

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

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In the Matter of the Application of AirSwitch Corporation for a Certificate Authorizing it to Provide Dedicated Internet Access Services Within the State of Utah )  
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DOCKET NO. 98-2260-01  
REPORT AND ORDER

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ISSUED: July 22, 2003

SYNOPSIS

SwitchPoint Networks, Inc. having been dissolved, the Commission cancels its certificate of public convenience and necessity.

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By The Commission:

PROCEDURAL HISTORY

On July 17, 1998, AirSwitch Corporation filed its application for authority to provide dedicated internet access services. The application was given Docket No. 98-2260-01. The case was converted into an informal proceeding and there was no hearing held. The Commission granted Certificate of Public Convenience and Necessity No. 2260 on January 8, 1999. The Company was authorized ". . . to provide dedicated Internet access services anywhere within the State of Utah."

On June 6, 2001, AirSwitch Corporation petitioned the Commission to change its name to SwitchPoint Networks, Inc. (SwitchPoint). The Commission granted the name change by order dated July 6, 2001 in Docket No. 01-2260-02. In an order dated August 24, 2001, in Docket No. 01-2260-01, the Commission authorized the Company to discontinue its existing service to customers in Springville and American Fork, Utah.

By letter to the Office of the Attorney General dated June 18, 2003, SwitchPoint informed the AG's office that it has notified the Utah Division of Corporations that the Company is dissolved. The letter from the Company's Vice President and General Counsel states that the Company had no commercial activity regarding its networks during 2002. The letter also states that the commercial network assets were shut down in 2001 and sold in 2002.

The Commission has received a memorandum from the Utah Division of Public Utilities (Division) with the letter attached to the memorandum. The Division states that it is their understanding that the Company does not now provide any dedicated internet access service in the state of Utah, that the assets of the Company have been sold, and that the Company has been dissolved. Therefore, the termination of the Company's authority will have no adverse impact upon any customers in the state of Utah.

The Division's memorandum also states that SwitchPoint has not filed its annual report that was due on March 31, 2003, nor has it filed its Report of Gross Revenue that was due on April 15, 2003. The Division has recommended that the Commission cancel the certificate of public convenience and necessity held by SwitchPoint Networks, Inc.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

Certificate of Public Convenience and Necessity No. 2260 held by SwitchPoint Networks, 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 22<sup>nd</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#34554