

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

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In the Matter of the Application of Cogent	)	
Communications of Utah, Inc. to	)	<u>DOCKET NO. 06-2321-01</u>
Withdraw Its Certificate of Public	)	
Convenience and Necessity	)	<u>REPORT AND ORDER CANCELING</u>
	)	<u>CERTIFICATE</u>
	)	
	)	

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ISSUED: September 6, 2006

SYNOPSIS

Petitioner having voluntarily sought cancellation of its certificate, and no detriment to the public interest appearing, the Commission cancelled the certificate.

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By The Commission:

PROCEDURAL HISTORY, DISCUSSION, AND FINDINGS

On August 7, 2006, Cogent Communications of Utah, Inc. ("Cogent") filed a memorandum voluntarily withdrawing its operating authorities to provide local exchange and interexchange telecommunications in Utah ("Request"). The Request indicates Cogent ceased to exist in December 2005 and never had any employees or conducted any business in the state of Utah.

On August 25, 2006, the Division of Public Utilities ("Division") filed a memorandum detailing its investigation of the Request and recommending cancellation of Cogent's Certificate of Public Convenience and Necessity ("Certificate") granted by the Commission to Allied Riser of Utah, Inc. on February 14, 2001, in Docket No. 00-2321-01. Since Cogent never had any employees or engaged in any business in Utah, the Division notes

Cogent appears to have no remaining obligations under Commission Rule 746-350, *Application to Discontinue Telecommunications Service*.

As Cogent does not currently provide telecommunications service to any customers within the State of Utah, no detriment to the public interest appears and the Commission hereby issues the following

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that:

- The Certificate of Public Convenience and Necessity, issued February 14, 2001, in Docket No.00-2321-01, and currently held by Cogent Communications of Utah, Inc., be, and it is, cancelled and annulled effective the date of this Order.
- Pursuant to *Utah Code Annotated* §§ 63-46b-12 and 54-7-15, agency review or rehearing of this order may be obtained 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 Annotated* §§ 63-46b-14, 63-46b-16 and the Utah Rules of Appellate Procedure.

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DATED at Salt Lake City, Utah, this 6<sup>th</sup> day of September, 2006.

/s/ Ric Campbell, Chairman

/s/ Ted Boyer, Commissioner

/s/ Ron Allen, Commissioner

Attest:

/s/ Julie Orchard  
Commission Secretary  
G#50340