



Public Service Commission

-M-E-M-O-R-A-N-D-U-M-

RECORDS AND REPORTING

MAY 29 PM 1:58

RECEIVED -RSC

DATE: May 22, 2001
TO: Blanca Bayo, Director of Records and Reporting
FROM: Dan Hoppe, Director of Regulatory Oversight *DH*
 Noreen S. Davis, Director of Legal Services *NSD*
RE: Docket No. 010348-TX; Notice of proposed asset purchase agreement whereby XPEDIUS Corp. (holder of ALEC Certificate No. 7583) will purchase and Actel Integrated Communications, Inc. (holder of ALEC Certificate No. 7087) will sell, all assets of Actel.

In a letter dated May 1, 2001, from Ms. EllenAnn G. Sands, Attorney for XPEDIUS Corp. and Actel Integrated Communications, Inc., the companies requested that the application be withdrawn without prejudice. Therefore, pursuant to Section 2.07, Administrative Procedures Manual, since the applicants have requested that the application be withdrawn, the docket should be closed.

Therefore, since no further action is needed from this Commission, please close this docket.

cc: Williams, RGO
 Pena, Legal

*OK to close;
 see attached
 e-mail*

*SM
 5/29/01*

DOCUMENT NUMBER-DATE
 06676 MAY 29 2001
 FPSC-RECORDS/REPORTING

5/29/01 8:58 AM

Sandy Moses

To: Kimberley Pena
Subject: RE: Docket 010348-TX - XPEDIUS/Actel

In that case, I'll attach a copy of this e-mail to your memo to close; just so everyone is clear.

-----Original Message-----

From: Kimberley Pena
Sent: Tuesday, May 29, 2001 8:55 AM
To: Sandy Moses
Subject: RE: Docket 010348-TX - XPEDIUS/Actel

Sandy, legal writing is not a strong point on some of these people. Trust me. That's why we are always double checking these things they write. They try to say what they mean in the most sophisticated way they can, and still fall short of what they really want. That's another reason why we change docket titles so much. I have spoken to them twice and they meant to withdraw by that letter.

-----Original Message-----

From: Sandy Moses
Sent: Tuesday, May 29, 2001 8:49 AM
To: Kimberley Pena
Subject: RE: Docket 010348-TX - XPEDIUS/Actel

So they're NOT sending in a letter actually withdrawing; we're going with just their INTENTION????

-----Original Message-----

From: Kimberley Pena
Sent: Tuesday, May 29, 2001 8:48 AM
To: Sandy Moses
Cc: Tommy Williams
Subject: RE: Docket 010348-TX - XPEDIUS/Actel

yes, I have spoken to them and they want to withdraw their petition for now.

-----Original Message-----

From: Sandy Moses
Sent: Tuesday, May 29, 2001 8:42 AM
To: Tommy Williams; Kimberley Pena
Subject: Docket 010348-TX - XPEDIUS/Actel

I have a joint memo from RGO and LEG advising that by letter dated 5/1/01 the companies requested withdrawal of the application. The letter actually states the companies' INTENTION to abandon the proposed agreement. Are you certain that this is the only letter we'll be receiving?