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ARIZONA CORPORATION COMMISSION
UTILITIES DIVISION
1200 W. WASHINGTON STREET
PHOENIX, AZ 85007

RECEIVED

2001 SEP 11 P 12: 52

Letter of Non-Compliance

AZ CORP COMMISSION
DOCUMENT CONTROL

September 11, 2001

Mr. David N. Link
Novo Networks Metro Services, Inc.
300 Crescent Court, Suite 800
Dallas, Texas 75201

Arizona Corporation Commission
DOCKETED

SEP 11 2001

RE: DOCKET NO. T-03997A-01-0177 DECISION NO. 63905

| | |
|-------------|------------|
| DOCKETED BY | <i>mal</i> |
|-------------|------------|

Dear Mr. Link:

This notice will inform you that Novo Networks Metro Services, Inc. has not met certain compliance requirements ordered by the Commission in the above-referenced Decision. In that Decision, the Commission conditioned approval of the application on Novo Networks Metro Services, Inc. filing certain documents with the Commission within a specific time period as described on the attached Compliance Delinquencies Report.

As a result of this non-compliance, the Certificate of Convenience and Necessity did not issue to Novo Networks Metro Services, Inc. and is void. If Novo Networks Metro Services, Inc. intends to provide service in the future within Arizona, it must either file a new application for a certificate of convenience and necessity or obtain an extension of time to comply from the Commission. If you are requesting an extension of time to comply, your request must be received by the Commission no later than thirty (30) days from the date of this notice. Your request should set forth the reasons why you did not comply with the Commission's Decision and why you should be granted an extension. The Commission will consider your request and issue an Order either granting or denying your request for extension. Address your request for an extension of time to comply to: Docket Control, Arizona Corporation Commission, 1200 West Washington Street, Phoenix, Arizona 85007. Reference in your request the Docket Number and Decision Number for this matter.

If you believe this to be in error, or, if I can answer any questions, please contact me at 602-542-0818.

Sincerely,

Patrick C. Williams
Manager, Compliance and Enforcement
Utilities Division

cc: Docket Control, with eleven copies

Compliance Delinquencies Report

Report Date: September 11, 200

COMPANY: Novo Networks Metro Services, Inc.

DOCKET NO. T-03997A-01-0177

DECISION NO. 63905

DECISION DATE: 08/06/2001

COMPLIANCE ACTION: Within 30 days of the effective date of the Commission's Decision, notify the Compliance Section of the Utilities Division of the date that the Company will begin or has begun providing service to Arizona customers.

COMPLIANCE DUE DATE: 09/05/2001

COMPLIANCE ACTION: Certificate approval subject to the Company filing conforming tariffs with the Commission within 30 days of the effective date of the Commission's Decision in accordance with the Decision.

COMPLIANCE DUE DATE: 09/05/2001



COPY

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