

-BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH-

In the Matter of the Joint Application)
of Allied Riser of Utah, Inc.and)
Cogent Communications Group, Inc.)
for Approval of Transfer of Control of)
Allied Riser of Utah)

DOCKET NO. 02-2321-01
ORDER AUTHORIZING TRANSFER OF
CONTROL TO COGENT
COMMUNICATIONS GROUP

ISSUED: February 4, 2002

By The Commission:

By Application filed January 16, 2002, Allied Riser of Utah, Inc. (Allied) and Cogent Communications Group, Inc. (Cogent), jointly request Commission approval of a change in control of Allied. The joint applicants propose a transaction whereby Allied will merge with a wholly-owned subsidiary of Cogent. While the proposed transaction will change control of Allied, Allied will maintain its independent identity, maintain separate operations and continue to operate under its previously issued certificate (See, PSC Docket No.00-2321-01). The transaction is proposed to provide Allied with access to Cogent's financial, managerial and technical resources. By Memorandum submitted January 28, 2002, the Division of Public Utilities recommended that the Commission approve the Application and suggested proceeding pursuant to Rule 110.

The Commission concludes that it may follow Rule 110 in this docket. Pursuant to that Rule, the Commission may enter an Order, without hearing. The Order issued herein will be tentative for a 20 day period. The Commission approves the change in control of Allied; no detriment has been shown and likely benefit has been established.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that:

1. The transfer of control of Allied Riser of Utah, Inc., to Cogent Communications Group, Inc., is approved.
2. This Order is issued pursuant to Rule 110 and shall be effective 20 days from the issuance date. Any person may file a protest to this Order prior to its effective date and the Commission shall suspend the effectiveness of this Order, pending further proceedings, upon the filing of a meritorious protest. Absent the filing of any meritorious protest during that 20 day period, the Order shall automatically become effective without further action.
3. Notice of this Order shall be made by the Commission through the Commission's Telecommunications notice list.

DATED at Salt Lake City, Utah, this 4th day of February, 2002.

/s/ Stephen F. Mecham, Chairman

/s/ Constance B. White, Commissioner

/s/ Richard M. Campbell, Commissioner

Attest:

/s/ Julie Orchard

Commission Secretary

G#28087