

BEFORE THE PUBLIC UTILITY COMMISSION OF OREGON

UM 725, CP 414

In the Matter of the Application Of USOL Inc. (Formerly Firstlink Communications LLC) for Certificate of Authority to Provide Telecommunications Services in Oregon and Classification as a Competitive Telecommunications Provider.

Application for Relinquishment of Certificate of Authority to Provide Competitive Telecommunication in Oregon

PETITION OF USOL, INC. FOR WAIVER OF NOTICE REQUIREMENT OF *OAR* 860-032-0020(11)(a)

Pursuant to *OAR* 860-032-0020(16), USOL Inc. (“USOL”) respectfully submits this petition of waiver of the ninety day notification requirement of *OAR* 860-032-0020(11)(a). USOL will provide notices with all information required by section 5 of that rule, but USOL requests an extension of the time period requirement as allowed in section 16. USOL respectfully requests that the customer notification period be reduced from 90 days to 60 days. In support of this request, USOL provides the following information.

Firstlink Communications LLC was granted a Certificate of Authority to provide telecommunications services in Oregon by order number 95-202 on February 10, 1995 under docket UM 725. This Certificate of Authority was amended under the original Docket UM 725 as well as Docket CP 414. In 2000-2001 Firstlink transitioned assets and customer base to USOL Holdings Inc. On May 17, 2001, a letter was filed in Dockets UM 725 and CP 414 officially changing the name to USOL Holdings Inc. USOL filed for Chapter 11 Bankruptcy protection on November 7, 2005. Following the bankruptcy filing, AMA Wireless, L.L.C. (AMA) maintained the operations of USOL

Inc. under a management agreement. AMA took ownership of the Stock of USOL Inc. pursuant to the plan of reorganization which was confirmed on April 29, 2005. Since confirmation, AMA has continued to operate and provide service under the name USOL Inc. d/b/a U.S. Online.

USOL is a shared tenant services provider and currently provides service to approximately 525 subscribers in Oregon, predominantly in the Portland area. USOL has served customers by installing remote switching equipment in the apartment complex to be served. These remote sites are connected via private line DS1 to a host location housing the tandem switch. The host site serves as an aggregation point for connectivity to the local public switched telephone network (PSTN). The host switch serving the Portland market is located in a space leased at Portland Center, located at 255 SW Harrison, Portland, OR 97201.

On October 26, 2005 USOL received a notice of termination of tenancy without cause from Affinity Property Management. The notice had an effective date for termination of tenancy of November 26, 2005. Affinity Property Management had taken ownership of the property in September of 2005 and embarked on a large renovation project impacting the entire building. We were informed that we would not be able to retain our current space and that there was no available space in the building. We have evaluated the availability of an alternate site for our tandem switch and the cost to move existing point to point and PSTN connectivity and determined that to do so would not be economically or technically feasible given the circumstances. We have advised the property owner of the notice requirements under 860-032-0020. They have expressed

willingness to work with us and we have tentatively agreed to vacate the premise following a reduced 60 day notice of abandonment to our subscribers.


Due to the shortened notice time available, we intend to take strides to reduce the inconvenience this will cause our subscribers. We have made contact with local exchange carriers in order to advise them of the potential orders that will result from our departure. It is our desire to be able to provide customers with as much contact information as possible as they seek to arrange for service from an alternate local exchange carrier.

Given the abbreviated time constraints, USOL intends to provide subscribers notice of abandonment by November 11, 2005. For the reasons previously discussed, USOL respectfully requests that the Commission waive the 90 day notification requirement and allow USOL to provide such notice 60 days prior to the abandonment of service.

Dated: November 8, 2005

Respectfully submitted

USOL Inc.


Dell Purdy

Regulatory Compliance Manager