

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF KENTUCKY FIBERLINK, CO.	)	
TO ABANDON ITS CERTIFICATE OF PUBLIC	)	
CONVENIENCE AND NECESSITY AND TO	)	CASE NO. 95-516
WITHDRAW ITS TARIFF TO PROVIDE	)	
INTRASTATE TELECOMMUNICATIONS SERVICES	)	

O R D E R

By Order dated February 8, 1994, in Case No. 93-359,<sup>1</sup> the Commission granted Kentucky Fiberlink, Co. ("Kentucky Fiberlink") a certificate of public convenience and necessity to provide facilities-based interexchange telecommunications service in Kentucky. Subsequently, Kentucky Fiberlink signified its intent to provide service in Kentucky by filing its tariff with the Commission.

By letter dated November 10, 1995, Kentucky Fiberlink notified the Commission that it wishes to abandon its certificate and that its parent company, MFS Communications Company, Inc., wishes to dissolve it. Kentucky Fiberlink states that its certificate and authority to operate had been sought in anticipation of receiving a certain contract. Since Kentucky Fiberlink did not receive that contract, it did not construct the facilities contemplated by it in its application, and it has not served any customers in Kentucky.

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<sup>1</sup> Application of Kentucky Fiberlink, Co. for a Certificate of Public Convenience and Necessity to Provide Intrastate Telecommunications Services.

First, Kentucky Fiberlink's request to abandon its certificate to construct is moot. KRS 278.020(1) provides that, absent certain conditions which are not alleged to exist here, such a certificate is void if the authority granted therein is not exercised within one year. However, Kentucky Fiberlink is an entity with an approved tariff on file with the Commission. Pursuant to KRS 278.020(4), no person may abandon any utility under the jurisdiction of the Commission without prior approval of the Commission. Accordingly, KRS 278.020(4) is applicable, and Commission approval is necessary.

The Commission finds that, since Kentucky Fiberlink has never supplied service to Kentucky customers, the interests of the public will in no way be adversely affected by the withdrawal of Kentucky Fiberlink from the ranks of telecommunications providers in Kentucky. Consequently, Kentucky Fiberlink's request is reasonable and should be granted.

The evidence of record having been considered, and the Commission being otherwise sufficiently advised, IT IS THEREFORE ORDERED that:

1. The application of Kentucky Fiberlink to relinquish its status as a utility authorized to provide telecommunications service in Kentucky is granted.

2. The tariff of Kentucky Fiberlink to provide service in Kentucky is hereby canceled.

3. Kentucky Fiberlink is hereby removed from the Commission's list of active utilities.

Done at Frankfort, Kentucky, this 20th day of November, 1993.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director