

Habeeb Reply Affidavit – Attachment B

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**

CALIFORNIA ISP ASSOCIATION, INC.,

Complainant,

v.

PACIFIC BELL TELEPHONE COMPANY
(U-1001-C); SBC ADVANCED SOLUTIONS,
INC. (U-6346-C) AND DOES 1-20,

Defendants.

Case No. C. 01-07-027

**REQUEST OF THE CALIFORNIA ISP ASSOCIATION, INC. ("CISPA") TO
WITHDRAW MOTION FOR A TEMPORARY RESTRAINING ORDER AND
FOR AN ORDER TO SHOW CAUSE**

Based on a DSL transport service tariff filed by SBC Communications, Inc. on September 7, 2001 (the "FCC Tariff"), CISPA hereby requests to withdraw, without prejudice, its Motion for Issuance of a Temporary Restraining Order and for an Order to Show Cause, scheduled for hearing on September 17, 2001. A copy of the FCC Tariff, which by its terms becomes effective on September 10, 2001, is attached hereto.

Because the FCC Tariff affords California ISPs a means of obtaining DSL Transport service without the need for signing the "General Services Agreement" previously presented by SBC-ASI, California ISPs do not at this time face the prospect of losing access to DSL Transport services if they do not sign this Agreement. CISPA

APPLICATION TO WITHDRAW TRO WITHOUT PREJUDICE

reserves, however, the right to refile a motion for preliminary injunctive relief on this and/or other issues based on further facts as they develop.

Dated: September 10, 2001

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