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DOCKET NO. 41386

PUBLIC UTILITY COMMISSION
FILING CLERK

APPLICATION OF 360NETWORKS §
(USA) INC. TO RELINQUISH ITS §
SERVICE PROVIDER CERTIFICATE §
OF OPERATING AUTHORITY §

PUBLIC UTILITY COMMISSION
OF TEXAS

**ORDER NO. 1
SETTING PROCEDURAL SCHEDULE, ESTABLISHING PROCEDURES,
AND SETTING DEADLINE FOR REQUEST FOR PROTECTIVE ORDER**

On April 15, 2013, 360networks (USA) inc. (Applicant) filed an application under §§ 54.151-54.159 of the Public Utility Regulatory Act, TEX. UTIL. CODE ANN. §§ 11.001-66.016 (Vernon 2007 & Supp. 2012) (PURA) to relinquish its Service Provider Certificate of Operating Authority (SPCOA) No. 60453.¹

I. Background

Applicant stated that Zayo Group, LLC (Zayo) is the successor in interest to Applicant through a series of *pro forma* mergers with Zayo as the surviving entity. As a result, Zayo provides services to the former customers of Applicant.

II. Procedural Schedule

Pursuant to § 54.253(e) of PURA² the Commission may not authorize a utility to cease operations under Subsection (d) **before the 61st day** after the date the utility gives notice as required by § 54.253(b). Accordingly, this application serves as Applicants' notice to the Commission of the intent to cease operations and the 61st day following notice to the Commission is June 15, 2013.

¹ Application of 360networks (USA) inc. for a Service Provider Certificate of Operating Authority, Docket No. 23214, Notice of Approval (Mar. 20, 2001).

² Public Utility Regulatory Act, TEX. UTIL. CODE ANN. §§ 11.001 – 66.016 (Vernon 2007 & Supp. 2012) (PURA).

The following procedural schedule shall apply in this docket:

Filing date	4-15-13
Commission request to <i>Texas Register</i> to notice application	4-16-13
<i>Texas Register</i> publication	4-26-13
Intervention and comment deadline	5-3-13
Commission Staff's recommendation on deficiencies/completeness	5-13-13
Commission order on deficiencies/completeness	5-14-13
Commission Staff's final recommendation	5-28-13
Deadline to request a hearing	5-28-13
Order approving or denying application	6-14-13
Day 60	6-15-13

III. Procedures

The Commission's procedural rules apply in this docket, unless otherwise specified. The Commission's rules are available at: www.puc.texas.gov.

A. Filing

All pleadings must state the docket number assigned to this proceeding. Parties shall file seven (7) copies of all pleadings. All documents must be filed by 3:00 p.m. on the date due unless otherwise ordered. Responses to any motion or other pleading shall be filed within **three (3) working days** after the filing of the motion or other pleading.

B. Service

A copy of documents filed with the Commission must be served on all parties according to P.U.C. PROC. R. 22.74. The Commission will send documents to a party by first class mail unless the party requests express delivery and provides an express delivery account number. Parties should contact Ms. Angie Sell at (512) 936-7219 to arrange express delivery. The Commission will only send documents to one address per party. Any corrections to the Commission's service list should be directed to Ms. Sell. The following presumptions regarding the time of receipt shall apply unless the presiding officer is notified of the actual time of receipt:

Service Method	Presumed Time of Receipt
In person or by agent	Date of filing
Courier receipted delivery	No later than the day after filing
Fax by 3:00 p.m. on a working day	Same day
Fax on a non-working day or after 3:00 p.m. on a working day	Next working day
Regular mail, certified mail, or registered mail	Within three days after filing

C. Extensions of Time for Filing

In addition to complying with P.U.C. PROC. R. 22.4(b), motions for extension of time to file a document shall propose a new date or dates and shall state whether the parties agree to the new date or dates. If the requested extension requires an extension of the 60-day period in this docket, the motion shall indicate this and state good cause for extending the 60-day period.

D. Discovery

Parties may obtain formal discovery only through oral depositions. The parties may informally request information, but the Commission will not resolve any disputes regarding informal discovery.

E. Ex Parte Communications

Ex parte communications with the administrative law judge are prohibited. Parties should communicate with the administrative law judge only through written documents filed with the Commission’s Filing Clerk and served on all parties.

IV. Protective Order

Should the need for a protective order become necessary in this proceeding, a request shall be filed not later than **April 24, 2013**.

SIGNED AT AUSTIN, TEXAS the 16th day of April 2013.

PUBLIC UTILITY COMMISSION OF TEXAS



IRENE MONTELONGO
DIRECTOR, DOCKET MANAGEMENT