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117 S. GADSDEN  
TALLAHASSEE, FLORIDA 32301  
TELEPHONE (850) 222-2525  
FAX (850) 222-5606

April 10, 1998

VIA HAND DELIVERY

Ms. Blanca Bayó  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

Re: Docket No. 970174-TA - In re: Request for Cancellation of Alternative  
Access Vendor Certificate No. 3166 by ICG Telecom Group, Inc.,  
effective 1/29/98.

Dear Ms. Bayó:

Enclosed are the original and 15 copies of ICG Telecom Group, Inc.'s Notice of  
Withdrawal of Request for Cancellation in the above docket to be filed.

I have enclosed an extra copy of the above document for you to stamp and  
return to me. Please contact me if you have any questions. Thank you for your  
assistance.

ACK \_\_\_\_\_  
AFA \_\_\_\_\_  
APP \_\_\_\_\_  
CAF \_\_\_\_\_  
CMU Hunter  
CTR \_\_\_\_\_  
EAG \_\_\_\_\_  
LEG 1  
LIN \_\_\_\_\_  
OPD \_\_\_\_\_ JAM/jg  
PFI \_\_\_\_\_  
SC 1 Enclosures  
WAS \_\_\_\_\_  
OTH \_\_\_\_\_

Sincerely,

*Joe McGlothlin*  
Joseph A. McGlothlin

DOCUMENT NUMBER-DATE  
04135 APR 10 98  
FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for Cancellation  
of Alternative Access Vendor  
Certificate No. 3166 by ICG  
Telecom Group, Inc., effective  
1/29/98.

DOCKET NO. 970174-TA  
Filed: April 10, 1998

**NOTICE OF WITHDRAWAL OF REQUEST FOR CANCELLATION**

ICG Telecom Group, Inc. through its undersigned counsel, hereby gives notice of the withdrawal of its request for cancellation of AAV Certificate No. 3166, and states:

1. ICG Telecom Group, Inc. ("ICG Telecom") holds AAV Certificate No. 3166, which was transferred to ICG Telecom by Order No. PSC-94-0808-FOF-TA, issued June 29, 1994.

2. Pursuant to Rule 25-24.085, Florida Administrative Code, on March 14, 1997, ICG Telecom filed notice of its intent as holder of AAV Certificate No. 3166 to provide service as an Alternative Local Exchange Company. The Commission acknowledged and confirmed ICG Telecom's ALEC authority in Order No. PSC-97-0562-TX, issued on May 20, 1997.


3. On January 16, 1998, an individual in ICG Telecom's tax section indicated in a letter to the Commission that ICG Telecom would not be submitting regulatory assessment fees pursuant to the AAV certificate in the future. The individual was in error, and in fact had no authority to make the statement.

4. However, the erroneous communication was treated by the Commission Staff as a request to cancel the certificate, and was placed on the Consent Agenda of March 10, 1998.

5. Subsequently, the Commission issued PAA Order No. PSC-98-0409-FOF-TA, in which it proposed to cancel Certificate No. 3166.

6. Having learned of the mistake, ICG Telecom informed the Commission through letter from J. Carl Jackson, Jr., Senior Director, Governmental and External Affairs, dated April 4, 1998, that ICG Telecom intends to maintain the AAV certificate because of its plan to offer the associated alternative local exchange service. Mr. Jackson asked the Commission to stop the process to remove the certificate.<sup>1</sup> A copy of his letter is attached as Exhibit A.

7. The purpose of this Notice is to correct the January 16, 1998, communication and formally withdraw the erroneous request for cancellation on which the PAA Order is based. ICG Telecom Group hereby requests the Commission to confirm that as a consequence of this withdrawal, PAA Order No. PSC-98-0409-FOF-TA is moot and of no effect, and to confirm that ICG Telecom Group's Certificate No. 3166 remains in full force and effect.

  
\_\_\_\_\_  
Joseph A. McGlothlin  
McWhirter, Reeves, McGlothlin,  
Davidson, Rief & Bakas, P.A.  
117 South Gadsden Street  
Tallahassee, Florida 32301  
Telephone: (850) 222-2525

Attorneys for ICG Telecom Group, Inc.

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<sup>1</sup> In his letter, Mr. Jackson inadvertently referred to Certificate No. 3986, rather than No. 3166. Certificate No. 3986 is ICG's IXC certificate number. It is the subject of a separate PAA docket. ICG Telecom Group, Inc. will file a Notice of Withdrawal in that proceeding as well.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of ICG Telecom Group, Inc's  
Notice of Withdrawal of Request for Cancellation has been furnished by hand delivery  
this 10th day of April, 1998:

Martha Carter Brown  
Division of Legal Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Room 390-M  
Tallahassee, Florida 32399-0850

Kimberley Pena  
Division of Legal Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Room 370-A  
Tallahassee, Florida 32399-0850

  
\_\_\_\_\_  
Joseph A. McGlothlin



April 4, 1998

Ms. Blanca S. Bayo  
Director  
Division of Records and Reporting  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

Dear Ms. Bayo,

I am writing in regards to Docket No. 980168-TL.

ICG Telecom Group Inc. is certified as a local exchange provider in Florida, holding certificate number 3986.

A member of our tax group recently wrote the Commission advising that we sold our operations and no longer needed a local exchange certificate in Florida. Unfortunately she was incorrect. We are planning to use the certificate to provide local exchange service in the near future. She was unaware of our plans and frankly did not have the authority to make this notification. As such, we ask that the process to remove our certification be stopped immediately and protest the order.

We apologize for this mistake and would appreciate your assistance in retaining our certification. I will be glad to do whatever is necessary, so please let me know what our next course of action should be.

I can be reached at 770-350-7341 if you have any questions. Thank you very much for your assistance and consideration of our request.

Sincerely,

A handwritten signature in dark ink, appearing to read "J. Carl Jackson Jr.", is written over the typed name.

J. Carl Jackson Jr.  
Senior Director  
Government and External Affairs

**EXHIBIT A**

*An ICG Communications Company*

50 Glenlake Parkway, Suite 500 • Atlanta, Georgia 30328 • 770-350-7300 • Fax: 770-350-7410