

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Cogent Communications of California, Inc. for a Certificate of Public Convenience and Necessity to Provide Competitive Resold and Facilities-Based Local Exchange Service, IntraLATA and Intra-State InterLATA Services in the State of California.

Application 02-02-010
(Filed February 13, 2002)

DECISION CLOSING APPLICATION**I. Summary**

Cogent Communications of California, Inc. (Applicant) filed this application for a certificate of public convenience and necessity (CPCN) under Pub. Util. Code § 1001 for authority to provide facilities-based and resold local exchange and interexchange telecommunications services. By Decision (D.) 02-09-012, Applicant was granted authority to provide limited facilities-based and resold local exchange and interexchange services. The application was left open to address its proposed construction pursuant to the California Environmental Quality Act (CEQA). Applicant has since decided not to construct facilities at this time, except to the extent authorized in D.02-09-012. At the request of Applicant, we close this application.

II. Discussion

Applicant filed its application on February 13, 2002, requesting authority to provide facilities-based local exchange and interexchange telecommunications services. By D.02-09-012, Applicant was granted limited facilities-based and

resale authority. The application remained open to address the review of its proposed construction under CEQA. Applicant has since decided not to construct facilities except to the extent authorized in D.02-09-012. On April 1, 2003, Applicant filed a motion asking to withdraw its request for approval of construction, except to the extent authorized in D.02-09-012, and requesting that this proceeding be closed. Applicant represents that it will file an application for additional authority if it decides to construct facilities beyond those covered by its existing authority.

Applicant has no current plans to construct facilities, except to the extent authorized in D.02-09-012, and understands the requirement to file an application for approval of construction not covered by its current authority. Therefore, we will grant its motion.

III. Comments on Draft Decision

This is an uncontested matter in which the decision grants the requested relief. Therefore, pursuant to Pub. Util. Code § 311(g)(2), the otherwise applicable 30-day period for public review and comment is being waived.

IV. Assignment of Proceeding

Loretta M. Lynch is the Assigned Commissioner and Jeffrey P. O'Donnell is the assigned Administrative Law Judge in this proceeding.

Findings of Fact

1. By D.02-09-012, Applicant was granted authority to provide limited facilities-based and resold local exchange and interexchange services.
2. Applicant filed a motion requesting to withdraw its request for approval of construction, except to the extent authorized in D.02-09-012, and requesting that this proceeding be closed.

3. Applicant has no current plans to construct facilities, except to the extent authorized in D.02-09-012, and understands the requirement to file an application for approval of construction not covered by its current authority.

Conclusions of Law

1. Applicant's motion to withdraw its request for approval of construction, except to the extent authorized in D.02-09-012, should be granted.
2. The application should be closed.
3. This order should be made effective immediately in order to clear this application from the Commission's list of active proceedings.

O R D E R

IT IS ORDERED that:

1. The motion of Cogent Communications of California, Inc. to withdraw its request for approval of construction, except to the extent authorized in Decision 02-09-012, is granted.
2. This proceeding is closed.

This order is effective today.

Dated _____, at San Francisco, California.