

## The CommLaw Group

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February 5, 2008

Executive Director  
Kentucky Public Service Commission  
211 Sower Boulevard  
Frankfort, Kentucky 40602-0615

**RECEIVED**

**FEB 06 2008**

**PUBLIC SERVICE  
COMMISSION**

Re: Transfer of Customer Accounts from ATX Licensing, Inc.  
And A.R.C. Networks, Inc., d/b/a InfoHighway  
to Broadview Networks, Inc., an affiliated entity

Dear Sir or Madam:

On behalf of Broadview Networks, Inc. ("Broadview") and its sister companies, ATX Licensing, Inc. ("ATX") and A.R.C. Networks, Inc., d/b/a InfoHighway ("InfoHighway") (collectively, the "Parties"),<sup>1</sup> we hereby notify the Commission of the anticipated migration of a substantial portion of the interexchange customers of ATX and InfoHighway to Broadview.<sup>2</sup> It is our understanding that the Commission's prior approval is not required to effect this customer migration.

In order to better and more efficiently serve customers of the various carriers within the Broadview corporate family, a substantial portion of the interexchange customers of ATX and InfoHighway are to be consolidated into the Broadview customer base. Following the migration, the former ATX and InfoHighway customers will be provided with the same services, at the

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<sup>1</sup> As noted in Section I following, each of Broadview, ATX and InfoHighway are wholly-owned, directly or indirectly, by Broadview Networks Holdings, Inc.

<sup>2</sup> ATX and InfoHighway will retain their respective authorizations to provide telecommunications services in Kentucky in order to provide service to those customers not migrated to Broadview.

same rates and on the same terms and conditions that they received prior thereto.<sup>3</sup> Customers will be provided advance written notice of the migration and afforded an opportunity to opt out of the transfer. The internal transfer of accounts will be transparent to the customer; the only change noticeable to customers will be the name of the carrier on their monthly bill, which will change to Broadview. Certainly no customer will experience disruption of service as a result of this customer base consolidation. Indeed, Broadview believes that it will be better able to serve its customers and those of ATX and InfoHighway on a consolidated basis.

Additional information concerning the proposed customer migration is set forth below.

## **I. DESCRIPTION OF THE PARTIES**

Broadview is a New York corporation with headquarters located at 800 Westchester Avenue, Suite N-501, Rye Brook, New York 10573. Broadview is a wholly-owned subsidiary of Broadview Networks Holdings, Inc. In Kentucky, Broadview is authorized to provide interexchange telecommunications services pursuant to Registration in Case No. TFS 2007-00885 (November 13, 2007). Further information regarding Broadview has been previously submitted to the Commission, is therefore a matter of public record, and is incorporated herein by reference.

ATX is a Delaware corporation with headquarters located at 800 Westchester Avenue, Suite N-501, Rye Brook, New York 10573. ATX is an indirect wholly-owned subsidiary of Broadview Networks Holdings, Inc. In Kentucky, ATX is authorized to provide interexchange telecommunications services pursuant to Registration with the Commission dated May 5, 2000. Further information regarding ATX has been previously submitted to the Commission, is therefore a matter of public record, and is incorporated herein by reference.

InfoHighway is a Delaware corporation with headquarters located at 800 Westchester Avenue, Suite N-501, Rye Brook, New York 10573. InfoHighway is also an indirect wholly-owned subsidiary of Broadview Networks Holdings, Inc. In Kentucky, InfoHighway is authorized to interexchange telecommunications services pursuant to Registration in Case No. TFS2004-01133 (August 11, 2004). Further information regarding InfoHighway has been previously submitted to the Commission, is therefore a matter of public record, and is incorporated herein by reference.

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<sup>3</sup> Broadview will file supplements to its tariffs as necessary in order to preserve the current rates, terms and conditions that customers of ATX and InfoHighway now have in place.

## II. CONTACTS

Questions or any correspondence, orders, or other materials should be directed to:

Catherine M. Hannan  
Helein & Marashlian, LLC  
The *CommLaw* Group  
1483 Chain Bridge Road, Suite 301  
McLean, VA 22101  
(703) 714-1326 (tel)  
(703) 714-1330 (fax)  
[cmh@commllawgroup.com](mailto:cmh@commllawgroup.com)

with a copy to:

Charles C. Hunter  
Executive Vice President and General Counsel  
Broadview Networks Holdings, Inc.  
800 Westchester Avenue, Suite N-501  
Rye Brook, NY 10573  
(914) 922-7589 (tel)  
(347) 287-0223 (fax)  
[chunter@broadviewnet.com](mailto:chunter@broadviewnet.com)

## III. DESCRIPTION OF THE ACTION TO BE TAKEN

In order to better and more efficiently serve customers of the various carriers within the Broadview corporate family, ATX and InfoHighway will consolidate substantial portions of their interexchange customer bases into the Broadview customer base following the receipt of any required regulatory approvals. As noted above, following this consolidation, Broadview will continue to provide services to these migrated customers under the same rates, terms and conditions currently provided by ATX and InfoHighway, respectively. The migration of customers between operating affiliates will not cause any service disruptions; thus, the planned transfer will be entirely transparent to customers.

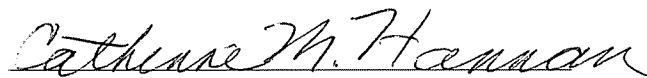
As required by the Federal Communications Commission, the customers of ATX and InfoHighway will be provided at least thirty (30) days' prior written notice of the planned customer migration. A copy of the notice is attached.

#### IV. PUBLIC INTEREST CONSIDERATIONS

The consolidation of substantial portions of the interexchange customers of ATX and InfoHighway into the Broadview customer base will enable Broadview to increase its efficiency and lower its costs of operation. These operating efficiencies will allow Broadview to better serve its customers, as well as the former customers of its operating company affiliates, and future customers.

Please direct any questions to the undersigned.

Respectfully submitted,



Catherine M. Hannan  
Helein & Marashlian, LLC  
The *Comm*Law Group  
1483 Chain Bridge Road, Suite 301  
McLean, VA 22101  
(703) 714-1326 (tel)  
(703) 714-1330 (fax)  
[cmh@commlawgroup.com](mailto:cmh@commlawgroup.com)

Counsel for  
Broadview Networks, Inc.  
ATX Licensing, Inc. and  
A.R.C. Networks, Inc. d/b/a InfoHighway

**CUSTOMER NOTIFICATIONS**

Date: \_\_\_\_\_

To Our Valued Customers:

As you are aware, ATX Communications became part of the Broadview Networks corporate family more than a year ago. Over the past year, we have been working diligently to integrate the ATX and Broadview operating systems to provide you the best communications services possible. Having successfully completed this integration, we have recently requested regulatory approval to transfer your account and services from the former ATX Communications entity to Broadview Networks, Inc. As a result, on or after April 1, 2008, Broadview Networks will become your new telecommunications provider.

This transfer will not affect your current service. Your telephone numbers will all remain the same and you will continue to enjoy all of the features, terms and conditions of service, including the current pricing, that you enjoy today. No carrier change charges will be applied in connection with your transfer to Broadview Networks. **NO ACTION ON YOUR PART IS REQUIRED.**

We look forward to being able to serve you with even more capabilities than before, while ensuring the same high levels of insight, attention and care that you have come to expect from ATX. In fact, we are confident that the combination of ATX and Broadview Networks creates an even more competitive, responsive partner for your business. Of course, you always have the option of selecting another carrier (subject to any termination restrictions in your current contract), but there is no need to take any action to maintain your service with Broadview Networks.

We thank you for your loyalty and we appreciate the continued opportunity to provide you with the highest value in competitive telecommunications and network services.

Please note the following:

- If you opt to move your services to another provider prior to the end of the term of your existing contract with ATX/Broadview, you may be responsible for early termination penalties.
- If you have placed a “freeze” on your ATX service, it will be lifted to implement the transfer of your account and services to Broadview Networks. At your request, we can re-establish freeze protection for you after the transfer is complete.
- For all questions, billing requests, repairs or service needs, please call 800-220-4900 to reach a service professional. Please use this number for any issues you may have experienced prior to or during the transfer of your account.
- Notice of any future changes in rates or terms and conditions of service will be promptly provided to you as required by law.

Date: \_\_\_\_\_

To Our Valued Customers:

As you are aware, InfoHighway Communications became part of the Broadview Networks corporate family nearly a year ago. Over the past year, we have been working diligently to integrate the InfoHighway and Broadview operating systems to provide you the best communications services possible. Having successfully completed this integration, we have recently requested regulatory approval to transfer your account and services from the former InfoHighway Communications entity to Broadview Networks, Inc. As a result, on or after April 1, 2008, Broadview Networks will become your new telecommunications provider.

This transfer will not affect your current service. Your telephone numbers will all remain the same and you will continue to enjoy all of the features, terms and conditions of service, including the current pricing, that you enjoy today. No carrier change charges will be applied in connection with your transfer to the new combined entity. **NO ACTION ON YOUR PART IS REQUIRED.**

We look forward to being able to serve you with even more capabilities than before, while ensuring the same high levels of insight, attention and care that you have come to expect from InfoHighway. In fact, we are confident that the combination of InfoHighway and Broadview creates an even more competitive, responsive partner for your business. Of course, you always have the option of selecting another carrier (subject to any termination restrictions in your current contract), but there is no need to take any action to maintain your service with Broadview Networks.

We thank you for your loyalty and we appreciate the continued opportunity to provide you with the highest value in competitive telecommunications and network services.

Please note the following:

- If you opt to move your services to another provider prior to the end of the term of your existing contract with InfoHighway/Broadview, you may be responsible for early termination penalties.
- If you have placed a “freeze” on your InfoHighway service, it will be lifted to implement the transfer of your account and services to Broadview Networks. At your request, we can re-establish freeze protection for you after the transfer is complete.
- For all questions, billing requests, repairs or service needs, please call 800-562-4206 to reach a service professional. Please use this number for any issues you may have experienced prior to or during the transfer of your account.
- Notice of any future changes in rates or terms and conditions of service will be promptly provided to you as required by law.

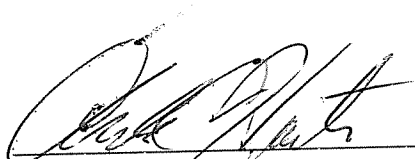
## VERIFICATIONS



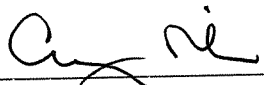
**VERIFICATION**

State of New York            )  
  )  
County of Westchester        )        ss.

I, Charles C. Hunter, being duly sworn according to law, depose and say that I am Executive Vice President and General Counsel of Broadview Networks Holdings, Inc., and its operating subsidiary, Broadview Networks, Inc. ("Broadview"); that I am authorized to and do make this Verification for it; that the facts set forth in the above notice are true and correct to the best of my knowledge, information and belief, and that I expect Broadview to be able to prove the same at any hearing hereof; and that Broadview understands that, if the contents of the notice are found to be false or to contain misrepresentations, any authority granted may be suspended or revoked. I further depose and say that the authority to submit the notice has been properly granted.

  
\_\_\_\_\_  
Charles C. Hunter

Subscribed and sworn before me this 28 day of January, 2008.

  
\_\_\_\_\_  
Notary Public

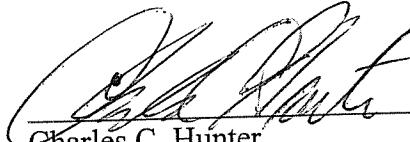
My Commission expires:

COREY RINKER  
NOTARY PUBLIC, STATE OF NEW YORK  
No. 02R16013491  
QUALIFIED IN WESTCHESTER COUNTY  
MY COMMISSION EXPIRES 9/21/2009

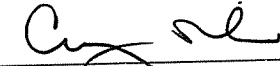
VERIFICATION

State of New York )  
County of Westchester ) ss.

I, Charles C. Hunter, being duly sworn according to law, depose and say that I am Executive Vice President and General Counsel of Broadview Networks Holdings, Inc., and its operating subsidiary, ATX Licensing, Inc. ("ATX"); that I am authorized to and do make this Verification for it; that the facts set forth in the above notice are true and correct to the best of my knowledge, information and belief, and that I expect ATX to be able to prove the same at any hearing hereof; and that ATX understands that, if the contents of the notice are found to be false or to contain misrepresentations, any authority granted may be suspended or revoked. I further depose and say that the authority to submit the notice has been properly granted.

  
\_\_\_\_\_  
Charles C. Hunter

Subscribed and sworn before me this 28 day of July, 2008.

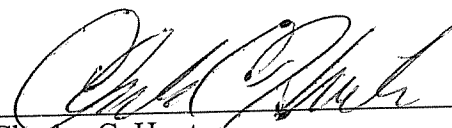
  
\_\_\_\_\_  
Notary Public

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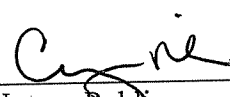
**VERIFICATION**

State of New York            )  
  )  
County of Westchester        )        ss.

I, Charles C. Hunter, being duly sworn according to law, depose and say that I am Executive Vice President and General Counsel of Broadview Networks Holdings, Inc., and its operating subsidiary, A.R.C. Networks, Inc. d/b/a InfoHighway (“InfoHighway”); that I am authorized to and do make this Verification for it; that the facts set forth in the above notice are true and correct to the best of my knowledge, information and belief, and that I expect InfoHighway to be able to prove the same at any hearing hereof; and that InfoHighway understands that, if the contents of the notice are found to be false or to contain misrepresentations, any authority granted may be suspended or revoked. I further depose and say that the authority to submit the notice has been properly granted.

  
\_\_\_\_\_  
Charles C. Hunter

Subscribed and sworn before me this 28 day of July, 2008.

  
\_\_\_\_\_  
Notary Public

**COREY RINKER**  
NOTARY PUBLIC, STATE OF NEW YORK  
No. 02R16013491  
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MY COMMISSION EXPIRES 9/21/2009