

BINGHAM

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FILE

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December 10, 2008

Via Overnight Courier

Renee J. Jenkins, Director of Administration
Docketing Department
Public Utilities Commission of Ohio
180 E. Broad St.
Columbus, OH 43215-3793

RECEIVED-DOCKETING DIV.
2008 DEC 11 AM 10:28
PUCO

Re: NOTICE OF NON-CONSUMMATION
Case No. 08-1019-TP-ACO

Dear Ms. Jenkins:

Lightyear Network Solutions, LLC ("Lightyear") and Wherify Wireless, Inc. ("Wherify") (together, "Applicants") filed an Application in the above-referenced proceeding requesting approval for a transfer of control of Lightyear to Wherify. The Commission issued an approval order on September 25, 2008. On behalf of the Applicants, we hereby notify the Commission that the Applicants have reevaluated their business plans in light of current economic conditions and determined not to proceed with the proposed transaction at this time. To the extent that Applicants may in the future determine to undertake a transaction together, they will seek any necessary approval from the Commission at that time.

Enclosed for filing with the Commission are an original and ten (10) copies of this notice. Please date-stamp the enclosed extra copy of this filing and return it in the self-addressed, postage paid envelope provided. Should you have any questions concerning this filing, please do not hesitate to contact Danielle Burt at (202) 373-6039.

Respectfully submitted,

Jean L. Kiddoo
Danielle Burt

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