

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Application for Approval of the)
Transfer of Control of DSLnet Communications, LLC) **Case No. LO-2007-0133**
to MDS Acquisition, Inc.)

ORDER DIRECTING FILING

Issue Date: October 5, 2006

Effective Date: October 5, 2006

This order directs the Staff of the Commission to file a pleading informing the Commission when it will file its recommendation in this matter.

DSLnet Communications, LLC ("DSLnet") is a Delaware limited liability company which is duly authorized to do business in Missouri as a foreign limited liability company. DSLnet has been certificated in Missouri as an interexchange and nonswitched local exchange telecommunications company since June 8, 1999. MDS Acquisition, Inc. ("MDSAI"), a privately held Delaware corporation, is a wholly owned subsidiary of MegaPath, Inc. ("MegaPath"), and was formed for the purpose of acquiring DSLnet. On September 28, 2006, DSLnet and MDSAI filed an Application seeking the Commission's approval of certain business transactions whereby MDSAI will acquire direct voting control of DSLnet and DSLnet will also become a wholly owned indirect subsidiary of MegaPath.

Although they have not filed a separate motion for expedited treatment, DSLnet and MDSAI have requested that the Commission promptly commence its examination of the proposed transactions so the Commission can be in a position to approve them as soon as possible.

The Commission will order Staff to file a pleading informing the Commission when it will file its recommendation. This pleading shall also address the jurisdictional issues raised in the Application.¹

IT IS ORDERED THAT:

1. The Staff of the Commission shall file a pleading informing the Commission when it will file its recommendation no later than October 13, 2006.
2. This order shall become effective on October 5, 2006.

BY THE COMMISSION

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', written over a horizontal line.

Colleen M. Dale
Secretary

(S E A L)

Benjamin H. Lane, Regulatory
Law Judge, by delegation of authority
under Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 5th day of October, 2006.

¹ In their Application, DSLnet and MDSA aver that the proposed transfer of control will not result in a transfer of DSLnet's certificates, assets, or customers and will be seamless and transparent to Missouri consumers since DSLnet will continue to offer the services it currently offers with no change in the rates, terms, or conditions of service. For these reasons and others, DSLnet and MDSA observe that the proposed transactions may not be within the jurisdiction of the Commission. Cf. Order Dismissing Joint Application, Case No. TM-2006-0452 (issued June 13, 2006).