

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Application of ADELPHIA)
BUSINESS SOLUTIONS OPERATIONS, INC.)
for Authority to Provide Resold and Facilities-)
Based Local Exchange Telecommunications)
Services within the State of Utah)

DOCKET NO. 00-2308-01
REPORT AND ORDER

ISSUED: December 8, 2003

SYNOPSIS

Adelphia Business Solutions Operations, Inc. having requested voluntary cancellation of its authority to operate as a telecommunications service provider in the state of Utah, the Commission orders the cancellation of the Company's certificate of public convenience and necessity.

By The Commission:

PROCEDURAL HISTORY

On February 14, 2000, Adelphia Business Solutions Operations, Inc. (Adelphia or Company) filed an application for authority ". . . to provide local exchange telecommunications services to business and residential customers in the State of Utah. . . . Applicant seeks authority to provide resold and facilities-based local exchange telecommunications services." The application was given Docket No. 00-2308-01. The case was converted into an informal proceeding and there was no hearing held. The Commission granted Certificate of Public Convenience and Necessity No. 2308 on May 18, 2000. The Company was authorized ". . . to provide local and interexchange services and other public telecommunications services, including facilities-based as well as resold services, anywhere within the State of Utah, as described in Exhibits. . . ." Written notice was required before any expansion into any local exchange with fewer than 5,000 access lines that is owned or controlled by an incumbent telephone company with fewer than 30,000 access lines within the State.

On November 24, 2003, the Commission received a letter requesting that the certificate held by Adelphia be canceled. The letter was from TelCove, the successor company to Adelphia after Adelphia filed for Chapter 11 bankruptcy. The letter states that the Company has re-evaluated its business plan and determined that it needed to reduce certain services provided and abandon certifications in states where the Company will be unable to expand due to the revised business plan. The letter also states that the Company is not currently providing service in Utah.

The Commission has received a memorandum from the Utah Division of Public Utilities (Division) stating that since Adelphia is not serving any customers in Utah, it would appear that the requirements of proposed rule R746-350 for discontinuation of service would not be applicable. The Division recommended that the Commission cancel the certificate of public convenience and necessity held by Adelphia Business Solutions Operations, Inc.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

Certificate of Public Convenience and Necessity No. 2308 held by Adelphia Business Solutions Operations, Inc., be and

hereby is canceled.

Any person aggrieved by this Order may petition the Commission for review within 20 days of the date of this Order. Failure to do so will forfeit the right to appeal to the Utah Supreme Court.

DATED at Salt Lake City, Utah, this 8th day of December 2003.

/s/ Ric Campbell, Chairman

/s/ Constance B. White, Commissioner

/s/ Ted Boyer, Commissioner

Attest:

/s/ Julie Orchard
Commission Secretary

G#36221