

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

Cancellation of Certificate of Service)	
Authority and Cancellation of Tariff of)	<u>File No. XD-2011-0184</u>
AboveNet Communications, Inc.)	

WITHDRAWAL OF STAFF MOTION

COMES NOW the Staff of the Missouri Public Service Commission and states as follows:

1. On December 29, 2010, the Staff filed a Motion to Cancel the certificate of service authority granted on March 17, 2004, to AboveNet Communications, Inc. (“the Company”), because it reported no Missouri jurisdictional revenue for the past two years. Staff’s motivation for its filing was not to be punitive, but to merely remove those telecommunications companies not actively involved in providing services in Missouri to better maintain the Commission’s records.

2. On January 7, 2011, the Company filed its Objection to the Staff’s Motion on the basis that it did provide telecommunications services in the State of Missouri, but that, for the past two years, the service was only interstate private line, yielding no Missouri jurisdictional revenue. The Staff’s Motion, if granted, could interfere with the Company’s ability to provide telecommunications services in Missouri, which the Staff views as an undesirable result.

3. The Staff, although it is withdrawing its Motion, will continue to examine ways in which such companies can be assessed some portion of the PSC’s operating expenses, so that they do not unfairly burden the ratepayers of other telecommunications carriers.

WHEREFORE, Staff withdraws its Motion to cancel the Certificate of Service Authority and tariff for AboveNet Communications, Inc. and asks that this matter be closed without further Commission action.

Respectfully submitted,



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Certificate of Service

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 16th day of February, 2011.

