

ORIGINAL NEW APPLICATION

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2006 MAY 25 P 12: 57

Jean L. Kiddoo

Danielle C. Burt

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AZ CORP COMMISSION
DOCUMENT CONTROL

May 24, 2006

BY OVERNIGHT MAIL

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Brian C. McNeil, Executive Secretary

Arizona Corporation Commission

Utilities Division

1200 W. Washington Street

Phoenix, AZ 85007-2927

T-03831A-06-0344

**Re: Application of Mpower Communications Corp. to Surrender
its Certificate of Public Convenience and Necessity**

Dear Mr. McNeil:

Mpower Communications Corp. hereby files an original and thirteen (13) copies of an Application to Surrender its Certificate of Public Convenience and Necessity to provide facilities-based and resold local exchange and interexchange telecommunications services within Arizona. Also enclosed is an original and thirteen (13) copies of the proposed legal notice for the application.

Please date stamp the extra copy of this filing, and return it in the postage-prepaid, self-addressed envelope provided. Please contact the undersigned if you have any questions.

Thank you very much for your assistance in this matter.

Respectfully submitted,

Jean L. Kiddoo

Danielle C. Burt

cc: Mr. Rick Heatter (Mpower)

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ARIZONA CORPORATION COMMISSION

2006 MAY 25 P 12: 51

Application of

Mpower Communications Corp.

for Approval to Surrender Its Certificate
of Public Convenience and Necessity

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AZ CORP COMMISSION
DOCUMENT CONTROL Docket No. _____
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APPLICATION

Mpower Communications Corp. ("Mpower" or "Applicant") hereby respectfully requests that the Commission issue an order canceling Mpower's Certificate of Public Convenience and Necessity and, to the extent necessary, canceling Mpower's Arizona tariffs currently on file with the Commission.

Mpower submits the following information in support of this Application:

1. Mpower is a Nevada corporation whose principal offices are located at 175 Sulley's Trail, Ste 300, Pittsford, NY 14534. Mpower is a wholly owned subsidiary of Mpower Holding Corporation ("MPHC"), and is a facilities-based communications provider offering an integrated bundle of broadband data and voice communication services to business customers. Founded in 1996, Mpower delivers a full range of telephone, high-speed data, Internet access, and Web hosting solutions to customers in California, Nevada, and Illinois.

2. Mpower was certified by the Commission in Docket No. T-03831A to provide facilities-based and resold local exchange and interexchange telecommunications services in Arizona. However, contrary to its expectation at the time it sought the certificate, Mpower has never initiated service in the state and has no current plan to provide any such services. Mpower recognizes that should its business plans change in the future, it would need to re-apply for the requisite certificate(s).

3. Since Mpower has not provided any telecommunications services in Arizona pursuant to its certificate, no customers will be affected by the cancellation of Mpower's certificate. Accordingly, any requirement to give prior written notice of Mpower's surrender of its certificate is inapplicable in this instance because Mpower has no customers in Arizona. In addition, Mpower has no outstanding obligations to any Arizona customers in the form of deposits or pre-payments for services which have not or will not be provided.

4. To the extent necessary, Mpower also hereby withdraws, and requests cancellation of, its Arizona tariff currently on file with the Commission.

5. Mpower submits that the surrender of its certification is reasonable, necessary and not disruptive to the present or future public interest, convenience and necessity of the State of Arizona.

6. Because no customers will be affected by the cancellation of Mpower's certificate, Mpower requests that the cancellation become effective immediately or as soon as the Commission can take any necessary administrative action.

7. Questions regarding this Application should be directed to:

Jean L. Kiddoo
Danielle C. Burt
BINGHAM MCCUTCHEN LLP
3000 K Street, N.W., Suite 300
Washington, DC 20007
(202) 424-7500 (Tel)
(202) 424-7647 (Fax)
jean.kiddoo@bingham.com
danielle.burt@bingham.com

WHEREFORE, Mpower Communications Corp. respectfully requests that the Commission grant this Application and issue an Order canceling its Certificate of Public

Convenience and Necessity and, to the extent necessary, approving the cancellation of Mpower's Arizona tariff currently on file with the Commission.

Respectfully submitted,



Jean L. Kiddoo
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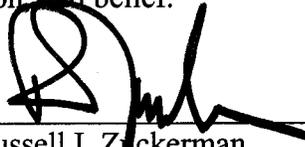
Dated: May 24, 2006

STATE OF NEW YORK
COUNTY OF **MONROE**

:
: SS
:

AFFIDAVIT

I, Russell I. Zuckerman, state that I am Senior Vice President, General Counsel and Secretary of Mpower Communications Corp.; that I am authorized to make this Affidavit on behalf of Mpower Communications Corp.; that the foregoing filing was prepared under my direction and supervision; that Mpower Communications Corp. does not have any customers under its Arizona CC&N; that Mpower Communications Corp. has not accepted any prepaid advances or deposits; and that the statements in the foregoing application are otherwise true and correct to the best of my knowledge, information, and belief.



Russell I. Zuckerman
Senior Vice President, General Counsel and Secretary
Mpower Communications Corp.

SWORN TO AND SUBSCRIBED before me on the 23rd day of May, 2006.

MARILYN H. ASH
NOTARY PUBLIC-STATE OF NEW YORK
No. 02AS6126819
Qualified in Monroe County
Commission Expires May 16, 2009



Notary Public

My commission expires: _____

**NOTICE OF APPLICATION TO CANCEL A CERTIFICATE OF
CONVENIENCE AND NECESSITY TO PROVIDE FACILITIES-BASED AND RESOLD
LOCAL EXCHANGE AND INTEREXCHANGE TELECOMMUNICATIONS
SERVICES IN ARIZONA BY MPOWER COMMUNICATIONS CORP.**

Mpower Communications Corp. ("Applicant") has filed with the Arizona Corporation Commission ("Commission") an application to cancel its Certificate of Convenience and Necessity ("Certificate") to provide facilities-based and resold local exchange and interexchange telecommunications services in the State of Arizona. Applicant does not currently provide any services in Arizona pursuant to the Certificate.

A.A.C. R14-2-1107 provides that the Commission may act on an application to cancel a Certificate without a hearing, once proper notice is effected and if no objection to the application is filed, or with a hearing if one is requested by an interested person. Interested persons must request a hearing within thirty (30) days from the date of publication of this notice, or the Commission will rule on the application without a hearing.

The application, the report of the Commission's Utilities Division Staff, and any written exceptions to the Staff Report prepared by Applicant are available for inspection during regular business hours at the offices of the Commission located at the 1200 West Washington Street, Phoenix, Arizona 85007, and at Applicant's office located at 175 Sully's Trail, Ste. 300, Pittsford, NY 14534.

Under appropriate circumstances, interested parties may intervene in the proceedings, and participate as a party. Intervention shall be in accordance with A.A.C. R 14-3-105, except that all motions to intervene must be filed on or within thirty (30) days of the date of publication of this notice. You may have the right to intervene in the proceedings, or you may make a statement for the record. If you have any comments, mail them to:

The Arizona Corporation Commission
Attention Docket Control
Re: Mpower Communications Corp.
Docket No. _____
1200 West Washington Street
Phoenix, Arizona 85007

All Comments should be received within thirty (30) days of the date of this notice.

If you have any questions about this application, or have any objections to its approval, you may contact the Consumer Services Section of the Commission at 1200 West Washington Street, Phoenix, Arizona 85007, or call 1-800-222-7000.

The Commission does not discriminate on the basis of disability in admission to its public meetings. Persons with a disability may request reasonable accommodations such as a sign language interpreter, as well as request this document in an alternative format, by contacting Shelley Hood, ADA Coordinator, by voice: (602) 542-3931, or e-mail: shood@cc.state.az.us. Requests should be made as early as possible to allow time to arrange the accommodation.

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