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2 BEFORE THE PUBLIC UTILITY COMMISSION OF OREGON

3 CP 886

4 In the Matter of the Application of InFlow, Inc.
5 for a Certificate of Authority to Provide
6 Telecommunications Service in Oregon and
7 Classification as a Competitive
8 Telecommunications Provider

9 Application for Transfer of Certificate of
10 Authority to Provide Competitive
11 Telecommunications Services in Oregon to
12 SunGard Network Solutions Inc.

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

11 Pursuant to OAR 860-032-0020(16) and 860-013-0020, petitioner InFlow, Inc.
12 ("InFlow") respectfully submits this petition for waiver of the timing provision of the notice
13 requirement of OAR 860-032-0020(11)(a). Specifically, InFlow requests a waiver of the
14 requirement that InFlow provide customers 90 days prior notice of its intention to abandon
15 certain services. InFlow fully intends to provide notices including all of the information required
16 by that rule; however, InFlow requests permission to provide such notice 30 days prior to
17 abandonment of service instead of 90 days. In support of this Petition, InFlow provides the
18 following information.

19 On July 1, 2005, InFlow submitted an electronic Application for Transfer of Certificate
20 of Authority to Provide Competitive Telecommunications Services in Oregon, seeking to transfer
21 that certificate to a corporate affiliate, SunGard Network Solutions Inc. ("SNS").¹ On June 30,
22 2005, InFlow and SNS submitted a letter to Ms. Lois Meerdink of Commission Staff explaining
23 the relationship between InFlow and SNS and the background and reason for requesting the
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26 ¹ Inflow and SNS submitted the original application on July 12, 2005.

1 transfer. As stated in that letter, InFlow's parent corporation has been acquired by SunGard SAS
2 Holdings Inc. ("SASH"), an indirect, wholly-owned subsidiary of SunGard Data Systems Inc.
3 ("SDS"), a publicly traded Delaware corporation. SNS is another indirect, wholly-owned
4 subsidiary of SDS. In connection with a pending transaction, all of the assets and liabilities of
5 InFlow will be transferred to SunGard Availability Services LP ("SASLP"), an affiliate of SNS;
6 however, the Oregon certificate currently held by InFlow will be assigned to SNS. SASLP will
7 continue to operate the business of InFlow, although SNS will provide the telecommunications
8 services currently included as a component of the services provided to some Inflow customers.

9 InFlow currently provides a combination of complex hosting services, managed
10 information technology services, infrastructure management, business continuity services
11 (including disaster recovery and testing), internet access and related network services to its
12 business customers who locate their servers and other equipment in InFlow's data centers,
13 including a data center located in Oregon. The certificate held by InFlow authorizes it to provide
14 non-switched (dedicated), private line, point-to-point, data transmission services between a
15 customer's facilities and the customer's equipment located at the InFlow Data Network
16 Exchange. InFlow's data transmission services are offered only as a component of a broader,
17 enhanced service offering provided by InFlow to its customers, and they represent only a small
18 portion of the overall services that InFlow offers to customers. At the current time, InFlow
19 provides such data transmission services pursuant to its Commission certificate to approximately
20 20 customers. There will be no interruption of service to those customers, but they will receive
21 the services from a different SDS subsidiary once the Commission grants the application to
22 transfer the certificate to SNS.

23 InFlow intends to send the notice letters required by *OAR* 860-032-0020(11)(a) to
24 affected customers by electronic mail by July 15, 2005, and by regular mail the week of July 18,
25 2005. In order to accomplish its corporate reorganization most efficiently, InFlow would like to
26 transfer its customers for data transmission services to SNS as soon as the Commission approves

1 transfer of InFlow's certificate to **SNS**, which InFlow and **SNS** hope will happen prior to August
2 31,2005. Accordingly, InFlow seeks a waiver of the requirement to provide customers 90 days
3 prior notice of its abandonment of service, and to provide only 30 days notice.

4 InFlow does not believe that any customer will be prejudiced by the requested waiver.
5 InFlow provides data transmission services to its customers only incidentally to, and as a
6 component of a broader array of services. Moreover, these customers use the data transmission
7 services only to access their equipment at InFlow's facility; they do not utilize the services for
8 other communications needs and do not use them for voice service. Accordingly, InFlow does
9 not expect that its customers will object to the transfer of service to **SNS**. Moreover, given the
10 relatively small number of such customers, InFlow can easily handle any questions or customer
11 requests to utilize another carrier for such services within a 30 day period. InFlow also does not
12 believe that the Commission will be inconvenienced by this shorter notice period. InFlow does
13 not anticipate that any of its customers will have questions for the Commission, but if they did
14 the Commission should be able to handle them without inconvenience.

15 For all of these reasons, InFlow respectfully requests that the Commission waive the
16 requirement that Inflow provide customers notice of its intention to abandon services at least 90
17 days prior to such abandonment and allow InFlow to provide such notice 30 days prior to
18 abandonment of service.

19 DATED: July 13,2005.

20 Respectfully submitted,

21 **PERKINS COIE, LLP**

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Lawrence H. Reichman, OSB No. 86083

24 Attorneys for Petitioner InFlow, Inc.
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1 **CERTIFICATE OF SERVICE**

2 I hereby certify that I caused to be served the foregoing **PETITION OF INFLOW, INC.**
3 **FOR WAIVER OF NOTICE REQUIREMENT OF OAR 860-032-0020(11)(a)** in Docket CP
4 886 on the following named person(s) on the date indicated below by

5 mailing with postage prepaid

6 electronic mail (email)

7
8 to said person(s) a true copy thereof, contained in a sealed envelope, addressed to said person(s)
9 at his or her last-known address(es) indicated below:

10 SEE ATTACHED SERVICE LIST

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12 DATED: July 13,2005

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16 Lawrence H. Reichman, OSB 86083
17 Counsel for Petitioner InFlow, Inc.

SERVICELIST
DOCKET CP 886

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