

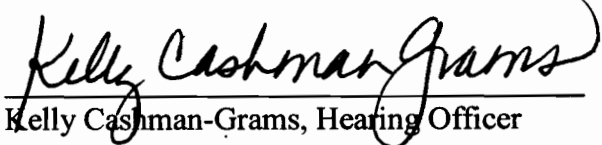
¹ *Order Holding Docket in Abeyance & Directing Parties to Provide Status Update* (November 4, 2008).

consider the petition for change-of-control, ordered that the proceedings be held in abeyance pending notice from the parties that the threshold issue is resolved.²

In its *Motion to Lift Abeyance*, Zayo notes that on December 30, 2010, the City of Memphis informed the Authority that the threshold issue had been settled and therefore withdrew its opposition to the change-of-control petition.³ Referencing an Order Dismissing Case with Prejudice filed in federal court attached to its motion, Zayo further states that litigation filed by the City of Memphis against Memphis Networkx has been “dismissed with prejudice.”⁴ In light of this development, Zayo urges the Authority to lift the imposed suspension of the proceedings. Further, Zayo asserts that it has sufficiently demonstrated its ability to operate Memphis Networkx in accordance with the applicable statutory requirements and therefore requests Authority approval of its change-of-control petition.

IT IS THEREFORE ORDERED THAT:

Abeyance of the proceedings, as ordered previously by the Hearing Officer in the *Order Holding Docket in Abeyance & Directing Parties to Provide Status Update*, is hereby lifted, and these proceedings are therefore reinstated for the Authority’s consideration of Zayo’s petition for change-of-control during a future regularly scheduled Authority Conference.


Kelly Cashman-Grams, Hearing Officer

² *Order Holding Docket in Abeyance & Directing Parties to Provide Status Update*, pp. 4-5 (November 4, 2008).

³ *Notice of the Withdrawal by City of Memphis of Its Objection to Petition of Change of Control* (December 20, 2010).

⁴ *City of Memphis, Tenn. v. Zayo Bandwith Tenn., LLC f/k/a Memphis Networkx, LLC*, Order Dismissing Case with Prejudice, U.S. District Court, Western District of Tennessee (January 24, 2011).