

COMMONWEALTH OF VIRGINIA  
STATE CORPORATION COMMISSION

AT RICHMOND, NOVEMBER 7, 2018

SCC-CLERK'S OFFICE  
DOCUMENT CONTROL CENTER

2018 NOV -7 A 9 27

APPLICATION OF

MGW NETWORKS, L.L.C.

CASE NO. PUR-2018-00170

For designation as an  
eligible telecommunications carrier

ORDER FOR NOTICE AND COMMENT

On October 4, 2018, MGW Networks, L.L.C. ("MGW Networks" or "Company"), filed an application ("Application") with the State Corporation Commission ("Commission") pursuant to 47 U.S.C. § 214(e) and 47 C.F.R. §§ 54.101 – 54.422 seeking designation as an eligible telecommunications carrier ("ETC") to receive federal universal service fund ("USF") support.<sup>1</sup> Specifically, MGW Networks seeks to be designated as an ETC for Connect America Fund ("CAF")<sup>2</sup> USF support for portions of Augusta County, Virginia, covering specific census blocks awarded to the Company by the Federal Communications Commission ("FCC") in a recent CAF Phase II auction.<sup>3</sup> MGW Networks also seeks ETC designation in order to qualify for federal low income ("Lifeline") USF support for providing services to low income customers.<sup>4</sup>

MGW Networks is a competitive local exchange carrier authorized to provide local exchange and interexchange telecommunications services in the Commonwealth of Virginia pursuant to certificates of public convenience and necessity issued by the Commission.<sup>5</sup>

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<sup>1</sup> Application at 1.

<sup>2</sup> Also known as the high cost program.

<sup>3</sup> Application at 2, 5, and Attachment A.

<sup>4</sup> *Id.* at 3.

<sup>5</sup> *Id.* at 1. *See also Application of MGW Networks, L.L.C., For certificates of public convenience and necessity to provide local exchange and interexchange telecommunications services*, Case No. PUC-2009-00012. MGW Networks is a wholly owned subsidiary of MGW Telephone Company, Inc., an incumbent local exchange carrier in Virginia. *See Application at 1.*

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According to the Application, after the Commission designates MGW Networks as an ETC, MGW will be eligible to receive almost \$418,000 in USF high cost support to install networks capable of providing stand-alone voice plus broadband and other advanced services.<sup>6</sup> MGW Networks also asserts that it will begin offering Lifeline benefits for low income customers upon receiving ETC designation.<sup>7</sup>

In support of its Application, MGW Networks asserts that it will offer the services required by 47 U.S.C. § 254(c) and 47 C.F.R. § 54.101(a), and that the Company will meet the additional requirements imposed on an ETC by the FCC for CAF and Lifeline support.<sup>8</sup>

NOW THE COMMISSION, upon consideration of the Application and of applicable law, is of the opinion and finds that, consistent with prior orders in similar proceedings, local exchange carriers ("LECs") and other interested persons or entities should have an opportunity to file comments, objections, or requests for hearing on MGW Networks' Application.<sup>9</sup> Therefore, we will direct the Clerk of the Commission to mail a copy of this Order to all LECs certificated to provide service in Virginia. We also direct MGW Networks to provide a copy of its Application to anyone so requesting. Further, we find that any objections to the Company's Application should include a statement of the reasons for such opposition, and if the objection is related to a specific territory, that territory should be clearly defined. We find that requests for

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<sup>6</sup> *Id.* at 3.

<sup>7</sup> *Id.* at 3, 7.

<sup>8</sup> *Id.* at 3-6.

<sup>9</sup> *See, e.g., Commonwealth of Virginia, ex rel, State Corporation Commission, Ex Parte, in re: Implementation of Requirements of § 214 (e) of the Telecommunications Act of 1996, and Application of Cox Virginia Telcom, L.L.C., For designation as an eligible telecommunications carrier under 47 U.S.C. § 214 (e), Case Nos. PUC-1997-00135 and PUC-2012-00059, Doc. Con. Cen. No. 121119018, Order Requesting Comments, Objections, or Requests for Hearing, (Nov. 1, 2012) (noting that the Commission established Case No. PUC-1997-00135 to consider the requests of local exchange carriers to be designated as ETCs to receive universal support pursuant to the U.S. Code and associated federal regulations).*

hearing shall state with specificity why such concerns cannot be adequately addressed in written comments or objections. Finally, we find that the Staff of the Commission ("Staff") should conduct an investigation of the Application and present its findings and recommendations in a report ("Staff Report").

Accordingly, IT IS ORDERED THAT:

(1) This case is docketed and assigned Case No. PUR-2018-00170.

(2) MGW Networks shall respond promptly to requests from interested persons or entities for copies of the Application and shall provide one copy free of charge. A copy may be obtained by submitting a written request to R. Craig Smith, President, MGW Networks, L.L.C., 27 N Central Avenue, Staunton, Virginia, 24401; or Jerry Weikle, Weikle & Co., 151 Spring Street NW, Concord, North Carolina, 28025. If acceptable to the requesting party, the Company may provide the documents by electronic means. Copies also are available for public inspection between the hours of 8:15 a.m. and 5 p.m., Monday through Friday, excluding holidays, in the Commission's Document Control Center located on the first floor of the Tyler Building, 1300 East Main Street, Richmond, Virginia 23219. Copies of the Application also may be downloaded from the Commission's website: <http://www.scc.virginia.gov/case>.

(3) On or before November 27, 2018, any person or entity may file comments on MGW Networks' Application. If not filed electronically, an original and fifteen (15) copies of the comments shall be filed with Joel H. Peck, Clerk, State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218-2118. Filed comments shall reference Case No. PUR-2018-00170. A copy thereof shall be served on MGW Networks at either address in Ordering Paragraph (2).

(4) On or before November 27, 2018, any person or entity may file objections to MGW Networks' Application. If not filed electronically, an original and fifteen (15) copies of the

objections shall be filed with the Clerk of the Commission at the address in Ordering Paragraph (3). Any objections to the Company's Application shall include a statement of the reasons for such opposition, and if the objection is related to a specific territory, that territory shall be clearly defined. Filed objections shall reference Case No. PUR-2018-00170. A copy thereof shall be served on MGW Networks at either address in Ordering Paragraph (2).

(5) On or before November 27, 2018, any person or entity may request a hearing on MGW Networks' Application. If not filed electronically, an original and fifteen (15) copies of the request for hearing shall be submitted to the Clerk of the Commission at the address in Ordering Paragraph (3). Written requests for hearing shall reference Case No. PUR-2018-00170 and shall include: (i) a precise statement of the interest of the filing party; (ii) a statement of the specific action sought to the extent then known; (iii) a statement of the legal basis for such action; and (iv) a precise statement why a hearing should be conducted in the matter. A copy thereof shall be served on MGW Networks at either address in Ordering Paragraph (2).

(6) On or before November 27, 2018, any person or entity may participate as a respondent in this proceeding by filing a notice of participation in accordance with 5 VAC 5-20-140, *Filing and service*, of the Commission's Rules of Practice and Procedure ("Rules of Practice");<sup>10</sup> If not filed electronically, an original and fifteen (15) copies of the notice of participation shall be filed with the Clerk of the Commission at the address set forth in Ordering Paragraph (3). The respondent shall serve a copy of the notice of participation on MGW Networks at either address in Ordering Paragraph (2). Pursuant to 5 VAC 5-20-80 B, *Participation as a respondent*, of the Rules of Practice, any notice of participation shall set forth: (i) a precise statement of the interest of the respondent; (ii) a statement of the specific action

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<sup>10</sup> 5 VAC 5-20-10 *et seq.*

sought to the extent then known; and (iii) the factual and legal basis for the action. Any organization, corporation, or government body participating as a respondent must be represented by counsel as required by 5 VAC 5-20-30, *Counsel*, of the Rules of Practice. All filings shall reference Case No. PUR-2018-00170.

(7) The Staff shall investigate the Company's Application. On or before December 7, 2018, the Staff shall file with the Clerk of the Commission an original and fifteen (15) copies of a Staff Report containing its findings and recommendations.

(8) On or before December 14, 2018, MGW Networks may file responses to the Staff Report and to any comments, objections, or requests for hearing filed with the Commission. If not filed electronically, an original and fifteen (15) copies of any responses shall be submitted to the Clerk of the Commission at the address in Ordering Paragraph (3). A copy of the response shall be served upon the Staff and on any persons or entities who filed comments, objections, or requests for hearing.

(9) All documents filed with the Office of the Clerk of the Commission in this docket may use both sides of the paper. In all other respects, all filings shall comply fully with the requirements of 5 VAC 5-20-150, *Copies and format*, of the Commission's Rules of Practice.

(10) The Commission's Rule of Practice 5 VAC 5-20-260, *Interrogatories to parties or requests for production of documents and things*, shall be modified for this proceeding as follows: responses and objections to written interrogatories and requests for production of documents shall be served within seven (7) calendar days after receipt of the same. In addition to the service requirements of 5 VAC 5-20-260 of the Rules of Practice, on the day that copies are filed with the Clerk of the Commission, a copy of the interrogatory or request for production shall be served electronically, or by facsimile, on the party to whom the interrogatory or request for production is directed or the assigned Staff attorney, if the interrogatory or request for

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production is directed to Staff. Except as modified above, discovery shall be in accordance with Part IV of the Commission's Rules of Practice, 5 VAC 5-20-240 *et seq.*

(11) This matter is continued.

AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to:

All LECs certificated in the Commonwealth of Virginia, as set forth in the Appendix to this Order; R. Craig Smith, President, MGW Networks, L.L.C., 27 N Central Avenue, Staunton, Virginia 24401; Jerry Weikle, Weikle & Co., 151 Spring Street NW, Concord, North Carolina, 28025; and C. Meade Browder, Jr., Senior Assistant Attorney General, Division of Consumer Counsel, Office of the Attorney General, 202 N. 9th Street, 8th Floor, Richmond, Virginia 23219-3424. A copy also shall be delivered to the Commission's Office of General Counsel and Division of Public Utility Regulation.

24/7 MID-ATLANTIC NETWORK OF VIRGINIA, L  
CHRISTOPHER MORRIS  
PRESIDENT  
1220 Augusta Dr Ste 600

Houston, TX 77057-6801

ACCESS POINT OF VIRGINIA, INC.  
MR. JASON BROWN  
REGULATORY  
1100 CRESCENT GREEN  
SUITE 109  
GARY, IN 27511

AIRBUS DS COMMUNICATIONS OF VIRGINIA, I  
MS. PAULA N. PILEGGI  
GENERAL COUNSEL & CHIEF COMPLIANCE OFFI  
42505 RIO NEDO  
P.O. BOX 9007  
TEMECULA, CA 92590

AIRUS VIRGINIA, INC.  
JOHN MCCLUSKEY  
GENERAL MANAGER  
840 SOUTH CANAL, 7TH FLOOR

CHICAGO, IL 60607

ALLIED TELECOM GROUP, LLC  
MR. KEN WILLIAMS  
CEO  
1400 Crystal Dr Ste 700

Arlington, VA 22202

AOC CONNECT, LLC  
MS. MICHELLE SILVIA  
SUITE 700  
14030 THUNDERBOLT PLACE

CHANTILLY, VA 20151

ATC OUTDOOR DAS, LLC  
Juan Tan, Paralegal  
10 PRESIDENTIAL WAY

WOBURN, MA 01801

ACCESS ONE OF VIRGINIA, INC.  
KEVIN FENNEL  
ACCOUNTING MANAGER  
820 W. JACKSON BLVD, 6TH FLOOR

CHICAGO, IL 60607

ACN COMMUNICATION SERVICES VIRGINIA, L  
Mr. JERMEY SMUCKLER  
NORTH AMERICAN GENERAL COUNSEL  
1000 PROGRESS PLACE NE

CONCORD, NC 28025

AIRESPRING VIRGINIA LLC  
MS. CYNTHIA FIRSTMAN  
REGULATORY

7800 Woodley Ave  
VAN NUYS, CA 91411

ALL POINTS CARRIER SERVICES, LLC  
Mr. James Carr  
Regulatory  
908 Trailview Boulevard SE  
Suite 170  
Leesburg, VA 20175

AMELIA TELEPHONE CORPORATION  
Jeff Handley  
Manager  
State Government Aff  
10025 Investment Dr Ste 200  
Knoxville, TN 37932

AT&T COMMUNICATIONS OF VIRGINIA, LLC  
MS. SALLY BRIAR  
REGULATORY AFFAIRS  
342 STONECREST WAY

NASHVILLE, TN 37209

ATLANTECH ONLINE OF VIRGINIA, L.L.C.  
MR. ED FINERAN  
SUITE 630  
1010 WAYNE AVENUE

SILVER SPRING, MD 20910

ATX TELECOMMUNICATIONS SERVICES OF V  
Mr. Steve Bogdan  
Director

1018 W 9th Avenue  
King of Prussia, PA 19406

BCM ONE INC.  
MS. SADIE M. MENDEZ, MGR  
REGULATORY COMPLIANCE  
521 5TH AVE FI 14

NEW YORK, NY 10175-1200

BIRCH COMMUNICATIONS OF VIRGINIA, INC.  
MS. TARA JACKSON  
REGULATORY  
SUITE 925  
2323 Grand Blvd  
KANSAS CITY, MO 64108-2414

BROADVIEW NETWORKS OF VIRGINIA INC  
MR. STEVEN J. BOGDAN, DIRECTOR  
REGULATORY & COMPLIANCE  
Floor 3  
1018 W 9th Avenue  
KING OF PRUSSIA, PA 19406-1225

BROADWING COMMUNICATIONS, LLC  
WILLIAM McCONNELL  
DIRECTOR OF TAX  
1025 ELDORADO BLVD

BROOMFIELD, CO 80021

BULLSEYE TELECOM OF VIRGINIA LLC  
DAVID BAILEY  
VICE PRESIDENT-BUSINESS DEVELOPMENT  
25925 TELEGRAPH ROAD  
SUITE 330  
SOUTHFIELD, MI 48033

BUSINESS TELECOM OF VIRGINIA INC  
BECKY WEST  
SENIOR MANAGER REGULATORY COMPLIANCE  
2851 CHARLEVOIX DR., SE  
SUITE 209  
GRAND RAPIDS, MI 49546

BANDWIDTH.COM CLEC, LLC  
W. Christoopher Matton  
General Counsel  
Suite 500  
900 Main Campus Dr  
Raleigh, NC 27606

BCN TELECOM OF VIRGINIA, INC.  
MS. KATHLEEN GOREY  
1200 MT. KEMBLE AVE  
3RD FLOOR

HARDING TOWNSHIP, NJ 07960

BIT NETWORKS LLC  
MS. CAROLYN PIERCY  
GENERAL MANAGER  
PO BOX 129  
100 NELLIE JONES ROAD  
BRACEY, VA 23919

BROADVOX-CLEC, LLC  
MS. SUSAN CRAMER-RAPINZ  
CORPORATE PARALEGAL  
75 ERIEVIEW PLAZA Ste 400

CLEVELAND, OH 44114

BUGGS ISLAND TELEPHONE COOPERATIVE  
MS. CAROLYN PIERCY  
GENERAL MANAGER  
100 NELLIE JONES RD  
PO BOX 129  
BRACEY, VA 23919

BURKE'S GARDEN TELEPHONE EXCHANGE  
MR. FRED LAWLESS  
PRESIDENT  
7044 Burkes Garden Rd

Tazwell, VA 24651

BVU AUTHORITY  
MELONIE FINNEY  
OPTINET BILLING MANAGER  
PO Box 8100  
15022 LEE HIGHWAY  
BRISTOL, VA 24202-8100

181120208



CAVALIER BROADBAND LLC  
ANTHONY O'BRIEN

2401 HIGHDRAULIC ROAD

CHARLOTTESVILLE, VA 22901

CBEYOND COMMUNICATIONS LLC  
CHARLES E. (GENE) WATKINS  
REGULATORY DEPARTMENT  
SUITE 300  
320 INTERSTATE NORTH PKWY  
ATLANTA, GA 30339

CEBRIDGE TELECOM VA, LLC  
MR. DENNIS MOFFIT, SENIOR COUNSEL  
Suite 300  
520 MARYVILLE CENTRE DR

ST. LOUIS, MO 63141

CENTURYLINK COMMUNICATIONS, LLC  
RICHARD A. SCHOLLMANN  
DIRECTOR STATE REG. & LEG. AFFAIRS  
8145 STAPLES MILL ROAD

RICHMOND, VA 23228

CITIZENS TELEPHONE COOPERATIVE  
MR. J. GREGORY SAPP  
GENERAL MANAGER  
P.O. BOX 137

FLOYD, VA 24091-0137

CITY OF FRANKLIN  
DAVID A. HOWE, DIRECTOR  
CITY OF FRANKLIN ELECTRIC DEPARTMENT  
1050 PRETLOW STREET

FRANKLIN, VA 23851

CITY OF MARTINSVILLE  
MR. MICHAEL A. SCAFFIDI  
TELECOMMUNICATIONS COORDINATOR  
300 FISHEL ROAD  
PO BOX 1112  
MARTINSVILLE, VA 24114

CAVALIER TELEPHONE L.L.C.  
c/o Windstream Communications  
Nicole Winters, Counsel  
4001 N Rodney Parham Rd

Little Rock, AR 72212

CBTS VIRGINIA LLC  
MS. CONNIE WIGHTMAN  
CONSULTANT  
TECHNOLOGIES MANAGEMENT INC.  
151 SOUTHALL LANE, STE 450  
MAITLAND, FL 32751

CENTRAL TELEPHONE COMPANY OF VIRGINIA  
RICHARD A. SCHOLLMANN  
Director Legislative &  
Regulatory Affairs  
8145 Staples Mill Rd  
GLEN ALLEN, VA 23228

CHARTER FIBERLINK VA-CCO, LLC  
BETTY J SANDERS  
DIRECTOR OF REGULATORY AFFAIRS

12405 POWERSCOURT DR  
ST. LOUIS, MI 63131

CITY OF DANVILLE D/B/A DANVILLE DEPARTMENT  
MR. JASON GREY  
BROADBAND NETWORK MANAGER  
1040 MONUMENT STREET

DANVILLE, VA 24541

CITY OF MANASSAS  
MR. ALLEN P. TODD, P.E.  
DIRECTOR OF UTILITIES  
8500 PUBLIC WORKS DR

MANASSAS, VA 20110

CITY OF RADFORD  
WILLIAM E. WILLIS  
DIRECTOR  
RADFORD ELECTRIC DEPARTMENT  
701 17TH STREET  
RADFORD, VA 24141

CITY OF SALEM  
MR. A.K. BRIELE, III, DIRECTOR  
CITY OF SALEM ELECTRIC DEPT  
114 NORTH BROAD STREET  
POB 869  
SALEM, VA 24153

COMCAST BUSINESS COMMUNICATIONS OF  
BETH CHOROSER  
SENIOR DIRECTOR  
REGULATORY COMPLIANCE  
ONE COMCAST CENTER  
PHILADELPHIA, PA 19103

COMMON POINT LLC  
MS. CONNIE LOEPKA  
CORPORATE TAX DIRECTOR  
550 WEST ADAMS STREET  
SUITE 900  
CHICAGO, IL 60661

CONTERRA ULTRA BROADBAND, LLC  
Tanya Gardner, Legal Asst  
Legal Assistant  
2101 Rexford Rd Ste 200 E  
  
Charlotte, NC 28211

COX VIRGINIA TELCOM LLC  
MR. ROBERT J. HOWLEY  
SENIOR DIRECTOR  
REGULATORY AFFAIRS  
9 JAMES P. MURPHY HIGHWAY  
WEST WARWICK, RI 02893

CREXENDO BUSINESS SOLUTIONS OF VIRGINIA  
MR. JEFF KORN  
CHIEF LEGAL OFFICER  
1615 SOUTH 52ND STREET  
  
TEMPE, AZ 85281

CTC COMMUNICATIONS OF VIRGINIA INC  
MR. CESAR CABALLERO  
SENIOR REGULATORY COUNSEL  
4001 RODNEY PARHAM ROAD  
  
LITTLE ROCK, AR 72212

CLEAR RATE TELECOM, L.L.C.  
MR. SAM NAMY  
REGULATORY  
SUITE 600  
555 S OLD WOODWARD AVE  
BIRMINGHAM, MI 48009-6601

COMCAST PHONE OF VIRGINIA LLC  
MR. JOHN CONWELL  
REGULATORY AFFAIRS  
  
7850 WALKER DRIVE  
GREENBELT, MD 20770

COMMUNICATION TECHNOLOGIES CARRIER  
Services, Inc.  
JOSEPH E. FERGUS  
PRESIDENT/CEO  
3684 CENTERVIEW DR STE 100  
CHANTILLY, VA 20151

CORETEL VIRGINIA LLC  
CHRISTOPHER VAN DE VERG  
SEC & GEN COUNSEL  
209 W ST STE 302  
  
ANNAPOLIS, MD 21401

CPV COMMUNICATIONS COMPANY  
LOUIS A. LOMBARDI, JR  
CHIEF OPERATING OFFICER  
412-420 WASHINGTON AVE  
  
BELLEVILLE, NJ 07109

CROWN CASTLE NG ATLANTIC LLC  
MS. MONICA GAMBINO  
VP-LEGAL  
2000 CORPORATE DRIVE  
  
CANONSBURG, PA 15317

DARK FIBER AND INFRASTRUCTURE, LLC  
Judd Carothers  
CEO  
Suite 806  
412 Old Annetta Rd  
Aledo, TX 76008

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dishNET Wireline L.L.C. of Virginia  
MR. WILLIAM HUNT  
DIRECTORY-REG AFFAIRS  
9601 S. MERIDIAN BLVD

ENGLEWOOD, CO 80112

DSCI CORPORATION OF VIRGINIA, INC.  
TIMOTHY BATTLES, VICE PRESIDENT  
DSCI CORPORATION OF VIRGINIA, INC.  
SUITE 350  
303 WYMAN STREET  
WALTHAM, MA 02451-1245

eNETWORKS, LLC  
MS. GINA LAWRENCE  
CFO  
10130 Mallard Creek Rd  
Suite 300  
CHARLOTTE, NC 28262-6001

EUREKA TELECOM OF VA, INC.  
MR. STEVEN J. BOGDAN, DIRECTOR  
REGULATORY & COMPLIANCE  
1018 W 9TH AVENUE

KING OF PRUSSIA, PA 19406

FIBER CONNECT LLC  
PAUL CLIFF  
11482 ROBERTSON DR

MANASSAS, VA 20109

FIBERLIGHT OF VIRGINIA, L.L.C.  
MR. CHAD PIFER  
VP LEGAL AND REGULATORY  
STE 100  
11700 GREAT OAKS WAY  
ALPHARETTA, GA 30022

FIRST COMMUNICATIONS, LLC  
SHANNON DIERINGER  
PARALEGAL  
REGULATORY AFFAIRS  
3340 WEST MARKET STREET  
AKRON, OH 44333

DOWN UNDER COMMUNICATIONS, LLC  
MR. DARYL DUNBAR  
10 BRYAN COURT

STERLING, VA 20166

EARTHLINK BUSINESS, LLC  
RON KOOISTRA  
REGULATORY ANALYST  
2851 CHARLEVOIX DR. SE  
SUITE 209  
GRAND RAPIDS, MI 49546

ENTELEGENT SOLUTIONS OF VIRGINIA, INC  
Mr. Michael Ruziska  
VICE PRESIDENT OF OPERATIONS  
Sutie 200  
2520 Whitehall Park Dr  
Charlotte, NC 28273-3577

EXTENET SYSTEMS (VIRGINIA) LLC  
MR. TERRY RAY  
SUITE 430  
3030 WARRENVILLE ROAD

LISLE, IL 60532

FIBER ROADS, LLC  
MR. JEFFREY W. CORNEJO  
SUITE 200  
321 EAST MAIN STREET

CHARLOTTESVILLE, VA 22902

FIBERNET OF VIRGINIA, INC.  
Ms. Jennifer T. Marshall  
Regulatory Manager  
One Lumos Plaza

Waynesboro, VA 22980

FRANCE TELECOM CORPORATE SOLUTIONS  
MR. JOE TOPEL  
13775 MCLEAREN ROAD  
MAILSTOP 1100

OAK HILL, VA 20171

181120203

FRONTIER COMMUNICATIONS OF VIRGINIA, I  
ANGELA MCCALL  
MANAGER, GOVERNMENT AND EXTERNAL AFFA  
300 BLAND ST

BLUEFIELD, WV 24701

GATEWAY COMMUNICATIONS SERVICES OF  
Regulatory  
16805 NE Mason Ct

Portland, OR 97230-4990

GCR TELECOMMUNICATIONS, INC.  
GLENN C. RATCLIFF, JR.  
PRESIDENT  
POB 511

SOUTH BOSTON, VA 24592

GLOBAL TELECOM BROKERS OF VIRGINIA, IN  
MR. J. R. LIQUEFATTO  
VP/MGR REGULATORY AFFAIRS  
STE 309  
500 REDLAND CT  
OWINGS MILLS, MD 21117

GRANITE TELECOMMUNICATIONS, LLC  
Paula Foley  
REGULATORY  
100 NEWPORT AVENUE EXT.

QUINCY, MA 02171

IDT AMERICA OF VIRGINIA, LLC  
ANTHONY ACEVEDO, ESQUIRE  
4TH FLOOR  
520 BROAD STREET

NEWARK, NJ 07102-3111

INFOHIGHWAY OF VIRGINIA, INC.  
Mr. JARROD HARPER  
C/O. BROADVIEW NETWORKS HIGHWAY, INC.  
1018 W. 9TH AVE

KING OF PRUSSIA, PA 19406

GAMEWOOD TELECOM, INC.  
ERIK J. CECIL, ESQUIRE  
COLE RAYWID & BRAVERMAN LLP  
2ND FLR  
1919 PENNSYLVANIA AVE NW  
WASHINGTON, DC 20006-3458

GC PIVOTAL, LLC  
KATHERINE K. MUDGE  
EXECUTIVE VP/GENERAL COUNSEL  
3415 GREYSTONE DR., SUITE 300

AUSTIN, TX 78731

GLOBAL CROSSING TELEMANAGEMENT VA, L  
MR. WILLIAM J. MCCONNELL

1025 ELDORADO BLVD

BROOMFIELD, CO 80021

GOFF NETWORK TECHNOLOGIES-VIRGINIA, I  
JON BRINTON  
VP & GENERAL MGR  
6448 PARKLAND DRIVE

SARASOTA, FL 34243

HIGHLAND TELEPHONE COOPERATIVE  
RUTH NEWMAN  
MANAGER  
POB 340

MONTEREY, VA 24465

iGo Technology, Inc.  
TERRI K. FIRESTEIN  
SR, DIRECTOR  
CCG CONSULTING  
10896 GARRISON HOLLOW ROAD  
CLEAR SPRING, MD 21722

INTELLIFIBER NETWORKS, LLC  
C/O WINDSTREAM COMMUNICATIONS  
Nicole Winters, Counsel  
4001 N. Rodney Parham Rd

Little Rock, AR 72212

181120208

KINEX TELECOM, INC.  
MR. JIM GARRETT  
PRESIDENT  
717 EAST THIRD STREET  
  
FARMVILLE, VA 23901

LEVEL 3 COMMUNICATIONS, LLC  
MR. WILLIAM McCONNELL  
DIRECTOR OF TAX  
1025 ELDORADO BOULEVARD

BROOMFIELD, CO 80021

LIGADO NETWORKS INC. OF VIRGINIA  
Amy Crawford, Director  
Corporate Compliance  
10802 PARKRIDGE BLVD.

RESTON, VA 20191-5416

LMK COMMUNICATIONS, LLC  
Jennifer Marshall  
Asst Secretary & Asst Treasurer  
One Lumos Plaza

Waynesboro, VA 22980

LUMOS NETWORKS, INC  
Ms. Jennifer T. Marshall  
Regulatory Manager  
One Lumos Plaza

Waynesboro, VA 22980

LUMOS TELEPHONE OF BOTETOURT INC.  
Ms. Jennifer T. Marshall  
Regulatory Manager  
One Lumos Plaza

Waynesboro, VA 22980

MCC TELEPHONY OF THE MID-ATLANTIC, LLC  
ANNE SOKOLIN-MAIMON  
VICE PRESIDENT REGULATORY AFFAIRS  
MEDIACOM COMMUNICATIONS CORP  
ONE MEDICOM WAY  
MEDIACOM PARK, NY 10918

LEVEL 3 COMMUNICATIONS OF VIRGINIA, INC  
MR. WILLIAM McCONNELL  
DIRECTOR OF TAX

1025 ELDORADO BLVD.  
BROOMFIELD, CO 80021

LEVEL 3 TELECOM OF VIRGINIA, LLC  
MR. WILLIAM McCONNELL  
DIRECTOR OF TAX  
1025 ELDORADO BLVD.

BROOMFIELD, CO 80021

LIGHTOWER FIBER NETWORKS II, LLC  
MS. FERNANDA MANKO  
REGULATORY COMPLIANCE & LEGAL SERV. MGF  
SUITE 250  
196 Van Buren St  
HERNDON, VA 20170

LOCAL ACCESS LLC  
MR. ROBERT RUSSELL  
Chief Operating Officer/Compliance Officer

11442 LAKE BUTLER BOULEVARD  
WINDERMERE, FL 34786

LUMOS TELEPHONE INC.  
Ms. Jennifer T. Marshall  
Regulatory Manager  
One Lumos Plaza

Waynesboro, VA 22980

MATRIX TELECOM OF VIRGINIA, LLC  
MS. AURORA ARES  
ASSISTANT GENERAL COUNSEL  
SUITE 500  
433 EAST LAS COLINAS BLVD.  
IRVING, TX 75039

MCIMETRO ACCESS TRANSMISSION SERVICE  
JAN CHESNEY  
600 HIDDEN RIDGE

IRVING, TX 75038

METRO FIBER NETWORKS, INC.  
MR. GARY TARPLEY  
423 REDOUBT ROAD  
POB 1516

YORKTOWN, VA 23692-1516

METTEL OF VA, INC.  
ANDONI ECONOMOU  
EXECUTIVE V.P.  
55 WATER STREET  
31ST FLOOR  
NEW YORK, NY 10041

MGW NETWORKS, L.L.C.  
MR. R. CRAIG SMITH  
PRESIDENT  
ROUTE 678  
P.O. BOX 105  
WILLIAMSVILLE, VA 24487

MIKROTEC COMMUNICATIONS OF VIRGINIA, I  
MS. DONNA SKAGGS  
20 LAYNESVILLE ROAD

HAROLD, KY 41635

MOBILITIE, LLC  
CYNDIA MORENO  
LEGAL AFFAIRS ADMINISTRATOR  
2220 UNIVERSITY DRIVE

NEWPORT BEACH, CA 92660

NETWORK BILLING SYSTEMS, L.L.C.  
MR. JONATHAN KAUFMAN  
REGULATORY  
SUITE 200  
695 Route 46 West  
Fairfield, NJ 07004

NEUTRAL TANDEM-VIRGINIA, LLC  
MR. RICHARD MONTO  
GENERAL COUNSEL  
SUITE 900  
550 WEST ADAMS STREET  
CHICAGO, IL 60661

METROPOLITAN NETWORK SERVICES, INC.  
MR. ROBERT JONES

436 TV DRIVE

FREDERICKSBURG, VA 22408

MGW NETWORKS, L.L.C  
MR. CRAIG SMITH  
PRESIDENT  
ROUTE 678  
PO BOX 105  
WILLIAMSVILLE, VA 24487

MGW TELEPHONE COMPANY  
R. Craig Smith  
PRES/GEN. MGR.  
ROUTE 678  
POB 105  
WILLIAMSVILLE, VA 24487

MITEL CLOUD SERVICES OF VIRGINIA, INC  
MR. JON BRINTON  
VICE PRESIDENT AND GENERAL MANAGER  
1145 N. ALMA SCHOOL RD

CHANDLER, AZ 85201-3000

MOUNTAINET TELEPHONE COMPANY  
MS. GWEN GODSEY

121 WOODLAND ST  
POB 488  
GATE CITY, VA 24251

NETWORK INNOVATIONS VIRGINIA, INC.  
Maria I. Arteaga  
Ste 1300 N  
350 N Orleans St

Chicago, IL 60654

NEW CASTLE TELEPHONE COMPANY  
Jeff Handley  
Manager  
State Government Affairs  
10025 Investment Dr Ste 200  
Knoxville, TN 37932

181120208

NEW CENTURY TELECOM, INC.  
KARYN BARTEL  
PRESIDENT  
SUITE 175  
3050 ROYAL BLVD SOUTH, SUITE 175  
ALPHARETTA, GA 30022

NEW HORIZONS COMMUNICATIONS OF VIRG  
GLEN E. NELSON  
NEW HORIZONS COMMUNICATIONS OF VIRGINIA/  
SUITE 250  
420 BEDFORD STREET  
LEXINGTON, MA 02420

NEXTGEN COMMUNICATIONS, INC.  
MR. BRUCE A. WHITE  
SR. VP & GENERAL COUNSEL  
SUITE 400  
275 WEST STREET  
ANNAPOLIS, MD 21401

NOS COMMUNICATIONS, INC.  
ROWENA HARDIN  
250 Pilot Rd Ste 300

LAS VEGAS, NV 89119

ONVOY, LLC  
MARY BULEY  
SR., REGULATORY & INTERCONNECTION MGR.  
10300 6TH AVE., NORTH

PLYMOUTH, MN 55441

PAC-WEST TELECOMM INC.  
REGULATORY  
4210 CORONADO AVENUE

STOCKTON, CA 95204

PEERLESS NETWORK OF VIRGINIA, INC.  
DANIEL MELDAZIS  
DIRECTOR OF REGULATORY AFFAIRS  
SUITE 2730  
222 S. RIVERSIDE PLAZAA  
CHICAGO, IL 60606

NEW HOPE TELEPHONE COOPERATIVE  
MR. TIMOTHY M. HARRIS  
GENERAL MANAGER  
POB 66

NEW HOPE, VA 24469

NEWPATH NETWORKS, LLC  
MICHELLE SALISBURY  
SENIOR PARALEGAL - NSD/DAS  
2000 CORPORATE DR

CANONSBURG, PA 15317

NORTH RIVER TELEPHONE COOPERATIVE  
MYRON D. RUMMEL, GEN. MGR.  
147 DINKEL AVENUE  
POB 236

MT. CRAWFORD, VA 22841-0236

ONE VOICE COMMUNICATIONS, INC.  
JAMES K. DIZE, ESQUIRE  
GENERAL COUNSEL  
16747 BIRDHAM DRIVE

HAMILTON, VA 20158

OPENBAND OF VIRGINIA, LLC  
JOEL BONFIGLIO,  
GENERAL COUNSEL  
22980 INDIAN CREEK DRIVE

DULLES, VA 20166

PAETEC COMMUNICATIONS OF VIRGINIA, LLC  
C/O WINDSTREAM COMMUNICATIONS  
Nicole Winters, Counsel  
4001 N Rodney Parham Rd

Little Rock, AR 72212

PEG BANDWIDTH VA, LLC  
Jeffrey R. Strenkowski  
VP & Deputy General Counsel Gov Affairs  
Suite 300  
10802 Executive Center Dr  
Little Rock, AR 72211

181120208

PEMBROKE TELEPHONE COOPERATIVE  
MS. LISA EPPERLEY  
GENERAL MANAGER  
POB 549

PEMBROKE, VA 24136-0549

PNG TELECOMMUNICATIONS OF VIRGINIA, LI  
JULES COFFMAN  
100 COMMERCIAL DRIVE

FAIRFIELD, OH 45014

QWEST COMMUNICATIONS CORPORATION O  
MR. RICHARD SCHOLLMANN  
C/O CENTURYLINK  
4510 COX RD  
STE. 109  
GLEN ALLEN, VA 23060

RCVA, INC  
MR. JEFF SLATER  
SR. DIRECTOR  
20 DAVIS DR

BELMONT, CA 94002

SCOTT COUNTY TELEPHONE COOPERATIVE  
WILLIAM J. FRANKLIN, JR.  
EXECUTIVE VP & MANAGER  
POB 487

GATE CITY, VA 24251

SHENTEL COMMUNICATIONS, LLC  
MS. SARAH FROMME  
LEGAL ASSISTANT

PO Box 459  
EDINBURG, VA 22824

SPECTROTEL OF VIRGINIA, LLC  
MS. VANESSA LEON  
DIRECTORY OF REGULATORY AFFAIRS  
3535 STATE HIGHWAY 66  
SUITE 7  
NEPTUNE, NJ 07753

PEOPLES MUTUAL TELEPHONE COMPANY, IN  
Mr. Hart Ashworth  
Peoples Mutual Telephone Co.  
d/b/a RiverStreet Networks  
123 Watts Street  
Gretna, VA 24557

QUANTUMSHIFT COMMUNICATIONS OF VIRG  
MR. GARY STORM  
CEO  
c/o VCOM SOLUTIONS, INC.  
12657 AICOSTA BLVD., SUITE 418  
SAN RAMON, CA 94583

R.T.O. COMMUNICATIONS, L.L.C.  
DOUGLAS WILLS  
160 A WELLMAN STREET

NORFOLK, VA 23502

RIVERSTREET COMMUNICATIONS OF VIRGIN  
MR. TIM TRIBBLE  
REGULATORY REPORTING ADMINISTRATOR  
1400 RIVER STREET

WILKESBORO, NC 28697

SHENANDOAH TELEPHONE COMPANY  
MR. CHRIS KYLE  
V.P. INDUSTRY AFFAIRS & REGULATORY  
POB 459

EDINBURG, VA 22824-459

SINGLE SOURCE INTEGRATED SERVICES, IN  
MS. LISA GLOMBIAK, PRESIDENT  
SUITE 604  
1447 YORK ROAD

LUTHERVILLE, MD 21093

SPRINT COMMUNICATIONS COMPANY OF VIR  
BILL ATKINSON  
DIRECTOR & SR COUNSEL  
3065 AKERS MILL ROAD SE  
MAILSTOP GAATLD0102  
ATLANTA, GA 30339

1812228



SQF, LLC  
MR. NICHOLAS BOURNAKEL  
ADMINISTRATOR  
245 COMMERCIAL STREET  
SUITE 203  
PORTLAND, ME 04101

SUMMIT INFRASTRUCTURE GROUP, LLC  
Roy Lee Grant  
PRESIDENT AND CEO  
Suite F 101  
3781 Westerre Pkwy  
Richmond, VA 23233

SUNESYS OF VIRGINIA, INC.  
DAVID M. CHANNING  
VICE PRESIDENT OF DEVELOPMENT  
202 TITUS AVENUE

WARRINGTON, PA 18976

TALK AMERICA OF VIRGINIA, LLC  
C/O WINDSTREAM COMMUNICATIONS  
Nicole Winters, Counsel  
4001 N Rodney Parham Rd  
  
Little Rock, AR 72212

TELCO EXPERTS, LLC  
MS. JENNIFER DISCEPOLO  
REGULATORY  
  
P. O. BOX 204  
RUTHERFORD, NJ 07070

TELEPORT COMMUNICATIONS AMERICA, LLC  
VINCENT A. APRUZZESE, JR.  
c/o AT&T, AT&T External Affairs  
Floor 3 Ste 314  
4801 COX ROAD  
GLEN ALLEN, VA 23060

TOWN OF BEDFORD  
MR. ELVIN RAY EPTING  
ELECTRIC UTILITY DIRECTOR  
877 MONROE STREET  
  
BEDFORD, VA 24523

STARPOWER COMMUNICATIONS, LLC  
JOSEPH O. KAHL  
SR. DIR, REGULATORY & EXTERNAL AFFAIRS  
SUITE 3100  
650 COLLEGE ROAD EAST  
PRINCETON, NJ 08540

SUMMITIG, LLC  
ROY LEE GRANT  
VP & GENERAL COUNSEL  
Suite 165  
22375 Broderick Dr  
Dulles, VA 20166

SUNSET FIBER, LLC  
MR. RYAN ELSWICK  
Chief Operating Officer  
333 FRALEY AVENUE

DUFFIELD, VA 24244

TALK AMERICA SERVICES, LLC  
MS. SHARON THOMAS  
CONSULTANT  
TECHNOLOGIES MANAGEMENT INC.  
151 SOUTHHALL LANE, SUITE 450  
MAITLAND, FL 32751

TELCOVE OPERATIONS, LLC  
WILLIAM J. MCCONNELL  
TAX & REGULATORY COMPLIANCE  
1025 ELDORADO BLVD  
  
BROOMFIELD, CO 80021

TIME WARNER CABLE INFORMATION SERVICE  
Betty Sanders  
12405 Powerscourt Dr  
  
St Louis, MO 63131

TOWN OF FRONT ROYAL  
MR. JONATHAN MCMAHON  
IT TECHNICIAN  
16 N. ROYAL AVENUE  
POB 1560  
FRONT ROYAL, VA 22630

181120208

TRANS NATIONAL COMMUNICATIONS INTERN  
MR. ERIK ROBINSON  
REGULATORY  
2 CHARLESGATE WEST  
  
BOSTON, MA 02215

UNITED FEDERAL DATA OF VIRGINIA. LLC  
MR. CHRISTOPHER LODGE  
COO  
210 YORK STREET  
SUITE 200  
YORK, PA 17403

VERIZON SELECT SERVICES OF VIRGINIA INC  
MS. DAYANARA FIERRO  
REGULATORY  
140 WEST STREET  
26TH FLOOR ROOM 2629  
NEW YORK, NY 10007

VERIZON VIRGINIA LLC  
SUSAN TAYLOR  
REGULATORY  
12 WEST STREET

ANNAPOLIS, MD 21401

VIRGINIA NETWORK INCORPORATED  
MR. MICHAEL V. PERDUE  
C/O SMYTHNET  
116 BROAD STREET  
  
MARION, VA 24354

VODAFONE AMERICAS VIRGINIA INC.  
BLAIR ROSENTHAL  
ASSISTANT GENERAL COUNSEL  
SOUTH TOWER, SUITE 1750  
999 18TH STREET  
DENVER, CO 80202

Waterford Telephone Company  
Mr. BRUCE DAVIS  
16601 MOSSWOOD DRIVE  
  
HAMILTON, VA 20158

Unite Private Networks, L.L.C.  
MR. KEVIN M. ANDERSON  
CHAIRMAN & CEO  
7200 NW 86TH STREET  
STE. M  
KANSAS CITY, MO 64153

US LEC OF VIRGINIA, L.L.C.  
C/O WINDSTREAM COMMUNICATIONS  
REGIONAL VP-STATE GOVERNMENT AFFAIRS  
1209 Orange St  
655 W BROADWAY, SUITE 850  
Wilmington, DE 19801

VERIZON SOUTH INC.  
SUSAN TAYLOR  
REGULATORY  
12 WEST STREET  
  
ANNAPOLIS, MD 21401

VIRGINIA GLOBAL COMMUNICATIONS SYSTEM  
REGULATORY CONTACT  
150 SOUTH MAIN STREET  
  
LEXINGTON, VA 24450

VIRGINIA TELEPHONE COMPANY  
Jeff Handley  
MANAGER  
State Government Affairs  
10025 Investment Dr Ste 200  
Knoxville, TN 37932

VOXBEAM TELECOMMUNICATIONS, INC.  
Mr. Paul Casack  
CEO  
#1  
6314 KINGS POINTE PKWY  
ORLANDO, FL 32819

WEST SAFETY COMMUNICATIONS OF VIRGINIA  
MR. CRAIG DONADLSON  
SENIOR VICE PRESIDENT  
REGULATORY & GOVERNMENT AFFAIRS  
1601 DRY CREEK DRIVE  
LONGMONT, CO 80503

181120208

West Telecom Services, LLC  
MR. ROBERT W. MCCAUSLAND  
VP REGULATORY & GOVERNMENT AFFAIRS  
3200 WEST PLEASANT RUN RD  
SUITE 300  
LANCASTER, TX 751461086

WIDE VOICE, LLC  
Andrew Nickerson  
CEO  
Suite 390  
410 S Rampart  
Las Vegas, NV 89145

WOODLAWN COMMUNICATION, LLC  
JEFF STAPLES  
REGULATORY  
2100 HAWKTOWN RD

MAIDENS, VA 23102

YMAX COMMUNICATIONS CORP. OF VIRGINIA  
MR. MARK PAVOL  
DIRECTOR REGULATORY AFFAIRS  
270 S MAIN ST

FLEMINGTON, NJ 08822

ZITEL LLC  
ERIC M. PAGE  
ESQUIRE  
ECKERT SEAMANS CHERIN & MELLOTT, LLC  
919 EAST MAIN STREET, STE 1300  
RICHMOND, VA 23219

WHOLESALE CARRIER SERVICES OF VIRGINIA  
MR. CHRIS S. BARTON  
PRESIDENT  
12350 NW 39TH STREET

CORAL SPRINGS, FL 33065

WINDSTREAM KDL-VA, LLC  
C/O. WINDSTREAM COMMUNICATIONS  
Nicole Winters, Counsel  
Suite 202  
4001 Rodney Parham Rd  
Little Rock, AR 72212-2497

XO VIRGINIA, LLC  
Mr. REX KNOWLES  
EXECUTIVE DIRECTOR  
XO Communications  
8851 S. SANDY PARKWAY  
SANDY, UT 84070

ZAYO GROUP, LLC  
MR. CHARLES FORST  
Director, Regulatory  
1805 29TH STREET

BOULDER, CO 80301

181120208