

ACN Communication Services, LLC)
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Petition to Change Corporate Form)
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Docket No. _____

15-0523

2015 SEP 11 A 9:50

CHIEF CLERK'S OFFICE

PETITION

Now comes ACN Communication Services, LLC ("ACN" or "Petitioner"), formerly known as ACN Communication Services, Inc., ("former entity"), by and through its counsel, and hereby petitions the Illinois Commerce Commission ("ICC" or "Commission") to update ACN's certificate of authority to provide resold and facilities-based local exchange and interexchange telecommunications services to reflect the changed name of the Petitioner. In the alternative, Petitioner requests that the former entity's certificates be canceled and re-issued in the name of the Petitioner (i.e., ACN Communication Services, LLC). As set forth below, the former entity has changed its corporate form and converted from a corporation to a limited liability company. On July 24, 2015, ACN Communication Services, Inc., a Michigan corporation, underwent a statutory conversion to become ACN Communication Services, LLC, a Michigan limited liability company. The conversion of the Company to a limited liability company was merely a change in its corporate form accomplished through the filing of a Certificate of Conversion in Michigan and did not entail any merger or other transactions interrupting the existence of the Company.¹ A copy of the Certificate of Conversion is provided as Exhibit 1. The change in corporate form will have no customer impact, as the name reflected in all customer communications (bills, notices,

¹ See Mich. Comp. Laws § 450.4709(3)(f) & (h) (stating that "The surviving business organization is considered to be the same entity that existed before the conversion and is considered to be organized on the date that the domestic corporation was originally incorporated. . . . [T]he domestic corporation is not required to wind up its affairs or pay its liabilities and distribute its assets on account of the conversion, and the conversion does not constitute a dissolution of the domestic corporation." (emphasis added))

customer service, etc.) will remain "ACN Communication Services." Therefore, customer notice is not required. However, a bill message notice is being included to customers stating:

"ACN Communication Services, Inc." has converted to a limited liability company and its name is now "ACN Communication Services, LLC". This change will be processed by the appropriate authority(ies) in your state, but it will not affect your service or rates, including any of your rights or obligations.

Following its change in corporate form, the Petitioner continues to provide telecommunications services to its customers without interruption or change, and with the same technical, financial and managerial qualifications.

In support of this Petition, ACN states:

1. Petitioner's business address is:

1000 Progress Place
Concord, NC 28025
www.acninc.com

2. Petitioner's contacts for purposes of this Petition are:

Asa J. Herald
Brett P. Ferenchak
Morgan, Lewis & Bockius LLP
2020 K Street, N.W.
Washington, DC 20006
202-373-6697 (Tel)
asa.herald@morganlewis.com
brett.ferenchak@morganlewis.com

and

Meredith Ginter
1000 Progress Place
Concord, NC 28025
704-260-3354 (Tel)
meredith.ginter@acninc.com

3. Petitioner's contacts for Business Operations are:

a) Consumer issues;

Darneshia Smith, Compliance Manager
ACN Communication Services, LLC
1000 Progress Place
Concord, NC 28025
1-877-599-9559
compliance@acninc.com

b) Customer complaint resolution;

Darneshia Smith, Compliance Manager
ACN Communication Services, LLC
1000 Progress Place
Concord, NC 28025
1-877-599-9559
compliance@acninc.com

c) Technical and service quality issues;

Darneshia Smith, Compliance Manager
ACN Communication Services, LLC
1000 Progress Place
Concord, NC 28025
1-877-599-9559
compliance@acninc.com

d) "Tariff" and pricing issues;

Sharon Thomas, Consultant
Technologies Management, Inc.
2600 Maitland Center Parkway, Suite 300
Maitland, FL 32751
(407) 740-3031 (Tel)
sthomas@acninc.com

e) 9-1-1 issues;

Doug Reid, Director Network Operations Center
ACN Communication Services, LLC
1000 Progress Place
Concord, NC 28025
(704) 260-3450 (Tel)
doug.reid@acninc.com

f) Security/law enforcement issues;

Meredith Ginter, Corporate Attorney
ACN Communication Services, LLC
1000 Progress Place
Concord, NC 28025
(704) 260-3354 (Tel)
legalnotices@acninc.com

g) Regulatory issues.

Tereza Oliveira, Senior Counsel
ACN Communication Services, LLC
1000 Progress Place
Concord, NC 28025
(704) 260- 3365
legalnotices@acninc.com

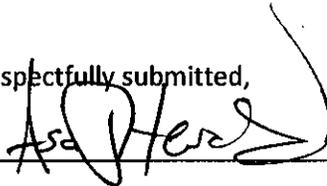
4. The former entity was previously granted, pursuant to Section 13-404 of the Public Utilities Act, a certificate of authority to provide resold and facilities-based interexchange services in ICC Docket No. 00-0039 and resold and facilities-based local exchange service in ICC Docket No. 03-0049.
5. The Petitioner is a Michigan entity and is seeking authority to do business in the State of Illinois as a limited liability company in Illinois. Former entity was authorized to do business in the State of Illinois as a corporation.
6. Petitioner retains the same federal tax identification number as the former entity.

7. At the appropriate time upon Commission approval of this Petition, the Petitioner will file replacement copies of the former entity's effective tariff to reflect the change in corporate form.
8. Any failure to seek prior approval for the conversion was an oversight and not intended to avoid or impede the Commission's authority or jurisdiction.
9. Petitioner's management and financial and technical qualifications remain the same as for the former entity.
10. Petitioner requests that the Administrative Law Judge and the Commission grant this Petition without hearing on an expedited basis.
11. Based on the foregoing, Petitioner requests that the Commission update the former entity's certificate to reflect the new name, ACN Communications Services, LLC, or, in the alternative that the former entity's certificates be canceled and re-issued with the same authorizations and relief previously granted in the name of the Petitioner.

Wherefore, the Petitioner, ACN Communications Services, LLC respectfully requests that the Commission enter a Final Order granting approval retroactively for the changes in form described in this Petition and to authorize the Petitioner, retroactively, to take all necessary actions to accomplish the transactions above described and to grant such relief as described above without hearing.

Dated: September 10, 2015.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Asa J. Herald", is written over a horizontal line. The signature is stylized and cursive.

By: Asa J. Herald (IL Bar #6277644)

Counsel for ACN Communication Services, LLC

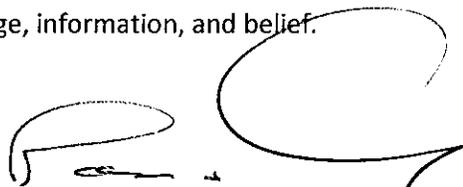
VERIFICATION

STATE OF North Carolina §

§

COUNTY OF Cabarrus §

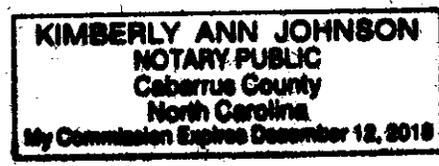
I, Paul O. Gagnier, state that I am Secretary of ACN Communication Services, LLC (the "Company"); that I am authorized to make this Verification on behalf of the Company; that the foregoing filing was prepared under my direction and supervision; and that matters set forth in the filing are true and correct to the best of my knowledge, information, and belief.


Name: Paul O. Gagnier
Title: Secretary
ACN Communication Services, LLC

SWORN TO AND SUBSCRIBED before me on the 10th day of August, 2015.


Notary Public

My commission expires: 12-12-2018



CERTIFICATE OF SERVICE

I, Brett P. Ferenchak, do hereby certify that I have, on this 10th day of September 2015, caused to be served upon the individuals listed on the service list maintained by the Illinois Commerce Commission, by e-mail, a copy of the foregoing Petition on behalf of ACN Communication Services, LLC.

Brett P Ferenchak

Brett P. Ferenchak

Morgan, Lewis & Bockius LLP