

**KELLEY DRYE & WARREN LLP**

A LIMITED LIABILITY PARTNERSHIP

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December 7, 2010

**FILED/ACCEPTED**

**DEC - 7 2010**

Federal Communications Commission  
Office of the Secretary

**VIA HAND DELIVERY**

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554

**RE: *In the Matter of ONE COMMUNICATIONS CORP., FIBERNET OF VIRGINIA, INC., FIBERNET, L.L.C., FIBERNET TELECOMMUNICATIONS OF PENNSYLVANIA, LLC, AND FIBERNET OF OHIO, LLC, AND NTELOS INC., Applications for Transfer of Control Under Section 214 of the Communications Act of 1934, as Amended, WC Docket No. 10-158, IB File No. ITC-ASG-20100802-00314***

**REDACTED – FOR PUBLIC INSPECTION**

Dear Ms. Dortch:

On behalf of the Applicants and pursuant to the *Public Notice*<sup>1</sup> and the *Protective Order*<sup>2</sup> adopted in the above-referenced proceeding, please find attached one original and two (2) copies of the Redacted Notice of Ex Parte Presentation and attachments that was filed with the Federal Communications Commission via the Electronic Comment Filing System (ECFS) on

<sup>1</sup> Applications Filed for the Transfer of Control of FiberNet from One Communications Corp. to NTELOS Inc., Pleading Cycle Established, *Public Notice*, WC Docket No.10-158, DA 10-1754 (rel. Sept. 16, 2010).

<sup>2</sup> In the Matter of One Communications Corp., FiberNet of Virginia, Inc., FiberNet, L.L.C., FiberNet Telecommunications of Pennsylvania, LLC, FiberNet of Ohio, LLC and NTELOS Inc., Applications for Transfer of Control Under Section 214 of the Communications Act, as Amended, *Protective Order*, WC Docket No. 10-158, DA 10-1785 (rel. Sept. 20, 2010).

No. of Copies rec'd 0 + 2  
List A B C D E

KELLEY DRYE & WARREN LLP

December 7, 2010  
Page Two

November 16, 2010 (“Redacted Filing”). Additionally, please find attached the ECFS Filing Receipt for the Redacted Filing. An electronic copy of the Redacted Filing was subsequently removed from ECFS. Please accept the enclosed original hard copy of the Redacted Filing for the public file.

On November 16, 2010, under separate cover and in accordance with the *Protective Order* in this proceeding, two (2) confidential copies of the Notice of Ex Parte Presentation (“Confidential Filing”) were hand delivered to both the Secretary’s Office and Gary Remondino of the Competition Policy Division, Wireline Competition Bureau. Pursuant to the *Protective Order*, a copy of the Confidential Filing was also served on the relevant Submitting Party.

Enclosed please also find one duplicate copy of this filing. Please date-stamp the duplicate copy and return it in the envelope provided to the courier. Please feel free to contact the undersigned counsel if you have any questions regarding this matter.

Sincerely,



Christopher S. Koves  
*Counsel to One Communications Corp.*

Enclosures



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November 16, 2010

**VIA ECFS**

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554

**RE: *Notice of Ex Parte Presentation***

***In the Matter of ONE COMMUNICATIONS CORP., FIBERNET OF VIRGINIA, INC., FIBERNET, L.L.C., FIBERNET TELECOMMUNICATIONS OF PENNSYLVANIA, LLC, AND FIBERNET OF OHIO, LLC, AND NTELOS INC., Applications for Transfer of Control Under Section 214 of the Communications Act of 1934, as Amended, WC Docket No. 10-158, IB File No. ITC-T/C-20100802-00314***

**REDACTED – FOR PUBLIC INSPECTION**

Dear Ms. Dortch:

On November 15, 2010, Ray Ostrowski from One Communications Corp. (“One Communications”); Joan Griffin, Brad Mutschelknaus, and Julia Strow on behalf of One Communications; Steve Hamula from FiberNet<sup>1</sup>; Mary McDermott from NTELOS, Inc. (“NTELOS”); and Patrick Campbell on behalf of Quadrangle Group LLC (“Quadrangle”) (collectively, “the Parties”) met with representatives of the Federal Communications Commission (“Commission”), specifically: Neil Dellar, Office of General Counsel (OGC); David Krech, International Bureau (IB); Diane Holland, OGC; Bill Dever, Wireline Competition Bureau (WCB); Dennis Johnson, WCB; and Tim Stelzig, WCB, to discuss matters related to the above-referenced proceeding. The Parties reviewed their efforts to contact local franchising

<sup>1</sup> Including FiberNet of Virginia, Inc., FiberNet, L.L.C., FiberNet Telecommunications of Pennsylvania, LLC, FiberNet of Ohio, LLC (collectively, “FiberNet”).

November 16, 2010  
Page Two

authorities with authority over Cequel Communications LLC d/b/a Suddenlink Communications regarding the *Public Notice*<sup>2</sup> in this proceeding. The Parties also discussed their need for expeditious Commission action due to recent FiberNet service outages and One Communication's financial requirements. Attached to this letter is additional documentation in support of the presentations the Parties made at the meeting.

As required by Section 1.1206(b) of the Commission's Rules, on behalf of the Parties and pursuant to the *Protective Order*<sup>3</sup> adopted in the above-referenced proceeding, please include this *ex parte* notification of this presentation in the record for the above-referenced proceeding. Information contained in this filing designated with double-brackets "[[ ]]" is Confidential Information as defined in the *Protective Order* and has been Redacted for public inspection.

Under separate cover and in accordance with the *Protective Order* in this proceeding, two (2) confidential copies of this filing were hand delivered to both the Secretary's Office and Gary Remondino of the Competition Policy Division, Wireline Competition Bureau. Pursuant to the *Protective Order*, a copy of the Confidential Filing is also being served on the relevant submitting party.

Please feel free to contact the undersigned counsel if you have any questions regarding this matter.

Sincerely,



Christopher S. Koves  
*Counsel to One Communications Corp.*

Enclosure

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<sup>2</sup> Applications Filed for the Transfer of Control of FiberNet from One Communications Corp. to NTELOS Inc., Pleading Cycle Established, *Public Notice*, WC Docket No.10-158, DA 10-1754 (rel. Sept. 16, 2010).

<sup>3</sup> In the Matter of One Communications Corp., FiberNet of Virginia, Inc., FiberNet, L.L.C., FiberNet Telecommunications of Pennsylvania, LLC, FiberNet of Ohio, LLC and NTELOS Inc., Applications for Transfer of Control Under Section 214 of the Communications Act, as Amended, *Protective Order*, WC Docket No. 10-158, DA 10-1785 (rel. Sept. 20, 2010).

REDACTED – FOR PUBLIC INSPECTION

## SUMMARY OF LOCAL FRANCHISING AUTHORITY OUTREACH EFFORTS

11/16/10

### I. FCC Public Notice

- FCC public notice served via U.S. Express Mail on September 20, 2010 on all LFAs on service list provided by SuddenLink, except for the [[REDACTED]], which was served via U.S. Express Mail on September 21, 2010. Public notice was served with cover letter explaining notice and transaction and providing contact info.
- [[REDACTED]] was served again via U.S. Express Mail on September 27, 2010. Additional service necessitated by problems with original address.

### II. Informal Contacts with LFAs

#### A. FAQs

- Sent “Answers to Frequently Asked Questions” regarding the NTELOS acquisition of FiberNet via U.S. Express Mail to all LFAs on service list on October 15, 2010. FAQs explain the transaction, its relationship to SuddenLink, the FCC public notice, and the LFAs’ rights in the proceeding.

#### B. LFA conference calls

- Cover letter with FAQs included an invitation for the LFAs to participate in a free conference call on October 25, 2010 regarding the transaction. Toll-free telephone number and passcode were provided to the LFAs in the cover letter to enable them to participate in the call. Two LFAs ([[REDACTED]], and [[REDACTED]]) were called and advised of conference call because of delivery problems with invitation and FAQs.
- Three conference calls (one at 10:00 am, another at 1:00 pm, and another at 3:00 pm) held on October 25, 2010. NTELOS, FiberNet, and Quadrangle representatives attended all calls. No LFAs participated in any of the three conference calls, as evidenced by list of phone numbers that dialed into calls.

#### C. Phone calls from LFAs to counsel

- [[REDACTED]] – [[REDACTED]] called counsel on September 28, 2010; asked if proceeding affects the county’s cable TV service and procedural matters.

- [[REDACTED]] – [[REDACTED]] of the [[REDACTED]], counsel for [[REDACTED]], called counsel on October 12, 2010, with questions regarding the FCC proceeding, including questions on Section 652 of the Communications Act, comment process, and SuddenLink position on the transaction.
- [[REDACTED]] – [[REDACTED]] called counsel on October 14, 2010 and asked for explanation of proceedings.
- [[REDACTED]] – [[REDACTED]] called on October 19, 2010 to change contact point for LFA.
- [[REDACTED]] – [[REDACTED]] called on November 16, 2010 to state that [[REDACTED]] has no objections to transaction and ask if any action is required.

D. Phone calls from counsel to LFAs

- [[REDACTED]] – phone call to Office of Mayor [[REDACTED]] during week of November 1, 2010 to explain proceeding and inquire if city objects to transaction. [[REDACTED]] agreed to provide no objections letter (likely 11/15/10).
- [[REDACTED]] – phone call to [[REDACTED]] on November 3, 2010 to explain proceeding and inquire if city objects to transaction. No objections letter from [[REDACTED]] filed in FCC docket on 11/10/10.

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FACSIMILE  
(202) 342-8451  
www.kelleydrye.com

DIRECT LINE: (202) 342-8573

EMAIL: jgriffin@kelleydrye.com

September 20, 2010

*Via U.S. Express Mail*

««AddressBlock»»

Re: In the Matter of FIBERNET OF VIRGINIA, INC., FIBERNET, L.L.C., FIBERNET TELECOMMUNICATIONS OF PENNSYLVANIA, LLC, AND FIBERNET OF OHIO, LLC  
Application for Consent to Transfer Control of Companies That Provide International Service Pursuant to Section 63.21(h) of the FCC Rules and Hold Blanket Domestic Section 214 Authority, Pursuant to Section 214 of the Communications Act of 1934, as Amended

Request for Waiver of the Cable/Telco Buyout Provisions of Section 652(b) of the Communications Act of 1934, as Amended

FCC WC Docket No. 10-158  
FCC IB File No. ITC-T/C-20100802-00314

Dear Sir or Madam:

Attached for your information is a copy of a public notice recently issued by the Federal Communications Commission ("FCC"). You are receiving this letter and the public notice because you may have issued a local franchise for cable television services to Cequel Communications, LLC d/b/a Suddenlink, or one of its affiliated companies ("Suddenlink"). If you have cable TV franchise authority over Suddenlink, you may provide your views on a proposed transaction to the FCC, as described below. However, no response is required to the public notice or to this letter.

The FCC's public notice solicits comment on applications filed on August 2, 2010 by One Communications Corp. ("One"); FiberNet of Virginia, Inc., FiberNet, L.L.C., FiberNet Telecommunications of Pennsylvania, LLC, and FiberNet of Ohio, LLC (collectively, "FiberNet"); and NTELOS Inc. ("NTELOS") (One, FiberNet, and NTELOS, collectively the "Applicants") pursuant to Section 214 of the Communications Act of 1934, as amended (the "Act"), 47 U.S.C. §214, and Sections 63.03, 63.04 and 63.24(e) of the Commission's Rules, 47

September 20, 2010

Page Two

CFR §§ 63.03, 63.04, 63.24(e). The Applicants seek authority from the FCC to transfer control of FiberNet from One to NTELOS. FiberNet provides local exchange telecommunications services on a competitive basis in Maryland, Ohio, Pennsylvania, Virginia, Kentucky, and West Virginia. NTELOS provides or will soon provide local exchange telecommunications services in Virginia, West Virginia, Pennsylvania, and Maryland.

Neither FiberNet nor NTELOS provides cable TV services via traditional cable systems at this time. "Traditional cable system" means a set of closed transmission paths and associated signal generation, reception, and control equipment that is used to provide cable service that includes video programming. However, NTELOS is considered an "affiliate" of Suddenlink (which is a traditional cable system operator) per Section 76.505(f) of the FCC Rules, 47 CFR § 76.505(f). Certain FiberNet subsidiaries provide telephone exchange service in portions of West Virginia, Virginia, Maryland, Ohio, and Kentucky in which Suddenlink may hold a franchise to provide cable television service. Section 652(b) of the Act prohibits cable operators or their affiliates from acquiring "directly or indirectly, more than a 10 percent financial interest, or any management interest, in any local exchange carrier providing telephone exchange service within such cable operator's franchise area." Accordingly, the Applicants also request from the FCC a waiver of the cable/telco buyout restrictions in Section 652(b).

The affiliation between NTELOS and Suddenlink arises from the fact that NTELOS and Suddenlink have a common shareholder through Quadrangle Group LLC ("Quadrangle"). Quadrangle is a private investment firm. Through its private equity funds, Quadrangle holds a minority, non-controlling interest (27.4%) in NTELOS. Quadrangle also holds a minority, non-controlling interest (16.64%) in the ultimate parent company of Suddenlink, Cebridge Connections Holdings, LLC ("Cebridge"). In addition, Michael Huber, a Managing Principal of Quadrangle and a member of the Board of Directors of a Suddenlink indirect parent company, is also Chairman of the Board of Directors of NTELOS. Although Quadrangle holds a minority interest in both NTELOS and Suddenlink's ultimate parent Cebridge, NTELOS and Suddenlink are different companies with different ownership, missions, management, facilities, operations, and services. They view each other as competitors.

The FCC public notice requires the Applicants to serve a copy of the public notice on any entity that currently has local franchising authority over Suddenlink in those areas in which FiberNet provides telephone exchange service. It is the Applicants' understanding that you may have local franchising authority over Suddenlink and that FiberNet may provide telephone exchange service in your jurisdiction. Accordingly, the Applicants hereby provide to you a copy of the FCC public notice (see attached).

The public notice provides filing instructions for local franchise authorities that wish to express approval or disapproval of the proposed cable/telco buyout waiver. If a local franchise authority does not inform the FCC of its views within 60 days of the date of this letter,

September 20, 2010  
Page Three

the FCC will deem the local franchise authority to have approved the proposed waiver. As such, no response is required to the FCC public notice or to this letter.

Should you have any questions concerning this proceeding, please contact the undersigned counsel at 202-342-8573 or Winifred Brantl at 202-342-8819.

Sincerely,

Joan M. Griffin



October 14, 2010

*Via U.S. Express Mail*

««AddressBlock»»

Re: NTELOS Inc. Acquisition of FiberNet -- September 16, 2010 Public Notice from the Federal Communications Commission ("FCC"), WC Docket No. 10-158

Dear Sir or Madam:

In late September, we sent you a copy of the referenced 11-page FCC public notice concerning NTELOS' plans to acquire FiberNet. As stated in the cover letter forwarding that public notice to you, we sent you this public notice because your community may have issued a local franchise for cable television services to Suddenlink.

While the public notice and accompanying cover letter are self-explanatory, we are sending you the attached list of "Answers to Frequently Asked Questions" about the NTELOS-FiberNet transaction and its relationship to Suddenlink as a further aid in understanding the FCC's public notice. We offer it to explain in more simple terms why you received the formal public notice from the FCC. For example, it explains why issuing a local franchise for cable television services to Suddenlink has anything to do with the acquisition of FiberNet by NTELOS.

In addition, we invite you to participate in a conference call with NTELOS and FiberNet to discuss the transaction, its relationship to Suddenlink, the FCC's public notice, and your community's rights as a local franchising authority in the FCC's proceeding. Representatives of NTELOS and FiberNet will make a short presentation and then will take questions. The conference call will take place on **Monday, October 25, at 10 am** eastern time, and will last no more than 1 hour. You can access the conference call by dialing **1-800-901-5740** and then entering the **passcode 202-342-8573**.

If you have any questions, please contact Joan Griffin at 202-342-8573 or Winafred Brantl at 202-342-8819.

---

Christopher S. Koves  
On behalf of NTELOS and FiberNet



### **Answers to Frequently Asked Questions**

About the NTELOS-FiberNet Transaction and its Relationship to Suddenlink

#### **Isn't NTELOS acquiring FiberNet? Why is Suddenlink involved? Is Suddenlink being acquired or acquiring FiberNet or NTELOS?**

NTELOS is acquiring FiberNet. Suddenlink is not being acquired and Suddenlink is not acquiring FiberNet or NTELOS. Suddenlink is not even involved in the transaction except as explained below and in the FCC's September 16, 2010 public notice ("FCC public notice"). Basically because NTELOS and Suddenlink have a common owner of a small portion of their companies, it triggers certain approvals or waivers from the FCC under federal law. If it were not for the fact that NTELOS and Suddenlink have a common owner of a portion of their companies, you would not have received the FCC public notice or this list of Frequently Asked Questions.

#### **Does the NTELOS/FiberNet transaction or the proceeding at the FCC described in the FCC Public Notice affect my community's cable TV service received from Suddenlink?**

No. Neither the acquisition by NTELOS of FiberNet or the FCC proceeding has any impact on any service your community receives from Suddenlink.

#### **Are we being asked to waive our rights as a local franchise authority? Is this proceeding an attempt to bypass my community's local franchise authority?**

No, your community is not being asked to waive its rights as a local franchise authority. You received a copy of the FCC public notice about NTELOS's plans to acquire FiberNet because your community's grant of a local franchise to Suddenlink gives your community the right to object to this transaction. The FCC wanted to make sure you are aware of that right.

#### **Does my community have to do anything in response to the FCC's public notice?**

No, your community is *not required to respond* to the FCC's public notice. If you do not respond, the FCC will assume you have no objections to the transaction.

#### **Who are NTELOS and FiberNet, and what do they have to do with Suddenlink?**

NTELOS is a leading provider of wireless and wireline communications (telephone) and information services to consumers and businesses primarily in Virginia and West Virginia. FiberNet provides similar services in West Virginia, Virginia, Kentucky, Ohio, Maryland, and Pennsylvania. NTELOS is acquiring FiberNet. Neither NTELOS nor FiberNet provide cable

TV services via traditional wireline cable systems at this time. NTELOS and FiberNet have filed applications with the FCC for authority to permit NTELOS to acquire FiberNet.

While Suddenlink is not involved in NTELOS's acquisition of FiberNet, a small portion of NTELOS and Suddenlink is owned by the same company. That company is a private equity firm called Quadrangle Group LLC ("Quadrangle"). But, Quadrangle does not control either NTELOS or Suddenlink. However, because Quadrangle owns a small portion of both NTELOS and Suddenlink, under the somewhat complex federal law requirements explained in more detail in the FCC public notice, NTELOS and FiberNet have to obtain certain approvals or a waiver from the FCC in order for NTELOS to acquire FiberNet. Were it not for this fact, you would not have received the FCC public notice or this list of Frequently Asked Questions.

**Why does the fact that my community has granted a local franchise to Suddenlink give my community the right to object to NTELOS buying FiberNet?**

Section 652(b) of the Federal Communications Act, 47 U.S.C. § 652(b), prohibits cable operators (like Suddenlink) *or their affiliates* (which in this case includes NTELOS, since NTELOS and Suddenlink have a Quadrangle as a common owner) from acquiring more than a 10 percent interest in a company like FiberNet since FiberNet provides telephone service within Suddenlink's franchise area. Thus, Section 652(b) requires NTELOS, as an affiliate of Quadrangle (and therefore of Suddenlink), to get a waiver from the FCC before NTELOS can acquire FiberNet. NTELOS and FiberNet have asked the FCC to grant a waiver under Section 652(d) so that NTELOS can acquire FiberNet, which is why you received the FCC public notice of NTELOS's and FiberNet's request for the waiver.

Section 652(d) of the Federal Communications Act, 47 U.S.C. § 652(d), authorizes the FCC to grant NTELOS's waiver request if "the relevant local franchising authorities approve of such a waiver." Since FiberNet provides telephone services in your community, and your community has granted a local franchise to Suddenlink, the FCC sent you the FCC public notice to advise you that it is considering NTELOS' request for a waiver of Section 652(b).

**Why should my community care whether NTELOS acquires FiberNet?**

The purpose of the federal law is to promote facilities-based competition in the provision of voice (like telephone), video (like cable), and data (like cable modem and DSL) services. The acquisition of a local exchange carrier (FiberNet) by a cable operator (Suddenlink) potentially decreases competition. But that's not what's happening. Suddenlink is not acquiring FiberNet; but, because a small portion of NTELOS and Suddenlink are owned by the same company, NTELOS and FiberNet must obtain the above-described waiver from the FCC.

NTELOS' acquisition of FiberNet does not diminish facilities-based cable-telephone competition. NTELOS and Suddenlink are different companies with different ownership, missions, management, facilities, operations, and services. They view each other as competitors. They have nothing in common other than the fact that a small portion of each company is owned by the same company, Quadrangle. Indeed, the combination of NTELOS and FiberNet is likely to enhance, not diminish, facilities-based local telephone competition in those communities

currently served by both FiberNet and Suddenlink. With the financial and technical backing of NTELOS, FiberNet will be a stronger facilities-based competitor in these communities.

**If my community decides we want to comment on this transaction, how do we submit our comments, and what is the deadline?**

Directions on how to file comments on this transaction are provided on pages 9-11 of the FCC's public notice. Comments must be filed no later than 60 days after the date of the letter you received in late September with a copy of the FCC's public notice. If you have questions about the filing process or comment due date, please contact one of the individuals listed below.

**I still have questions. Who can I contact for more information?**

For further information, contact Joan Griffin at 202-342-8573 ([jgriffin@kelleydrye.com](mailto:jgriffin@kelleydrye.com)) or Winafred Brantl at 202-342-8819 ([wbrantl@kelleydrye.com](mailto:wbrantl@kelleydrye.com)). If you would like to speak with someone at the FCC about this proceeding, contact Dennis Johnson, Competitive Policy Division, Wireline Competition Bureau, FCC, at 202-418-0809 ([dennis.johnson@fcc.gov](mailto:dennis.johnson@fcc.gov)).

Griffin, Joan M.

From: Registrar@Soundpath.net  
Sent: Monday, October 25, 2010 10:18 AM  
To: Griffin, Joan M.  
Subject: Conference Report

10 AM  
Call



Hi Joan M. Griffin,

Our records indicate you recently hosted a meeting using Soundpath Simplicity. This email is a summary of your call. If you did not host this call please, [contact us today](#) for immediate review.

**ReadyConference Meeting Summary**

**Company Name:** Kelley Drye & Warren LLP - Washington  
**Conference Name:**  
**Conference Code:** [REDACTED]  
**Billing Code:** [REDACTED]  
**Start Time:** 10/25/2010 9:52 am  
**End Time:** 10/25/2010 10:19 am  
**Passcode:** [REDACTED]  
**Total Callers:** 6  
**Total Minutes:** 128

**Your Soundpath Simplicity  
Audio Conferencing Account**

---

**Client ID:** [REDACTED]  
**US/CAN Toll Free:** [REDACTED]  
**US/CAN Toll:** [REDACTED]  
**Moderator Passcode:** [REDACTED]  
**Participant Passcode:** [REDACTED]

[Click Here](#) or scroll down for more meeting details.

**Meeting Tip**

**Your Guests Can Join Meetings With Just One Click From a Mobile Phone**

Copy and paste your conference number below into emails or meeting invitations. It's formatted so that most mobile users can join your meeting by clicking on the number - no need to dial the number or enter the passcode. It's that easy! Test it today from your own device.

17197859388x202 342 8573#

**Manage Your Meeting Using  
Your Telephone Keypad**

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\*0 to reach an operator for help at any time during your call  
\*92 to hear a roll call of participants  
\*94 to lock or unlock your conference  
\*96/\*97 to mute or un-mute all lines

**Meeting Details (shown in Eastern Time)**

Caller Number	Name	Start Time	End Time	Total
---------------	------	------------	----------	-------

*Steve*

3043890818	Unknown	10/25/2010 9:58 am	10/25/2010 10:13 am	
7062681762 <i>Julia</i>	Unknown	10/25/2010 9:59 am	10/25/2010 10:17 am	
7813625828 <i>Ray</i>	Unknown	10/25/2010 9:57 am	10/25/2010 10:17 am	
2023428532 <i>J+B</i>	Unknown	10/25/2010 9:52 am	10/25/2010 10:19 am	
2022237323 <i>Patrick</i>	Unknown	10/25/2010 9:56 am	10/25/2010 10:19 am	
3043991992 <i>Mary</i>	Unknown	10/25/2010 9:54 am	10/25/2010 10:19 am	

**Conference Summary**

<b>Start Time</b>	<b>End Time</b>	<b>Duration</b>	<b>Total Conference Minutes</b>
10/25/2010 9:52 am	10/25/2010 10:19 am	27	128

\*Disclaimer: The data shown above is an estimate, actual invoice data may vary. Please refer to your billing statement for full conference detail.

Griffin, Joan M.

From: Registrar@Soundpath.net  
Sent: Monday, October 25, 2010 1:17 PM  
To: Griffin, Joan M.  
Subject: Conference Report



IP  
Call

Hi Joan M. Griffin,

Our records indicate you recently hosted a meeting using Soundpath Simplicity. This email is a summary of your call. If you did not host this call please, contact us today for immediate review.

**ReadyConference Meeting Summary**

Company Name: Kelley Drye & Warren LLP - Washington  
Conference Name:  
Conference Code: [REDACTED]  
Billing Code: [REDACTED]  
Start Time: 10/25/2010 12:48 pm  
End Time: 10/25/2010 1:17 pm  
Passcode: [REDACTED]  
Total Callers: 6  
Total Minutes: 130

**Your Soundpath Simplicity  
Audio Conferencing Account**

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Client ID: [REDACTED]  
US/CAN Toll Free: [REDACTED]  
US/CAN Toll: [REDACTED]  
Moderator Passcode: [REDACTED]  
ParticipantPasscode: [REDACTED]

[Click Here](#) or scroll down for more meeting details.

**Meeting Tip**

**Your Guests Can Join Meetings With Just One Click  
From a Mobile Phone**

Copy and paste your conference number below into emails or meeting invitations. It's formatted so that most mobile users can join your meeting by clicking on the number - no need to dial the number or enter the passcode. It's that easy! Test it today from your own device.

17197859388x202 342 8573#

**Manage Your Meeting Using  
Your Telephone Keypad**

---

\*0 to reach an operator for help at any time during your call  
\*92 to hear a roll call of participants  
\*94 to lock or unlock your conference  
\*96/\*97 to mute or un-mute all lines

Meeting Details (shown in Eastern Time)

Caller Number	Name	Start Time	End Time	Total
---------------	------	------------	----------	-------

7062681762	<i>Julia</i>	Unknown	10/25/2010 12:59 pm	10/25/2010 1:15 pm	
2022237323	<i>Patrick</i>	Unknown	10/25/2010 12:57 pm	10/25/2010 1:17 pm	
2023428532	<i>J+B</i>	Unknown	10/25/2010 12:53 pm	10/25/2010 1:17 pm	
3047202159	<i>Steve</i>	Unknown	10/25/2010 12:56 pm	10/25/2010 1:17 pm	
7813625828	<i>Ray</i>	Unknown	10/25/2010 12:57 pm	10/25/2010 1:17 pm	
3043991992	<i>Mary</i>	Unknown	10/25/2010 12:48 pm	10/25/2010 1:17 pm	

**Conference Summary**

Start Time	End Time	Duration	Total Conference Minutes
10/25/2010 12:48 pm	10/25/2010 1:17 pm	29	130

\*Disclaimer: The data shown above is an estimate, actual invoice data may vary. Please refer to your billing statement for full conference detail.

Griffin, Joan M.

From: Registrar@Soundpath.net  
Sent: Monday, October 25, 2010 3:16 PM  
To: Griffin, Joan M.  
Subject: Conference Report

3pm call



Hi Joan M. Griffin,

Our records indicate you recently hosted a meeting using Soundpath Simplicity. This email is a summary of your call. If you did not host this call please, [contact us today](#) for immediate review.

**ReadyConference Meeting Summary**

**Company Name:** Kelley Drye & Warren LLP - Washington  
**Conference Name:**  
**Conference Code:** [REDACTED]  
**Billing Code:** [REDACTED]  
**Start Time:** 10/25/2010 2:51 pm  
**End Time:** 10/25/2010 3:16 pm  
**Passcode:** [REDACTED]  
**Total Callers:** 6  
**Total Minutes:** 127

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**Meeting Details (shown in Eastern Time)**

Caller Number	Name	Start Time	End Time	Total
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8132400129	<i>Julia</i>	Unknown	10/25/2010 2:58 pm	10/25/2010 3:16 pm	
3043991992	<i>Mary</i>	Unknown	10/25/2010 2:51 pm	10/25/2010 3:16 pm	
2023428532	<i>J+B</i>	Unknown	10/25/2010 2:52 pm	10/25/2010 3:16 pm	
3047202159	<i>Steve</i>	Unknown	10/25/2010 2:57 pm	10/25/2010 3:16 pm	
7813625828	<i>Ray</i>	Unknown	10/25/2010 2:56 pm	10/25/2010 3:16 pm	
2022237323	<i>Patrick</i>	Unknown	10/25/2010 2:55 pm	10/25/2010 3:16 pm	

**Conference Summary**

Start Time	End Time	Duration	Total Conference Minutes
10/25/2010 2:51 pm	10/25/2010 3:16 pm	25	127

\*Disclaimer: The data shown above is an estimate, actual invoice data may vary. Please refer to your billing statement for full conference detail.

PSC approves FiberNet sale  
nTelos to be W.Va.'s 2nd-largest phone company

By Eric Eyre

CHARLESTON, W.Va. -- West Virginia regulators on Friday approved nTelos' plan to purchase Charleston-based FiberNet for \$170 million.

The state Public Service Commission cited nTelos' financial strength and its pledge to spend \$40 million in West Virginia as reasons for approving the sale, according to a 10-page order filed Friday afternoon.

Waynesboro, Va.-based nTelos will become the state's second-largest telecommunications provider -- behind only Frontier Communications -- after the deal closes.

"nTelos is grateful to the West Virginia PSC for approving the transaction so quickly," said Frank Berry, president of nTelos' wireline operations. "Combining our two companies under strong, unified leadership allows nTelos to make the investments needed to deliver unmatched data and voice services over a reliable network."

FiberNet's current parent company, One Communications of Burlington, Mass., is struggling financially. The PSC noted that nTelos has a higher credit rating than FiberNet.

West Virginia becomes the last of six states to approve the sale. The Federal Communications Commission is reviewing the proposed acquisition.

"We are extremely pleased with the PSC's decision to approve the transaction with nTelos," said Russ Oliver, executive vice president of One Communications. "We are confident this approval will ensure continued telecommunications competition and expand opportunities for technology growth in West Virginia."

FiberNet operates about 100,000 telephone access lines -- mostly for businesses -- in West Virginia. nTelos has about 85,000 landline customers and 400,000 wireless customers in West Virginia and surrounding states.

At a PSC hearing last month, nTelos executives announced plans to spend \$40 million to expand high-speed data and fiber optic networks in West Virginia over the next three years, provided the commission approved the company's plan to buy FiberNet. The money would be used to upgrade facilities and equipment.

In Friday's order, the commission noted that nTelos recently sent engineers to Charleston to assist FiberNet in the wake of two statewide telephone outages last month. FiberNet is replacing its power plant on Leon Sullivan Way in Charleston.

"nTelos has demonstrated that it is capable of operating FiberNet, both by its representations to the commission and its recent actions in response to the FiberNet outage," commissioners wrote in Friday's ruling.

FiberNet's outages knocked out telephone service to most customers, including some hospitals, fire departments and police agencies. Both outages lasted about four hours.

Kanawha County Commission President Kent Carper and others have criticized FiberNet for failing to notify 911 dispatch centers and emergency officials about the outages. The commission's order requires nTelos to advise the state Division of Homeland Security and county emergency officials of any major outages after the FiberNet sale closes.

## PSC approves FiberNet sale - News - The Charleston Gazette - West Virginia News and ...

\*Telos has promised to honor all of FiberNet's existing contracts with Frontier. The company also plans to waive any early-termination fees for FiberNet customers who have "bundled packages" -- which combine phone, Internet and other services -- for 90 days after the sale.

\*Telos and FiberNet hope to complete the deal by the end of the year. Under the terms of the sale, nTelos will pay \$170 million directly to One Communications' creditors.

*Reach Eric Eyre at erice...@wvgazette.com or 304-348-4869.*

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## PSC Issues Order Approving Sale of FiberNet to nTelos

Posted Friday, November 12, 2010 : 03:46 PM | [View Comments](#) | [Post Comment](#)

**The Public Service Commission approved nTelos purchasing FiberNet for \$170 million.**

The Public Service Commission of West Virginia approved the sale of FiberNet to nTelos.

The PSC issued an order Friday approving the sale for \$170 million under certain conditions, according to news release from the PSC.



According to the news release, conditions include that FiberNet must waive early termination fees for current customers that participate in a bundled package for the first 90 days after closing.

The deal also included that nTelos must spend a minimum of \$40 million over the next 3 years on maintenance and extension in West Virginia. FiberNet and nTelos must also notice the W.Va. Division of Homeland Security and Emergency Management, as well as 911 centers in the event that service is interrupted or an outage occurs.

According to the news release, nTelos must move intrastate access rates of FiberNet and direct and indirect subsidiaries of nTelos to the same rates of the incumbent local exchange carrier in each ILEC's territory.

The order also adds that both companies must use their best efforts to provide a "prompt and substantive response to Requests for Assistance by Commission Staff on behalf of customers."

[Click here](#) to read details on the order from the PSC.

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WBOY Channel 12 -- October 10, 2010

## **Fibernet Outage Affects Several West Virginia Counties**

By Stacy Moniot

CLARKSBURG -- Fibernet telecommunications customers experienced a widespread outage Sunday night.

Despite outages to most fire, sheriff, and police departments along with hospitals, 911 services remained operational.

According to Fibernet officials, most service was restored around 10 p.m. Sunday.

Fibernet Vice President of Operations Terry Sparr said the company does not know what caused the service interruption, and that not all customers were affected. As of Monday, Sparr could not estimate just how many people were affected.

During the outage, Fibernet's phone lines were also out of service, along with their website.

The Marion County Office of Emergency Management reported the outage shortly before 8 p.m. At 8:30 p.m., the Monongalia County Office of Emergency Management issued a release stating their officials were working with the West Virginia Office of Homeland Security and Emergency Management to contact Fibernet and resolve the outage.

Sparr said there were still some isolated service issues remaining Monday morning, but crews were working to reset equipment and restore all service.

Fibernet has some ideas as to the cause of the outage, but Sparr said the company was continuing to investigate the incident and will release more information when it becomes available.

The Charleston Gazette – October 12, 2010

## **FiberNet outage didn't jeopardize 911 calls**

By Eric Eyre

CHARLESTON, W.Va. -- FiberNet's recent phone outage inconvenienced customers and knocked out non-emergency service to police and fire departments in at least six West Virginia counties, but the problem never compromised 911 calls, a state official said Monday.

State Homeland Security Director Jimmy Gianato said 911 centers across the state use phone lines operated by Frontier Communications, not FiberNet.

Parts of Kanawha, Hancock, Wetzel, Marion, Monongalia and Ohio were affected by the FiberNet outage Sunday night.

"We had no loss of 911 service, but if you had FiberNet, you couldn't call anybody," Gianato said.

On Monday, FiberNet issued a formal apology to customers. The company said the service disruption started at 6 p.m. Sunday, and the problem was fixed by 10 p.m.

"FiberNet apologizes to its loyal customers for any inconvenience caused by this brief interruption of service," said Terry Smarr, FiberNet's vice president of operations and wholesale services.

FiberNet did not immediately disclose how many customers were affected and what caused the outage. The company would only say that customers in West Virginia and "some surrounding states" were without service Sunday night.

"They're still trying to figure out what caused this," Gianato said. "Everything is pretty much back to normal."

Kanawha County Commission President Kent Carper said the county's Metro 911 center immediately notified Charleston fire stations about the FiberNet outage Sunday night. Emergency personnel and other FiberNet customers were urged to use cell phones to call Metro 911.

"We didn't have a failure of our system," Carper said. "Everybody did exactly what they were supposed to do. Frontier didn't have anything to do with this."

FiberNet is expected to report the outage to the state Public Service Commission, Gianato said. State agencies were closed Monday for Columbus Day.

Byron Harris, who directs the PSC's consumer advocate division, said he was still gathering information about the outage.

"We're trying to figure out exactly what happened," Harris said.

After learning about the outage, state emergency officials had a difficult time contacting FiberNet Sunday night, Gianato said. The state had 10 phone numbers on file for FiberNet, but no one answered the numbers Sunday, he said.

"We're trying to get some better telephone numbers," he said.

In 2007, a computer glitch at FiberNet's Charleston office knocked out service to 11,000 of FiberNet's 24,000 customers in West Virginia. The service disruption lasted for days. Some customers filed lawsuits.

In July, nTelos announced plans to purchase FiberNet for \$170 million.

That same week, FiberNet asked state regulators to reopen their review of Frontier's purchase of telephone landlines in West Virginia.

FiberNet alleged that Frontier failed to deliver on its promise to provide a "working, functional and reliable" operating system, which handles customer orders, installation, billing, maintenance and repairs.

The Public Service Commission plans to review a proposed settlement agreement between Frontier and nTelos during an Oct. 28 hearing.

In the proposal, FiberNet would drop its complaint against Frontier. In turn, Frontier would withdraw its petition to intervene in nTelos' pending case before the PSC to purchase FiberNet.