

**THE STATE CORPORATION COMMISSION  
OF THE STATE OF KANSAS**

Received  
on

Before Commissioners: Mark Sievers, Chairman  
Thomas E. Wright  
Ward Loyd

**MAR 19 2012**

by  
State Corporation Commission  
of Kansas

In the Matter of the Application of )  
)  
**DIECA Communications, Inc. d/b/a Covad** )  
**Communications Company** )  
)  
For an Amended and Reissued Certificate of )  
Public Convenience and Necessity to Reflect its )  
New Name "MegaPath Corporation" (CLEC) )

Docket No. 12-DCIT-707-CCN

**APPLICATION**

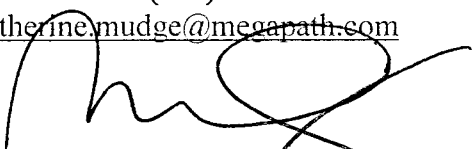
DIECA Communications, Inc. d/b/a Covad Communications Company ("Applicant"), by its undersigned counsel, hereby requests that the Kansas Corporation Commission ("Commission") amend and reissue its Certificate of Public Convenience and Necessity ("CPCN") to reflect the name change of Applicant to "MegaPath Corporation."

1. In Kansas, Applicant is authorized to provide local and long distance services pursuant to authorization issued in Docket Nos. 99-DCIT-945-COC and 05-DCIT-023-COC, issued on August 31, 1999 and September 28, 2004 respectively. Attached as Exhibit A is documentation indicating that Applicant's corporate authorization to transact business in Kansas was amended to reflect its new name. A form of Applicant's notice to customers concerning the name change is attached hereto as Exhibit B.

WHEREFORE, for the foregoing reasons, DIECA Communications, Inc. d/b/a Covad Communications Company respectfully requests that the Commission amend and reissue its CPCN to reflect the name change of Applicant to "MegaPath Corporation"

Respectfully submitted,

Katherine K. Mudge  
Director, State Affairs & ILEC Relations  
2111 W. Braker Ln., Ste. 100  
Austin, Texas 78758  
512.794-6197 (Tel)  
512.794-6006 (Fax)  
Katherine.mudge@megapath.com



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Rose Mulvany Henry KS# 16209  
Bradley Arant Boult Cummings LLP  
1600 Division Street, Suite 700  
P.O. Box 340025  
Nashville, TN 37203  
(615) 252-4634  
(615) 252-4713 (fax)  
rhenry@babco.com

Counsel for Applicant

Dated: March 19, 2012

**LIST OF EXHIBITS**

**Exhibit A**

**Name Change Filing**

**Exhibit B**

**Form of Customer Notice**

**EXHIBIT A**

**Corporate Name Change Filing**

**FAP**

53-15

KANSAS SECRETARY OF STATE

**Foreign Corporation  
Certificate of Amendment****CONTACT:** Kansas Office of the Secretary of StateMemorial Hall, 1st Floor  
120 S.W. 10th Avenue  
Topeka, KS 66612-1594(785) 296-4564  
kssos@sos.ks.gov  
www.sos.ks.gov2642 01  
053 015  
\$35.00FILED BY KS SOS  
01-27-2012  
1 02:19:44 PM  
FILE#: 2661817

03093417

**INSTRUCTIONS:** All information must be completed or this document will not be accepted for filing.  
Please read instructions before completing.**1. Business entity ID  
number:***This is not the Federal Employer  
ID Number (FEIN)*

2661817

**2. Name of the  
corporation:***Name must match the name on  
record with the Secretary of State*

DIECA Communications, Inc.

**3. The application of file with the Secretary of State's office amended as follows:**

The new name of the entity is MegaPath Corporation

**4. The amendment was duly adopted in accordance with the provisions of K.S.A. 17-7302.****5. Future effective date:***A future effective date must be  
within 90 days of filing date*☒ Upon filing☐ Future effective date

Month

Day

Year

**6. I declare under penalty of perjury under the laws of the state of Kansas that the foregoing is true and correct and that I have remitted the required fee.***Signature of authorized officer*

Douglas A. Carlen

*Name of signer (printed or typed)**Date (month, day, year)*

12/28/2011

I hereby certify this to be a true and  
correct copy of the original on file.

Certified on this date:

KRIS W. KOBACH

Secretary of State

Jan 27, 2012  
*Kris W. Kobach***i Instructions:**

- ☐
1. Submit this form with the \$35 filing fee.

**STAY UP-TO-DATE ON YOUR ORGANIZATION'S STATUS, ANNUAL REPORT DUE DATE AND CONTACT ADDRESSES BY GOING TO  
WWW.SOS.KS.GOV. UNDER QUICK LINKS, SELECT SEARCH BUSINESS ENTITY INFORMATION.****NOTICE:** There is a \$25 service fee for all checks returned by your financial institution.  
All information must be completed or this document will not be accepted for filing.

**EXHIBIT B**

**Form of Customer Notice**



2220 O'Toole Avenue  
San Jose, CA 95131  
phone: 408-952-6400  
fax: 408-952-7687  
www.megapath.com

November 2, 2011

**Notice of MegaPath Reorganization/Consolidation – No change to service or fees**

Dear Customer,

In December 2011, the MegaPath Group of companies will undertake an internal legal entity consolidation. This will primarily involve the consolidation of 4 entities (MegaPath, Inc., DSLnet Communications, LLC, DSLnet Communications VA, Inc., and Covad Communications Company into DIECA Communications, a wholly-owned MegaPath Group subsidiary. DIECA will then change its name to MegaPath Corporation beginning in January 2012.

Your services, pricing, terms and conditions of service will not change as a result of this intra-corporate consolidation. There is no charge associated with this change

The intra-corporate consolidation is strictly a formality that allows us to reduce the number of entities, which makes contractual arrangements simpler and reduces the cost of supporting these entities. This letter is a notice of legal change and there is nothing you need to do. Your services will not change or be interrupted in anyway. We will continue to resolve any issue that you may have with your account or service at 1-877-611-MEGA.

Enclosed with this notice is a revised W-9 that reflects the consolidation and name change. **Please note that this W-9 is effective January 1, 2012 and should be used to update your records only as of January 1, 2012.**

We thank you for your business.

MegaPath


STATE OF TEXAS

COUNTY OF TRAVIS

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§  
§


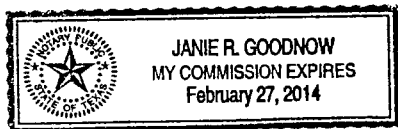
**VERIFICATION**

I, Katherine K. Mudge, being duly sworn, deposes and say that I am the Director of State Affairs & ILEC Relation, that I am authorized to make this Verification on behalf of the Applicant, that the foregoing filing was prepared under my direction and supervision, and that the contents are true and correct to the best of my knowledge, information, and belief.



Katherine K. Mudge  
Director, State Affairs & ILEC Relations

Sworn and subscribed before me this 16<sup>th</sup> day of March, 2012.



Notary Public

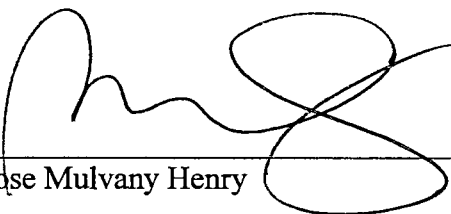
My commission expires: 2-27-14

## **CERTIFICATE OF SERVICE**

I hereby certify that on March 19, 2012, a true and correct copy of the foregoing has been served on the parties set forth below, via U.S. mail and electronic mail transmission:

Christine Arnes  
Director of Telecommunications  
Kansas Corporation Commission  
1500 SW Arrowhead Road  
Topeka, KS 66604

Hal Baumhardt  
Telecommunications Staff  
Kansas Corporation Commission  
1500 SW Arrowhead Road  
Topeka, KS 66604



Rdse Mulvany Henry