

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

|   |   |                                     |
|---|---|-------------------------------------|
| In the Matter of the Application of           | ) |                                     |
| American Fiber Systems, Inc. for              | ) | <b><u>File No. TD-2013-0465</u></b> |
| Approval to Cancel its Certificate of         | ) | Tracking No. JX-2004-0989           |
| Service Authority and Withdrawal of Tariff(s) | ) |                                     |

**ORDER CANCELING CERTIFICATE AND  
ACCOMPANYING TARIFF AND GRANTING WAIVER**

Issue Date: May 16, 2013

Effective Date: May 26, 2013

On April 23, 2013, the Zayo Group, LLC (“Zayo”), successor in interest to American Fiber Systems, Inc. (“AFS”), (collectively, the “Company”) filed a motion requesting AFS’ certificate of service authority and accompanying tariff to provide intrastate interexchange telecommunication and nonswitched local exchange telecommunications services, limited to providing dedicated private line services in the State of Missouri be cancelled.

In File Number TA-2001-0258, the Commission granted AFS a certificate of service authority to provide intrastate interexchange telecommunication and nonswitched local exchange telecommunications services, limited to providing dedicated private line services in the State of Missouri. The Company’s tariff, P.S.C. Mo No. 1, was also approved.

Staff states in its motion that on December 31, 2012, Zayo and AFS filed a notice in a non-case submission, Tracking No. BNIR-2013-0364, which informed the Commission of planned intra-company transactions to transfer the assets and customers of AFS to Zayo. On March 22, 2013, Zayo notified the Commission that

the transactions were complete. Staff points out that neither Zayo nor AGS filed an application with the Commission under Rules 4 CSR 240-3.520 or 4 CSR 240-3.525 to merge or transfer assets. Staff indicated that in the December 2012 Notice, the Companies provided most, but not all of the information required under the rules.

Staff's recommendation further states that based on information provided by Zayo, AFS is no longer providing service in Missouri. Staff indicates that neither Zayo nor AFS are delinquent on the filing of their annual reports and neither is delinquent on the payment of their assessment to the Commission. Staff recommends that the Commission cancel AFS' certificate of service authority to provide intrastate interexchange telecommunications, nonswitched local exchange telecommunications services, and the accompanying tariff. Staff also recommends the Commission waive Rules 4 CSR 240-3.520 and 4 CSR 240-3.525.

On April 25, 2013, the Commission issued an Order Directing Notice allowing any parties to file an objection or request a hearing to do so no later than May 6, 2013. No objections or requests for a hearing were filed.

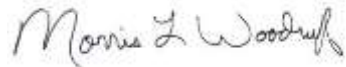
The Commission has the authority to cancel a certificate and tariff pursuant to Section 392.410.5, RSMo, which states, in part, "[a]ny certificate or service authority may be altered or modified by the commission after notice and hearing, upon its own motion or upon application of the person or company affected."

Based on Zayo's application and Staff's recommendation, the Commission finds that the certificate of service authority and accompanying tariff granted to American Fiber Systems, Inc., shall be canceled. The Commission will also grant the recommended waiver.

**IT IS ORDERED THAT:**

1. The certificate of authority to provide intrastate interexchange telecommunications, nonswitched local exchange telecommunications services, limited to providing dedicated private line services granted to American Fiber Systems, Inc., in File Number TA-2001-0258, is canceled.
2. American Fiber Systems, Inc.'s tariff, P.S.C. Mo No. 1, is canceled.
3. The requirement that the Company file an application with the Commission to merge or transfer the assets under Rules 4 CSR 240-3.520 or 4 CSR 240-3.525 is waived.
4. This order shall become effective on May 26, 2013.
5. This case may be closed on May 27, 2013.

**BY THE COMMISSION**



Morris L. Woodruff  
Secretary

Morris L. Woodruff, Chief Regulatory  
Law Judge, by delegation of authority  
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri  
on this 16th day of May, 2013.