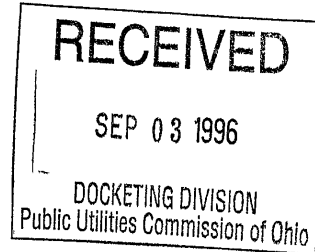


SWIDLER  
&  
BERLIN

CHARTERED

August 30, 1996



VIA OVERNIGHT DELIVERY

Docketing Department  
Public Utilities Commission of Ohio  
180 East Broad Street  
Columbus, Ohio 43266-0573

Attn: Mr. Jay Agronoff

Re: Excel Telecommunications, Inc.:  
Case No. 1996-683-TP-ACE

Dear Mr. Agronoff:

Enclosed for filing on behalf of Excel Telecommunications, Inc. ("Excel") are an original and ten (10) copies of Excel's motion to withdraw its above-referenced application to amend its Certificate of Public Convenience and Necessity to permit it to provide local exchange resale services throughout the state of Ohio, without prejudice to the ability of Excel to re-file the application after the Commission issues an Order upon rehearing in Case No. 95-845-TP-COI.

Also enclosed is an extra copy of this filing. Please date-stamp the extra copy and return it to the undersigned in the enclosed self-addressed, stamped envelope. If you have questions concerning this filing, please do not hesitate to contact the undersigned.

Sincerely,

*Katherine A. Rolph*

Margaret M. Charles

Katherine A. Rolph

Counsel to Excel Telecommunications, Inc.

cc: Mr. J. Christopher Dance

168391.1

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business.  
Technician *Ann M. Wise* Date Processed *Sept 4, 1996*

3000 K STREET, N.W. ■ SUITE 300  
WASHINGTON, D.C. 20007-5116  
(202)424-7500 ■ TELEX 701131 ■ FACSIMILE (202)424-7645



BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of )
Excel Telecommunications, Inc. )
to Amend its Certificate of Public Convenience ) 1996-683-TP-ACE
and Necessity to Permit it to Provide )
Local Exchange Resale Services )

MOTION FOR WITHDRAWAL OF APPLICATION

Excel Telecommunications, Inc. ("Excel" or "Applicant"), by its attorneys, hereby moves to withdraw, without prejudice, the above-referenced application to amend its Certificate of Public Convenience and Necessity to permit it to provide local exchange telecommunications service on a resale basis.

This application was filed on July 11, 1996, pursuant to Ohio Revised Code (R.C.) §4905.24 and Chapter 4927, the Federal Telecommunications Act of 1996, and the Commission's preliminary listing of filing elements. On June 12, 1996, the Commission issued its Finding and Order on the establishment of local exchange competition in Case No. 95-845-TP-COI. At page 71 of the Order, the Commission stated that in order to

provide for an orderly transition over to the local competition guidelines, the Commission concludes that the guidelines should become effective on August 15, 1996, and all certified local exchange carriers and current applicants should be automatically transitioned over to the guideline procedures as of that date.

The Commission noted further that

Any case which is filed prior to August 15, 1996, and is still pending as of August 15, 1996, and would appropriately be subject to an automatic time frame under the local competition guidelines, will automatically be converted over to the automatic approval process and will be treated as if the filing were made on August 15, 1996. (Order at page 72).

Subsequent to filing of the petition, Excel's counsel learned that the Commission later issued an Entry Nunc Pro Tunc in this matter on June 26, 1996,

to clarify that the local competition guidelines set forth in the [Findings and Order] took effect upon signing of the June 12, 1996 Finding and Order. The only provisions which are delayed to take effect until August 15, 1996, are the guidelines setting forth automatic approval time frames in both the certification and tariffing sections. In all other respects, the June 12, 1996 Finding and Order is in full force and effect.

Thereafter, through discussions with Commission Staff, Excel's counsel learned that in light of petitions for rehearing on its Finding and Order in Case No. 95-845-TP-COI, the Commission has delayed the automatic approval time frames associated with certification and tariffing until the issuance of a rehearing entry in Case No. 95-845-TP-COI . See Entry on Rehearing in Case No. 95-845-TP-COI, dated August 1, 1996.

In light of the current uncertainty regarding the Commission's review process and the availability of the automatic approval time frames, Excel hereby formally withdraws its application at this time, without prejudice to the ability of Excel to re-file the application after the Commission issues an Order upon rehearing in Case No. 95-845-TP-COI, clarifying the review process and the time frames for reviewing local exchange applications.

WHEREFORE, in light of the foregoing, Excel Telecommunications, Inc. respectfully requests that an order be issued granting leave to withdraw the above-referenced application, without prejudice to re-filing the application at a later date.

Respectfully submitted,

By: Katherine A. Rolph  
Margaret M. Charles  
Katherine A. Rolph  
Counsel to Excel Telecommunications, Inc.

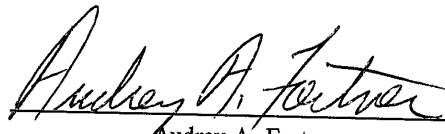
Swidler & Berlin, Chartered  
3000 K Street, N.W.  
Washington, D.C. 20007  
(202) 424-7788

August 30, 1996

CERTIFICATE OF SERVICE

I, Audrey A. Fortner, hereby certify that I have this 30th day of August, 1996, served a copy of the foregoing Motion For Withdrawal of Application by depositing a copy of the same in the United States Mail, postage prepaid, to the following:

Ellis Jacobs  
Legal Aid Society of Dayton  
333 West First Street, Suite 500  
Dayton, Ohio 45402

  
Audrey A. Fortner