

June 24, 2009

Application for Special Permission No. 2

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

Attention: Wireline Competition Bureau

The ACS Companies (ACS), on behalf of its incumbent local exchange carrier subsidiaries, pursuant to Sections 61.151-61.153 of the Commission's rules, hereby request Special Permission for waiver of Sections 61.58 and 61.59, of the Commission's rules in order to file tariff revision to its interstate access tariff, titled ACS Companies' Tariff F.C.C. No. 1 (ACS F.C.C. No. 1), initially filed June 16, 2009.

A waiver of Section 61.58 is requested so that ACS may file its proposed tariff revisions on not less than one (1) day's notice to become effective July 1, 2009. This will allow the revisions to take effect concurrently with the initial ACS F.C.C. No. 1 Tariff.

A waiver of Section 61.59 is requested in order to change material which has not been in effect for 30 days.

The requested waivers will allow ACS to make various changes on rates which were filed with the original tariff submittal on June 16, 2009, and the addition of a Section 16: Ethernet, and all Ethernet-related references in other sections of the tariff. The ACS Companies exiting NECA offer Ethernet services, which were inadvertently left out of the initial filing of ACS F.C.C. No. 1. The current NECA regulations are being brought forward for those services the exiting companies offer. The rates, however, will be revised in accordance with the Commission's Order DA 09-854 issued April 17, 2009. ACS submitted the TRP data on June 16, 2009, which may be found at line 4774 "DS3 SP NonDZ Other" of the RTE-1 schedule, and developed Ethernet rates in accordance with the price cap order; however, the regulations and rates for Ethernet were inadvertently left out of the tariff filing due to administrative oversight. Illustrative tariff sheets for those pages to be included in the supplemental filing are attached.

Term Discount rates and regulations for DS1/DS3 services, as provided in the NECA tariff, are not included in the ACS Companies' FCC No.1 Tariff, as the only customer among all ACS Issuing Carriers for said Term Discounts is an ACS affiliate company.

The DSL Wholesale Pricing Plan (WPP) regulations for those ACS companies exiting NECA are brought forward. In any cases where the rates are modified, they have been reduced.

Payment in the amount of \$815.00 has been electronically transmitted in accordance with Section 61.32(b) of the Commission's rules. This filing, along with Form 159, is being transmitted electronically via ETFS under FRN No. 0018859074.

Please address any questions or correspondence in connection with this filing to:

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With a copy to:

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Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Ted Moninski". The signature is fluid and cursive, with a large initial "T" and "M".

Ted Moninski
Director, Regulatory Affairs