration of the d/b/a name upon closing of the transaction, which is currently scheduled to occur on or around July 31, 2006. Applicant will file the processed documents with the Commission once ELI has received them.

under which ELI currently provides service.² Furthermore, ELI has initiated a program designed to ensure that all of ELI's existing customers receive advanced written notice of the proposed d/b/a and is working closely with its customer base to avoid any customer confusion.³ Thus, the d/b/a name will not in any way harm or inconvenience ELI's customers or adversely affect ELI's managerial, technical, or financial resources.

In addition, in their application in Case No. TM-2006-0362 (which has since been dismissed by the Commission for lack of jurisdiction), ELI and Integra notified the Commission that they intended to adopt a uniform brand name. Specifically, the companies stated:

For branding and customer identity purposes, Integra intends, as part of a transition plan, to adopt a simple, easy to understand single brand entity, utilizing the Integra name, the ELI name or a combination of the two names. To the extent necessary, Integra will inform customers and the Commission of these changes and obtain any required consents, including any required consents of the Commission.

See In the Matter of the Joint Application of Integra Telecom Holdings, Inc. and Electric Lightwave, LLC for Approval of a Transfer of Control of Electric Lightwave, LLC, Case No.

TM-2006-0362, at n. 6.

IV. Public Interest

Applicant respectfully submits that the proposed d/b/a name will serve the public interest. The proposed change in operating name will allow the combined ELI/Integra companies to more seamlessly promote and market their services and prevent customer confusion. Integra's acquisition of ELI is expected to allow Integra to offer a broader range of products and services, and the proposed d/b/a is necessary to ensure a cohesive and coordinated approach to marketing the combined companies' expanded service offerings. Furthermore, given that the rates, terms

² Currently, ELI maintains a tariff on file with the Commission in connection with the services rendered. Attached as Exhibit A is an adoption notice and new tariff cover page reflecting the new d/b/a name for that tariff, to be effective upon closing, which is currently scheduled to occur on or around July 31, 2006. ELI respectfully requests that the Commission append the adoption notice to the Company's tariff.

and conditions will not be affected by ELI's use of the d/b/a, the change in operating name on or around August 1 will not affect the services that those entities receive or otherwise adversely affect ELI customers. Applicant therefore respectfully requests that the Commission review the proposed name change and issue any required approval as soon as possible.

V. Conclusion

Applicant respectfully requests that the Commission grant it authority, to the extent necessary, to allow ELI to adopt the Integra Telecom name as a "doing business as" name in the State of Missouri.

Respectfully submitted,

Aloa Stevens Director, Government & External Affairs Electric Lightwave, LLC 3 Triad Center, Suite 160 Salt Lake City, UT 84180 Telephone: (801) 924-6356 Facsimile: (801) 924-6363 Email: <u>astevens@czn.com</u> Edward S. Quill, Jr. Michael W. Fleming WILLIAMS MULLEN 8270 Greensboro Drive, Suite 700 McLean, VA 22102 Telephone: (703) 760-5200 Facsimile: (703) 748-0244 Email: <u>EQuill@williamsmullen.com</u> Email: <u>MFleming@williamsmullen.com</u>

Counsel for Integra Telecom Holdings, Inc.

Dated: June 30, 2006

³ A copy of the customer notice informing customers of the d/b/a is provided in Exhibit B. ELI sent this notice to its customers on June 30, 2006.

LIST OF EXHIBITS

· ·---

-

---- --

Exhibit A

· · - - -

Tariff Adoption Notice

Form of Customer Notice

Exhibit B

Verification

EXHIBIT A

- · · · · · · · · ·

Tariff Adoption Notice

Verification

VERIFICATION

STATE OF UTAH)	
)	SS.
COUNTY OF SALT LAKE)	

I, <u>Alca Stevens</u>, being first duly sworn, state that I am <u>Drector Covernment I Fyhred Allow</u> of Electric Lightwave, LLC, that I am authorized to make this Verification on behalf of Electric Lightwave, LLC and that the contents of the foregoing filing are true and correct to the best of my knowledge, information, and belief.

Name:	Que Stim	
Title:	Discitar Dovernound & atteach affins when	t

Electric Lightwave, LLC

Sworn and subscribed before me this 29 day of June, 2006. Notary Public

My commission expires 03/17/2010

