

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Application of AboveNet)
of Utah L.L.C. to Voluntarily Surrender its) DOCKET NO. 12-2324-02
Certificate of Public Convenience and) ORDER CANCELING CERTIFICATE OF
Necessity) PUBLIC CONVENIENCE AND
) NECESSITY
)

ISSUED: December 14, 2012

By The Commission:

This matter is before the Commission upon the recommendation of the Division of Public Utilities (“Division”), dated December 3, 2012, concerning Certificate of Public Convenience and Necessity (CPCN) No. 2324. The Division recommends cancellation of the CPCN based on the voluntary surrender by AboveNet of Utah L.L.C. (“AboveNet”), filed November 19, 2012.

In its petition to voluntarily surrender, AboveNet notes that it “does not currently provide telecommunications services to customers in the State of Utah and [it] does not have plans to do so in the future.” Application at 1, filed November 19, 2012; see also id. at 2, ¶ 4. The Division states “[it] appears [AboveNet] ha[s] complied with the rules for existing under [Utah] Administrative [Code] Rule R746-350.” See Division’s Memo at 2, filed December 3, 2012.

ORDER

For the foregoing reasons, Certificate No. 2324, issued September 5, 2000, is hereby canceled.

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DATED at Salt Lake City, Utah, this 14th day of December 2012.

/s/ Ric Campbell, Commissioner

/s/ Ron Allen, Commissioner

Attest:

/s/ Gary L. Widerburg
Commission Secretary

D#240190

Notice of Opportunity for Agency Review or Rehearing

Pursuant to Utah Code Ann. §§ 63G-4-301 and 54-7-15, a party may seek agency review or rehearing of this order by filing a request for review or rehearing with the Commission within 30 days after the issuance of the order. Responses to a request for agency review or rehearing must be filed within 15 days of the filing of the request for review or rehearing. If the Commission fails to grant a request for review or rehearing within 20 days after the filing of a request for review or rehearing, it is deemed denied. Judicial review of the Commission's final agency action may be obtained by filing a Petition for Review with the Utah Supreme Court within 30 days after final agency action. Any Petition for Review must comply with the requirements of Utah Code Ann. §§ 63G-4-401, 63G-4-403, and the Utah Rules of Appellate Procedure.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 14th day of December, 2012, a true and correct copy of the foregoing was delivered upon the following as indicated below:

By E-Mail:

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