(text box: 1)BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

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| IN THE MATTER OF THE APPLICATION OF PHOENIX FIBERLINK OF IDAHO, INC.  (BROOKS FIBER)FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO PROVIDE INTRASTATE TELECOMMUNICA­TIONS SERVICES WITHIN THE STATE OF IDAHO. | ))))))) | CASE NO. PFI-T-96-1  ORDER NO.  26993 |
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On July 16, 1996, Phoenix Fiberlink of Idaho, Inc. (PFI) filed an Application for a Certificate of Public Convenience and Necessity to provide local exchange telecommunications service in Idaho.  Following the merger of PFI with Brooks Fiber Communications (Brooks Fiber), PFI on April 22, 1997, filed an amended Application requesting that authorization be provided in the name of Brooks Fiber.  A Notice of Application and Notice of Modified Procedure was issued by the Commission on December 5, 1996, to process the Application.

On May 22, 1997, Brooks Fiber provided written notice to the Commission Secretary that it is withdrawing its Application in Case No. PFI-T-96-1.  According to the written notice, “Brooks has conducted a thorough review of the Idaho market and its construction plans and has decided that it will not proceed to construct a telecommunications network in Idaho at this time.”

Commission Rule of Procedure 67 permits a party to withdraw a pleading by filing a Notice of Withdrawal of the pleading with the Commission.  Brooks Fiber’s notice satisfies the requirements of Rule 67.

Based on Brooks Fiber’s representation that it no longer desires to proceed with its Application, we approve the withdrawal of Brooks Fiber’s Application and hereby close this case.

O R D E R

IT IS HEREBY ORDERED that the Application of Phoenix Fiberlink of Idaho, Inc. (Brooks Fiber) for a Certificate of Public Convenience and Necessity to provide local exchange telecommunication services in Idaho is withdrawn and this case is closed.

THIS IS A FINAL ORDER.  Any person interested in this Order (or in issues finally decided by this Order) or in interlocutory Orders previously issued in this Case No. PFI-T-96-1  may petition for reconsideration within twenty-one (21) days of the service date of this Order with regard to any matter decided in this Order or in interlocutory Orders previously issued in this Case No. PFI-T-96-1 .  Within seven (7) days after any person has petitioned for reconsideration, any other person may cross-petition for reconsideration.  See Idaho Code § 61-626.

DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this                  day of June 1997.

                                                                                                                                       DENNIS S. HANSEN, PRESIDENT

                                                                                            RALPH NELSON, COMMISSIONER

MARSHA H. SMITH, COMMISSIONER

ATTEST:

Myrna J. Walters

Commission Secretary

vld/O:PFI-T-96-1.ws2

**COMMENTS AND ANNOTATIONS**

Text Box 1:

**TEXT BOXES**

Office of the Secretary

Service Date

June 13, 1997