

On April 12, 2001, an application was filed to transfer the operating authority of Touch America Services, Inc. to Touch America, Inc. The Commission approved the transfer by order dated June 7, 2001 in Docket No. 01-2310-01.

By letter dated December 8, 2003, the Commission was notified that Touch America, Inc. (Debtor-in-Possession) had filed an application with the Federal Communications Commission requesting authority to discontinue certain enumerated facilities-based domestic, interstate, interexchange telecommunications services. The Company proposed to discontinue its Asynchronous Transfer Mode (ATM) and Frame Relay services. The customers are primarily commercial and individual notices were provided to each customer impacted by the proposed discontinuance via first class mail on December 2, 2003. The letter stated that "(w)ith respect to Utah, Touch America's proposed discontinuance of service may affect seven (7) ATM/Frame Relay customer(s)."

On January 27, 2004, the Commission received a letter from the Company which gave notice of intention to cease business and request to cancel certificate of authority and withdraw tariffs. Touch America intends to cease conducting business in Utah on February 28, 2004, and it will not have any customers in Utah subscribed to any of its intrastate, regulated telecommunications services as of that date. All Utah customers have already transferred their accounts to alternate service providers or have voluntarily terminated service with the Company.

The Commission has received a memorandum from the Utah Division of Public Utilities (Division) stating that Touch America is not serving any intrastate regulated telecommunications services customers in Utah. It also appears that the Company has met the requirements of proposed rule R746-350 for discontinuation of service. The Division recommends that the Commission cancel the certificate of public convenience and necessity held by Touch America, Inc. effective February 28, 2004.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

Certificate of Public Convenience and Necessity No. 2310 held by Touch America, Inc., be and hereby is canceled effective February 28, 2004.

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 3rd day of February 2004.

/s/ Ric Campbell, Chairman

/s/ Constance B. White, Commissioner

/s/ Ted Boyer, Commissioner

Attest:

/s/ Julie Orchard
Commission Secretary

G#36851