

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of Pac-)
West Telecomm, Inc. for Authority to Dis-) Case No. 07-852-TP-ABN
continue All Telecommunications Service)
in the State of Ohio.)

FINDING AND ORDER

The Commission finds:

- (1) On July 25, 2007, as amended on August 1, 2007, August 9, 2007, and August 10, 2007, Pac-West Telecomm, Inc., filed an application seeking the discontinuance of all telecommunications service to customers in Ohio pursuant to its Certificate of Public Convenience and Necessity No. 90-9318. Additionally, for the reasons described below, Pac-West seeks an expedited ruling on its application. In addition to this filing, the company has filed an application with the Federal Communications Commission pursuant to 47 U.S.C. §214¹.
- (2) In support of its application, Pac-West represents that, due to severe financial difficulties, it previously filed for Chapter 11 bankruptcy protection in the United States Bankruptcy Court for the District of Delaware. The company states that as a result of its bankruptcy reorganization, and in order to satisfy its duties to its creditors, it must discontinue service to its customers in its eastern region, which includes Ohio, by August 26, 2007, rather than waiting for the completion of the 90-day automatic abandonment approval process.

Pac-West explains that it does not serve any end user customers in Ohio. Instead, the company provides service to approximately 30 wholesale customers in Ohio. These customers include Internet service providers and enhanced service providers, such as voice over the Internet providers. Pac-West explains that its customers, due to the nature of their business, tend to use multiple and redundant underlying carriers for their telecommunications services.

¹ Pac-West originally filed this application as a zero-day tariff amendment (ZTA) filing due to its belief that the relief sought pertained to Tier 2 services. The case designation was changed to an abandonment (ABN) filing due to the fact that, as a result of its request, Pac-West will cease its operations in the state of Ohio.

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The company represents that it has provided its customers with a 30-day advanced notice of the impending termination so that they may have sufficient time to pursue alternative arrangements in order avoid any service interruption. Additionally, Pac-West states that it has contacted all of its Ohio customers by telephone to ensure that they received the written notice, understand the urgency of the situation, and are taking the necessary steps to migrate their services by the established deadline. Therefore, Pac-West confirms that all of its wholesale customers are actively engaged in the planning process to arrange for new carriers and the migration of their services to those new carriers.

- (3) Rule 4901:1-6-10, Ohio Administrative Code, provides, in pertinent part, that when a local exchange company (LEC) intends to discontinue its entire operations and cancel its certificate, it must file an abandonment application and obtain Commission approval prior to discontinuing its operations.
- (4) Upon reviewing Pac-West's application, the Commission calls attention to the fact that, due to the company's desire to terminate service on August 26, 2007, the 90-day advance filing requirement of Rule 4901:1-6-10, Ohio Administrative Code, will not be satisfied. Although the Commission recognizes the unique circumstances in this case surrounding the company's desire to exit from its bankruptcy status, the Commission expects that, as a standard practice, companies file their abandonment applications in accordance with the Commission's rules.

Upon considering the application and motion for expedited treatment filed in this case, the Commission finds that they should both be approved. Therefore, Pac-West's certificate and corresponding tariff shall be cancelled effective August 26, 2007. In reaching this determination, the Commission calls attention to the fact that the company's customers have received a 30-day advance notification of the pending service termination and that the company has continued to assist in the migration of their customers to new providers. Additionally, the Commission notes that many of the Pac-West's customers use multiple and redundant underlying carriers for their telecommunications services and, therefore, should not incur a significant adverse impact as a result of the requested abandonment.

It is, therefore,

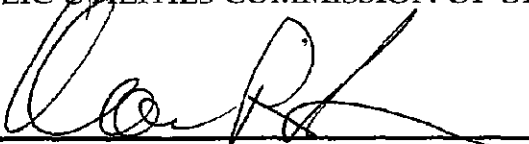

ORDERED, That Pac-West's application to abandon its operating authority is approved in accordance with Finding (4). It is, further,

ORDERED, That Certificate No. 90-9318 and its corresponding tariff should be cancelled in accordance with Finding (4). It is, further,

ORDERED, That Pac-West return its Ohio central office codes to the pooling or, where appropriate, numbering administrator in accordance with industry guidelines. It is, further,

ORDERED, That a copy of this entry be served upon all parties and interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO


Alan R. Schriber, Chairman
Paul A. Centolella
Ronda Hartman Fergus
Valerie A. Lemmie
Donald L. Mason

JSA;geb

Entered in the Journal

AUG 22 2007



Renee J. Jenkins
Secretary