

Before the
Utah Public Service Commission

Heber M. Wells 2010 DEC 27 AM 11 56
160 East 300 South
Salt Lake City, UT 84114

Application of American Fiber)
Network, Inc. to Withdraw its) Docket No. ~~00-2306-01~~ 10-2306-01
Certificate of Authority)
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American Fiber Network, Inc. ("AFN") hereby requests to withdraw its certificate of authority to offer competitive telecommunications services in the State of Utah. AFN was authorized by the Utah Public Service Commission to provide these services in Docket No. 00-2306-01.

AFN is in the process of exiting the industry. On December 17, 2010, AFN completed a transaction to transfer the majority of its customers in other states to Birch Communications Inc. AFN no longer plans to provide any services in Utah. As a result, AFN must discontinue service to the remainder of its customers in the State. AFN requests that its authorization be cancelled as of February 11, 2011. AFN further requests that its existing tariffs on file with the State PUC be cancelled as of February 11, 2011.

AFN currently provides local, long distance, voice over Internet protocol (VoIP), and payphone services to 218 customers in Utah. AFN intends to discontinue service as of February 10, 2011. In compliance with Utah Administrative Rule 746-350, customers were notified of the discontinuation of service on December 15, 2010 via mail more than 50 days in advance. A copy of the notice given to customers is attached. AFN did not accept customer deposits and thus will not need to provide any customer refunds as a result of its discontinuance of service. To the extent that a customer has paid a monthly

bill and service is discontinued before the end of the month, AFN will refund the pro-rated amount for the remainder of the month by check. AFN will also provide the above information regarding customer refunds and procedures for obtaining replacement providers via a customer service number, which has been made available on the notices of discontinuance provided to affected customers, for sixty days after the date of discontinuance. The market for long distance services provided in Utah is competitive, and the customers have a range of choices among other service providers. AFN does not currently owe any outstanding regulatory fees to Utah.

AFN will discontinue services in all areas where it serves customers. Currently, AFN only serves customers in Qwest territories.

Pursuant to UT R746-350(A) of the Commission's rules, attached are the following documents:

- Attachment 1** An affidavit signed by an officer of AFN attesting that the contents of the application are true, accurate, and correct.
- Attachment 2** A copy of notice of discontinuance sent to the Utah Division of Public Utilities, as required in UT R746-350-3(B)(1).
- Attachment 3** A copy of notice of discontinuance provided to all affected customers, as required in UT R746-350-3(B)(2).
- Attachment 4** A copy of notice of discontinuance provided to other companies, as required in UT R746-350-3(B)(3).

AFN may be reached at its principal place of business:

American Fiber Network, Inc.
9401 Indian Creek Parkway
Suite 280
Overland Park, KS 66210
1.877.877.3166

The name and address of the contact person who will be responsible for concluding all outstanding business with the Commission and customers is as follows:

Robert Heath
American Fiber Network, Inc.
9401 Indian Creek Parkway
Suite 280
Overland Park, KS 66210
1.877.877.3166
Rob.heath@afnlt.com

AFN respectfully requests that the Utah Public Service Commission withdraw its certificate authorizing AFN to provide competitive telecommunications service in the State of Utah. By signing this application, AFN acknowledges and agrees that filing of the application does not, by itself constitute authority to discontinue any service; that discontinuance shall occur as ordered by the Commission; and that AFN will assist in the porting of any assigned telephone numbers to a replacement provider.

Respectfully submitted:



Robert Heath
American Fiber Network, Inc.
9401 Indian Creek Parkway
Suite 280
Overland Park, KS 66210
1.877.812.5673

Enclosures