

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

IN THE MATTER OF THE APPLICATION OF)	
AMERICAN FIBER SYSTEMS, INC.)	
FOR APPROVAL OF AN INTERCONNECTION)	Case No. TK-2004-0070
AGREEMENT WITH SOUTHWESTERN BELL)	
TELEPHONE L.P.)	

MOTION FOR LEAVE TO WITHDRAW APPLICATION

Comes now Applicant American Fiber Systems, Inc. ("American Fiber"), and moves the Commission pursuant to 4 CSR 240-2.116(a), for leave to withdraw its Application for approval of an interconnection agreement between American Fiber and Southwestern Bell Telephone Company. In support of this Motion, American Fiber states the following:

1. American Fiber initiated this proceeding on July 28, 2003, by filing an Application for approval of an interconnection agreement with Southwestern Bell Telephone Company. Two consortia of incumbent local exchange carriers, the Small Telephone Company Group and the Missouri Independent Telephone Group ("the Intervenors"), sought to intervene and to object to certain provisions of the interconnection agreement.

2. The Commission has set a hearing on this matter for October 14, 2003. American Fiber and the Intervenors filed direct testimony on October 2, and rebuttal testimony is to be filed October 9.

3. In order to eliminate the need for the October 14 hearing, American Fiber has elected to adopt the M2A interconnection agreement, which has previously been approved this Commission.¹ Adoption of that agreement obviates the need for American Fiber to seek

¹ See, M2A, Section 2.0 ("The signed Interconnection Agreement between SWBT and the CLEC shall become effective by operation of law immediately upon filing with the Commission (the 'Effective Date')."); see also, Order


Commission approval of the interconnection agreement that is the subject of this proceeding. In light of that fact, American Fiber moves for leave of the Commission to withdraw its application which initiated this proceeding. The Commission's approval of this Motion is necessary because testimony has been filed. 4 CSR 240-2.116(a).

4. The hearing is presently scheduled for October 14. To eliminate the need for counsel and witnesses to initiate travel to Jefferson City for a hearing which will not be necessary, American Fiber requests that the Commission act by October 10 on this Motion and cancel the hearing.

Wherefore, American Fiber respectfully requests that it be allowed to withdraw its Application in this proceeding, and that the Commission cancel the hearing now scheduled for October 14, 2003.

Respectfully submitted,

SONNENSCHN NATH & ROSENTHAL


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ATTORNEYS FOR AMERICAN FIBER
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Regarding Recommendation on 271 Application Pursuant to the Telecommunications Act of 1996 and Approving the Missouri Interconnection Agreement (M2A), Case No. TO-99-227, issued March 15, 2001, p. 19 ("The Commission finds that the M2A does not discriminate against a telecommunications carrier that is not a party to the agreement and that the implementation of the M2A is not inconsistent with the public interest, convenience, and necessity. CLECs may file with this Commission any interconnection agreement that is substantively identical to the M2A and the interconnection agreement will be considered approved when filed.").

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served by electronic mail and United States mail, first class, postage prepaid, on all parties of record on this 9th day of October, 2003.



A handwritten signature in cursive script, appearing to read "Paul J. [unclear]", is written over a horizontal line.