

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: NOS COMMUNICATIONS, INC.	DOCKET NOS. TCU-01-7 TF-01-106 WRU-01-27-591
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ORDER DISMISSING WITHOUT PREJUDICE

(Issued June 6, 2003)

On April 2, 2001, NOS Communications, Inc. (NOS), filed an application with the Utilities Board (Board) for issuance of a certificate of convenience and necessity to provide resold and facilities-based local exchange service in Iowa. The Consumer Advocate Division of the Department of Justice (Consumer Advocate) filed an objection to the issuance of a certificate on April 19, 2001. At the request of the parties, the procedural schedule was suspended by order issued June 26, 2001. On August 13, 2002, NOS requested that the suspension be continued. On May 5, 2003, the undersigned sent a letter to the parties informing them that the case would be dismissed without prejudice on June 5, 2003, unless NOS decided it was ready to proceed, voluntarily withdrew its application, or provided a compelling reason not to dismiss the case. NOS has done none of these.

Given the length of time since NOS filed its application with the Board and its inaction with respect to the application, the case should be dismissed without prejudice.

IT IS THEREFORE ORDERED:

This docket is dismissed without prejudice to NOS' ability to re-file its application in the future, and the docket is closed.

UTILITIES BOARD

/s/ Amy L. Christensen
Amy L. Christensen
Administrative Law Judge

ATTEST:

/s/ Judi K. Cooper
Executive Secretary

Dated at Des Moines, Iowa, this 6th day of June, 2003.