

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

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In the Matter of the Transfer of )  
Control of MFN of Utah, LLC to a )  
Reorganized Metromedia Fiber )  
Network, Inc. )

DOCKET NO. 03-2324-01  
ORDER AUTHORIZING TRANSFER  
OF CONTROL TO A REORGANIZED  
METROMEDIA FIBER NETWORK

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ISSUED: July 7, 2003

By The Commission:

By Application submitted June 4, 2003, MFN of Utah, LLC (MFN Utah), and Metromedia Fiber Network, Inc., requested that the Commission approve a change in control of MFN Utah. They propose a transaction whereby control of MFN Utah will be given to a reorganized Metromedia Fiber Network, Inc., pursuant to a bankruptcy plan of reorganization. While the proposed transaction will change control of MFN Utah, MFN Utah will maintain its independent identity, maintain separate operations and continue to operate under its previously issued certificate (See, PSC Docket No.00-2324-01). After emerging from bankruptcy, MFN Utah and Metromedia Fiber Network plan to change their names to AboveNet of Utah, LLC, AboveNet, Inc., respectively. By Memorandum submitted June 23, 2003, the Division of Public Utilities recommended that the Commission approve the proposed change in control 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 MFN of Utah, LLC, to a reorganized Metromedia Fiber Network, Inc., is approved, contingent upon successfully emerging from bankruptcy.
2. This Order is issued pursuant to Rule 110 and shall be effective 20 days from the date on which the Commission receives confirmation of the bankruptcy plan of reorganization. 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 7<sup>th</sup> day of July, 2003.

/s/ Ric Campbell, Chairman

/s/ Constance B. White, Commissioner

/s/ Ted Boyer, Commissioner

Attest:

/s/ Julie Orchard  
Commission Secretary

G#34383