

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Application of Network Access Solutions Corporation for a Certificate Authorizing it to Provide Local Exchange Service as a Telecommunications provider in the State of Utah)
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DOCKET NO. 99-2300-01
REPORT AND ORDER

ISSUED: August 4, 2003

SYNOPSIS

Network Access Solutions Corporation having requested that its certificate of public convenience and necessity be canceled, the Commission so orders.

By The Commission:

PROCEDURAL HISTORY

On December 14, 1999, Network Access Solutions Corporation (NAS) filed an application for authority to provide all types of intrastate telecommunications service (local exchange, exchange access, and interexchange) in Utah as a facilities-based carrier. The application was given Docket No. 99-2300-01. The case was converted into an informal proceeding and there was no hearing held. The Commission granted Certificate of Public Convenience and Necessity No. 2300 on May 10, 2000. The Company was authorized ". . . to provide local and interexchange services and other public telecommunications services, including facilities-based as well as resold services, within the State of Utah, except within the service territory of any local exchange carrier with fewer than 5,000 access lines that is owned or controlled by an incumbent telephone company with fewer than 30,000 access lines within the State."

By letter dated July 17, 2003, NAS requested cancellation of its certificate in Utah. The letter from the Company's Counsel states that the Company has no customers in Utah.

The Commission has received a memorandum from the Utah Division of Public Utilities (Division) with a copy of the letter attached to the memorandum. The Division states that it is their understanding that the Company does not now, and never has provided any service in the state of Utah. Therefore, the termination of the Company's authority will have no adverse impact upon any customers in the state of Utah. It is also the Division's understanding that the co-location agreements in Utah were never activated and that most of the business of NAS nationwide has been purchased by DSLnet Communications LLC.

The Division's memorandum also states that NAS has not filed its annual report for 2002 that was due on March 31, 2003, has not filed its Report of Gross Revenue for 2002 that was due on April 15, 2003, and has not paid its Public Utilities Regulation Fee that was due on July 1, 2003. The Division recommends that the Commission cancel the certificate of public convenience and necessity held by Network Access Solutions Corporation.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

Certificate of Public Convenience and Necessity No. 2300 held by Network Access Solutions Corporation, 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 4th day of August 2003.

/s/ Ric Campbell, Chairman

/s/ Constance B. White, Commissioner

/s/ Ted Boyer, Commissioner

Attest:

/s/ Julie Orchard

Commission Secretary

G#34694