

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04A-438T

[corrected caption] IN THE MATTER OF THE JOINT APPLICATION OF AFN CONSULTANTS, INC., AND AMERICAN FIBER NETWORKS, INC., TO EXECUTE A TRANSFER OF JURISDICTIONAL TELECOMMUNICATIONS SERVICES.

ORDER GRANTING APPLICATION

Mailed Date: September 30, 2004
Adopted Date: September 29, 2004

I. BY THE COMMISSION

A. Statement

1. On August 19, 2004, AFN Consultants, Inc. (AFN Consultants), and American Fiber Network, Inc. (AFN Network), filed a joint application for an order authorizing a transfer of AFN Consultants' Certificate of Public Convenience and Necessity to provide Local Exchange Telecommunication Service to AFN Network. 4 *Code of Colorado Regulations* 723-25-8.

2. The transferee, AFN Network, does not hold a Commission grant of authority.

3. AFN Network has provided sufficient information in the application to obtain a Commission grant of authority.

4. On August 23, 2004, the Commission issued a Notice of Application Filed, giving notice to all interested parties. Interventions were due on or before September 22, 2004. No interventions were filed.

B. Discussion

5. The application is unopposed and may be considered without a hearing. § 40-6-109(5), C.R.S.

6. The Commission finds that the proposed transfer is not contrary to the public interest.

II. ORDER**A. The Commission Orders That:**

1. The joint application of AFN Consultants, Inc. and American Fiber Network, Inc. is deemed complete and granted.

2. The joint application for the transfer of authority from AFN Consultants, Inc. to American Fiber Network, Inc. is granted.

3. American Fiber Networks, Inc. shall hold the Certificate of Public Convenience and Necessity to provide local exchange services upon consummation of the transfer.

4. Prior to offering regulated telecommunications services in the State of Colorado, American Fiber Network, Inc. shall make a filing with the Commission to adopt the effective tariffs of AFN Consultants, Inc. on file with the Commission.

5. American Fiber Network, Inc. shall have the obligation to file an annual report with the Commission and to contribute to all applicable Colorado funds, including the Public Utilities Commission's Fixed Utilities Fund, the Colorado High Cost Support Mechanism, the Telecommunications Relay Services for the Disabled Telephone Users Program, and the Emergency Telephone Access Act Program.

6. AFN Consultants, Inc. shall continue to have the obligation to file an annual report with the Commission and to contribute to all applicable Colorado funds, including the Public Utilities Commission's Fixed Utilities Fund, the Colorado High Cost Support Mechanism, the Telecommunications Relay Services for the Disabled Telephone Users Program, and the Emergency Telephone Access Act Program up until the effective date of the transfer.

7. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
September 29, 2004.**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

CHAIRMAN GREGORY E. SOPKIN
ABSENT.