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August 13, 2004

**VIA ELECTRONIC MAIL
& OVERNIGHT DELIVERY**

Arizona Corporation Commission
DOCKETED

AUG 16 2004

Docket Control Center
Arizona Corporation Commission
1200 W. Washington Street
Phoenix, AZ 85007-2927

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AZ CORP COMMISSION
DOCUMENT CONTROL

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Re: **Docket Nos. T-04011A-03-0749, T-03777A-03-0749: *In The Matter of The Joint Application of Touch America, Inc. to Sell and Transfer To 360networks (USA) inc. Certain Lit Fiber Assets In Arizona – Compliance Filing of 360networks (USA) inc. – Proof of Performance Bond***

To Docket Control:

360networks (USA) inc. ("360networks"), by its undersigned counsel, respectfully submits the attached copy of a \$100,000 performance bond, which was procured by 360networks, as principal, from BankOne, as surety, on August 9, 2004. 360networks submits this filing in compliance with Decision No. 66737, issued by the Commission on January 20, 2004, in the above-captioned proceeding.

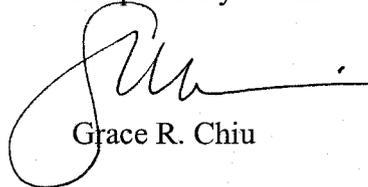
By way of background, Decision No. 66737 conditionally granted the above-referenced application upon, among other things, 360networks filing within thirty (30) days of the Decision, proof of a \$100,000 performance bond. By Procedural Order issued on May 24, 2004, the administrative law judge granted 360networks's motion for an extension of time to file the performance bond, ordering 360networks to file the performance bond as ordered in the Decision on or before August 4, 2004. Due to technical difficulties in procuring the bond, 360networks requested, by letter to the Commission dated August 4, 2004, a ten (10) day extension of time from August 4, 2004 until August 13, 2004, to file proof of the performance bond.¹

¹ Counsel to 360networks also informally notified the Commission of its filing of a request for a 10-day extension. Specifically, on August 4, 2004, the undersigned counsel spoke with Mr. John Bostwick of the Utilities Division, informing him of the request; counsel also left a voice message for Ms. Lyn Farmer, Chief Administrative Law Judge, advising of 360networks' request.

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An original and fifteen (15) copies of this filing are enclosed. Kindly date-stamp the enclosed extra copy of this filing and return it in the self-addressed, postage paid envelope provided. Should you have any questions regarding this filing, please contact the undersigned.

Respectfully submitted,



Grace R. Chiu

Counsel to 360networks (USA) inc.

Attachment

cc (via e-mail):

Ms. Lyn Farmer (ACC)
Mr. John Bostwick (ACC)
Mr. Gary Ray (360)
Mr. Michael W. Patten (RDH)

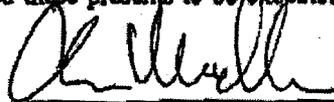
BOND FOR UTILITY USERS

KNOW ALL MEN BY THESE PRESENTS: That we, 360networks(USA)inc, Principal, and BankOne as Surety are jointly and severally bound unto the users of Principal in the sum of \$ 100,000, lawful money of the United States of America, to be paid as hereinafter provided for which payment will and truly to be made, we bind ourselves, and each of our successors and assigns, jointly and severally by these presents.

THE CONDITIONS OF THIS OBLIGATION ARE THAT: Whereas, the above bounden Principal has contracted with the users of the Principal for the furnishing of competitive telecommunications service.

NOW THEREFORE, if the said Principal, or any assigns of his fails to provide competitive telecommunications services so furnished, the said Surety will pay the same to the users of the Principal with the consent of the Arizona Corporation Commission as Trustee, an amount not exceeding the sum hereinabove specified.

THE BOND SHALL REMAIN IN FULL FORCE and effect until cancelled by mutual agreement of the Arizona Corporation Commission, the Principal and the Surety. The Surety's liability shall be terminated and bond cancelled upon written notice of the cancellation by the Surety to the Principal with a copy to the Arizona Corporation Commission no less than thirty days prior to the cancellation date. Notice to the Principal shall be by certified mail in a sealed envelope with the postage prepaid. Proof of notice to the Principal shall be made available to the Arizona Corporation Commission upon request. IN WITNESS Whereof, we have caused these presents to be executed this 4th day of August, 2004.



360networks(USA)inc (Principal)

360networks(USA)inc (Principal)

Attest:

BOND FOR UTILITY USERS

KNOW ALL MEN BY THESE PRESENTS: That we, 360networks(USA)inc, Principal, and BankOne as Surety are jointly and severally bound unto the users of Principal in the sum of \$ 100,000, lawful money of the United States of America, to be paid as hereinafter provided for which payment will and truly to be made, we bind ourselves, and each of our successors and assigns, jointly and severally be these presents.

THE CONDITIONS OF THIS OBLIGATION ARE THAT: Whereas, the above bounden Principal has contracted with the users of the Principal for the furnishing of competitive telecommunications service.

NOW THEREFORE, if the said Principal, or any assigns of his fails to provide competitive telecommunications services so furnished, the said Surety will pay the same to the users of the Principal with the consent of the Arizona Corporation Commission as Trustee, an amount not exceeding the sum hereinabove specified.

THE BOND SHALL REMAIN IN FULL FORCE and effect until cancelled by mutual agreement of the Arizona Corporation Commission, the Principal and the Surety. The Surety's liability shall be terminated and bond cancelled upon written notice of the cancellation by the Surety to the Principal with a copy to the Arizona Corporation Commission no less than thirty days prior to the cancellation date. Notice to the Principal shall be by certified mail in a sealed envelope with the postage prepaid. Proof of notice to the Principal shall be made available to the Arizona Corporation Commission upon request. IN WITNESS Whereof, we have caused these presents to be executed this

4 day of August, 2004.

360networks(USA)inc (Principal)

360networks(USA)inc (Principal)

Attest:

BOND FOR UTILITY USERS

KNOW ALL MEN BY THESE PRESENTS: That we, 360networks(USA) inc,
as Principal, and Bank One

as Surety are jointly and severally bound unto the users of
Principal in the sum of \$ 100,000.00, lawful money of the United States of America, to
be paid as hereinafter provided for which payment will and truly to be made, we bind
ourselves, and each of our successors and assigns, jointly and severally bc these presents.

THE CONDITIONS OF THIS OBLIGATION ARE THAT: Whereas, the above
bounden Principal has contracted with the users of the Principal for the furnishing of
telecommunications service.

NOW THEREFORE, if the said Principal, or any assigns of his fails to provide
telecommunications services so furnished, the said Surety will pay the same to the users
of the Principal with the consent of the Arizona Corporation Commission as Trustee, an
amount not exceeding the sum herein above specified.

THE BOND SHALL REMAIN IN FULL FORCE and effect until cancelled by mutual
agreement of the Arizona Corporation Commission, the Principal and the Surety. The
Surety's liability shall be terminated and bond cancelled upon written notice of the
cancellation by the Surety to the Principal with a copy to the Arizona Corporation
Commission no less than thirty days prior to the cancellation date. Notice to the Principal
shall be by certified mail in a sealed envelope with the postage prepaid. Proof of notice
to the Principal shall be made available to the Arizona Corporation Commission upon
request. IN WITNESS Whereof, we have caused these presents to be executed this
9th day of August 2004.

(Principal)

BY: Bank One

201 N/Central AZ1 1285, Phx AZ 86004

Russell Almonted
Bank One (Surety)

Attest:
