

**LAW OFFICE OF ALAN D. MANDL
90 GLEZEN LANE
WAYLAND, MA 01778**

*Admitted in Massachusetts
and Rhode Island*

Telephone: (508) 276 - 1365
Fax: (508) 276 - 0992
Email: alan@admlawoffice.com

December 8, 2015

VIA FED EX & E-FILE TO: DTC.EFILING@STATE.MA.US

Sara J. Clark
Secretary
Massachusetts Department of Telecommunications and Cable
1000 Washington Street, Suite 820
Boston, Massachusetts 02118-6500

Re: D.T.C. 11-7
Application of Nexus Communications, Inc. for Designation as an
Eligible Telecommunications Carrier for Low Income Support Only

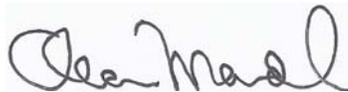
Dear Ms. Clark:

On behalf of Nexus Communications, Inc. ("Nexus"), enclosed please find for filing one (1) original, three (3) copies and one (1) "Stamp & Return" copy of the **Motion of Nexus Communications, Inc. for Withdrawal of Application Without Prejudice**.

Please date stamp the enclosed "Stamp & Return" copy of this cover letter and return it in the Fed Ex envelope provided.

Do not hesitate to contact me if the Department has any questions concerning this filing. Thank you for your assistance.

Sincerely yours,



Alan D. Mandl

Enclosure

**COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE**

_____)	
Application of Nexus Communications,)	
Inc. for Designation as an Eligible)	
Telecommunications Carrier for Low)	D.T.C. 11-7
Income Support Only)	
_____)	

**MOTION OF NEXUS COMMUNICATIONS, INC.
FOR WITHDRAWAL OF APPLICATION WITHOUT PREJUDICE**

Pursuant to 220 CMR 1.04(4)(b), Nexus Communications, Inc. (“Nexus”) respectfully requests that its Application for Designation as an Eligible Telecommunications Carrier for Low Income Support Only be withdrawn without prejudice. Nexus also requests that (1) any confidential information provided by Nexus be destroyed by the Department or returned to Nexus and removed from the docket; and (2) any confidential portions of the April 5, 2013 hearing transcript be destroyed by the Department. As grounds for its Motion, Nexus states as follows.

Nexus filed its Application on January 2, 2013. After Department discovery, an evidentiary hearing was conducted by the Department on April 5, 2013. On December 20, 2013, the Hearing Officer granted a number of requests made by Nexus for the confidential treatment of information provided by Nexus. The Hearing Officer made adverse rulings regarding two categories of information for which Nexus had sought confidential treatment and which were also the subject of appeals by Nexus at the Federal Communications Commission (“FCC”). On January 13, 2014, after a granted extension of the appeal period related to the December 20, 2013 Hearing Officer Ruling, Nexus filed a Motion for Abeyance of its Application pending rulings by the FCC regarding the information that was denied confidential treatment by the Hearing Officer. The Department granted Nexus’ Motion for Abeyance on February 26, 2014.

To date, the FCC has not ruled on one of the matters appealed by Nexus and the Application remains in abeyance.

Nexus has determined that it is in its best interests to withdraw the Application. In addition, withdrawal of its Application will reduce administrative burdens on the Department. Nexus therefore requests that the withdrawal of its Application without prejudice be allowed by the Department.

Nexus further requests that concomitant with the withdrawal of its Application, the Department either destroy or return to Nexus all information provided by Nexus under a claim of confidentiality. That information is identified in the Hearing Officer Ruling dated December 20, 2013. In addition, Nexus requests that any confidential portions of the April 5, 2013 hearing transcript be destroyed by the Department.

CONCLUSION

For the reasons above, the Department should permit the withdrawal without prejudice of Nexus' Application and destroy or return the confidential information described above.

Respectfully submitted,

NEXUS COMMUNICATIONS, INC.

By its attorneys,



Alan D. Mandl, Esq.
Law Office of Alan D. Mandl
90 Glezen Lane
Wayland, MA 01778
Tel: (508) 276 - 1365
E-mail: alan@admlawoffice.com

Danielle Frappier, *pro hac vice*
James W. Tomlinson, *pro hac vice*
Davis Wright Tremaine LLP
1919 Pennsylvania Avenue, N.W. Suite 800
Washington, DC 20006-3401
Tel: (202) 973 - 4242
E-mail: daniellefrappier@dwt.com
E-mail: jimtomlinson@dwt.com

Dated: December 8, 2015