

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

)
) DOCKET NO. 12-2353-01
)
In the Matter of the Joint Application of)
360networks (USA) inc., American Fiber)
Systems, Inc. and Zayo Group, LLC for) ORDER CANCELING CERTIFICATE OF
Approval of Certain Pro Forma Intra-) PUBLIC CONVENIENCE AND
Corporate Transactions) NECESSITY
)
)
)

ISSUED: May 8, 2013

By The Commission:

On January 29, 2013, the Utah Public Service Commission issued an order, which, in part, approved the pro forma intra-company transactions that would result in the assets and customers of American Fiber Systems, Inc. (“AFS”) moving to Zayo Group, LLC (“Zayo”). On March 26, 2013, Zayo filed notice of consummation of the above transaction and requested to cancel AFS’s certificate of public convenience and necessity (CPCN No. 00-2353-01).

In its March 26, 2013 filing, Zayo states: “As a result of the Zayo *Pro Forma* Transactions, . . . AFS . . . do[es] not exist as [a] separate corporate entit[y] and Zayo provides service to [its] customers. . . .[T]herefore, the [c]ertificate . . . should be cancelled”

ORDER

For the foregoing reasons, Certificate No. 2353, issued February 23, 2001, is canceled.

DATED at Salt Lake City, Utah, this 8th day of May 2013.

/s/ Ron Allen, Chairman

/s/ David R. Clark, Commissioner

/s/ Thad LeVar, Commissioner

Attest:

/s/ Gary L. Widerburg
Commission Secretary

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 CERTIFY that on the _____ day of _____, 2013, a true and correct copy of the foregoing was delivered upon the following as indicated below:

By E-Mail:

Jean L. Kiddoo (jean.kiddoo@bingham.com)
Brett Ferenchak (brett.ferenchak@bingham.com)
Bingham McCutchen LLP
Counsel for Zayo Group, LLC

Patricia Schmid (pschmid@utah.gov)
Justin Jetter (jjetter@utah.gov)
Assistant Utah Attorneys General

By Hand-Delivery:

Division of Public Utilities
160 East 300 South, 4th Floor
Salt Lake City, Utah 84111

Office of Consumer Services
160 East 300 South, 2nd Floor
Salt Lake City, Utah 84111

Administrative Assistant