

ORIGINAL

LAW OFFICES
Messer, Caparello & Self
A Professional Association

Post Office Box 1876
Tallahassee, Florida 32302-1876
Internet: www.lawfla.com

RECEIVED-FRSC

04 DEC 23 AM 11:56

COMMISSION
CLERK

December 23, 2004

BY HAND DELIVERY

Ms. Blanca Bayó, Director
Commission Clerk and Administrative Services
Room 110, Easley Building
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

Re: Docket Nos. 031053-TA, 031054-TA, and 031055-TS

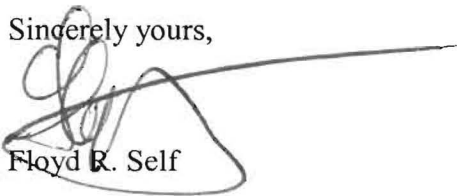
Dear Ms. Bayó:

Enclosed for filing on behalf of Metropolitan Fiber Systems of Florida, Inc., MCI
WORLDCOM Communications, Inc. and Access Network Services, Inc. are an original and fifteen
copies of their Request to Modify Cancellation Date and Notice of Voluntary Dismissal of Petition
for Formal Administrative Proceeding in the above referenced dockets.

Please acknowledge receipt of these documents by stamping the extra copy of this letter
“filed” and returning the same to me.

Thank you for your assistance with this filing.

Sincerely yours,



Floyd R. Self

- CMP _____
- COM _____
- CTR _____
- ECR _____
- GCL _____ FRS/amb
- OPC _____ Enclosures
- MMS _____ cc: Jason Rojas, Esq.
- RCA _____ Victor McKay, Esq.
- SCR _____ Mr. Tommy Williams
- SEC _____ Mr. Jeff Bates
- OTH _____ Donna Canzano McNulty, Esq.

RECEIVED & FILED

DOCUMENT NUMBER-DATE

13459 DEC 23 04

*done
alloulos
1/2/05*

COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for cancellation of AAV/CLEC Certificate No. 3151 by Metropolitan Fiber Systems of Florida, Inc., effective 1/2/04)))))) <hr/>	Docket No. 031053-TA
In re: Request for cancellation of AAV/CLEC Certificate No. 4040 by MCI WORLDCOM Communications, Inc., effective 1/2/04)))))) <hr/>	Docket No. 031054-TA
In re: Request for cancellation of STS certificate No. 1669 by Access Network Services, Inc., effective 1/2/04))))) <hr/>	Docket No. 031055-TS Filed: December 23, 2004

**REQUEST TO MODIFY CANCELLATION DATE
AND NOTICE OF VOLUNTARY DISMISSAL OF PETITION FOR FORMAL
ADMINISTRATIVE PROCEEDING**

On January 12, 2004, Petitioners, Metropolitan Fiber Systems of Florida, Inc., MCI WORLDCOM Communications, Inc., and Access Network Services, Inc. (hereinafter "Petitioners") filed a petition for formal administrative proceeding on Proposed Agency Action Order No. PSC-03-1460-PAA-TP regarding the decision of the Florida Public Service Commission ("Commission") to cancel AAV/CLEC Certificate No. 3151, issued to Metropolitan Fiber Systems of Florida, Inc., AAV/CLEC Certificate No. 4040, issued to MCI WORLDCOM Communications, Inc., and STS Certificate No. 1669 issued to Access Network Services, Inc., with an effective date of January 2, 2004. Petitioners and MCImetro Access Transmission Services, LLC, as successor in interest, hereby file a request to modify the cancellation date set forth in the Order and file this

notice of voluntary dismissal of the petition. In support of this Petition, the Petitioners request:

1. Petitioners filed a Petition for Formal Administrative Proceedings of Order No. PSC-03-1460-PAA-TP. The Petitioners disputed that, due to changed circumstances, the subject certificates should be cancelled effective January 2, 2004. The letter upon which the cancellation is based advised the Commission that WorldCom, Inc.'s Plan of Reorganization under Chapter 11 of the Federal Bankruptcy Code had been confirmed by the bankruptcy judge. The approval of the Plan allowed the parties to proceed with the reorganization with the ultimate goal of implementation of the plan, reorganization of the companies with MCImetro Access Transmission Services, LLC (hereinafter "MCImetro") and emergence of the Petitioners from bankruptcy. During previous discussions with Commission Staff, Staff requested that the Petitioners select a date certain for the cancellation, rather than a contingent time of effectiveness. Although, due to the nature of the proceeding, it was unclear as to when the final emergence from bankruptcy would occur, Petitioners agreed that January 2, 2004, was a reasonable date to expect the reorganization to become effective and the bankruptcy proceeding to conclude.

2. Due to a change in circumstances that was not within the reasonable control of the Petitioners, the reorganization of the Petitioners into MCImetro had not been completed by January 2, 2004. Petitioners requested that the certificates remain viable until the reorganization was complete and the companies emerged from the bankruptcy proceeding.

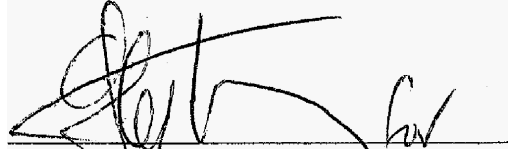
3. Petitioners also disputed the statement in the Order that the Petitioners had not paid their 2002 Regulatory Assessment Fees (RAFs), and submitted documentation that indeed those RAFs were paid in full.

4. Petitioners now notify the Commission that circumstances have changed since the filing of the Petition for Formal Proceedings. On April 20, 2004, WorldCom, Inc. emerged from bankruptcy and the parent company is now MCI, Inc. The plan of reorganization pertaining to these specified entities has been implemented through the consolidation of the Petitioners' customer bases and operations into MCImetro. The CLEC price list of MCI WORLDCOM Communications was cancelled effective June 11, 2004. Metropolitan Fiber Systems of Florida, Inc. does not have a price list on file at the Commission. Access Network Services, Inc. does not have an STS tariff on file at the Commission.

5. Accordingly, Petitioners and MCImetro Access Transmission Services, LLC, hereby request that the effective date of the cancellation of the CLEC certificate of Metropolitan Fiber Systems of Florida, Inc. and the STS certificate of Access Network Services, Inc., be modified to April 20, 2004, the date MCI emerged from bankruptcy. Further, they request that the effective date of the cancellation of the CLEC certificate of MCI WORLDCOM Communications, Inc., be modified to June 11, 2004, the date the CLEC price list was cancelled.

6. The Petitioners and MCImetro Access Transmission Services, LLC, hereby voluntarily dismiss the Petition conditioned upon approval of their request to modify the cancellation dates of the certificates.

Respectfully submitted this 23rd day of December, 2004.



Donna Canzano McNulty, Esq.
MCI
1203 Governors Square Blvd, Suite 201
Tallahassee, FL 32301
(850) 219-1008

and

Floyd Self, Esq.
Messer, Caparello & Self, P.A.
215 S. Monroe Street, Suite 701
Tallahassee, FL 32302
(850) 222-0720

Attorneys for MCImetro Access
Transmission Services, LLC, and MCI
WORLDCOM Communications, Inc.