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BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

MARC SPITZER, Chairman  
WILLIAM A. MUNDELL  
JEFF HATCH-MILLER  
MIKE GLEASON  
KRISTIN K. MAYES

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AZ CORP COMMISSION  
DOCUMENT CONTROL

Arizona Corporation Commission

DOCKETED

MAR 15 2004

DOCKETED BY

DOCKET NO. T-04103A-02-0274  
T-02565A-02-0274

IN THE MATTER OF THE APPLICATION OF  
OCMC, INC. TO OBTAIN A CERTIFICATE OF  
CONVENIENCE AND NECESSITY FROM ONE  
CALL COMMUNICATIONS, INC. DBA  
OPTICOM TO PROVIDE  
TELECOMMUNICATIONS SERVICES AS A  
PROVIDER OF RESOLD INTEREXCHANGE  
SERVICES AND ALTERNATIVE OPERATOR  
SERVICES WITHIN THE STATE OF ARIZONA.

**PROCEDURAL ORDER**

**BY THE COMMISSION:**

On July 15, 2002, OCMC, Inc. ("OCMC") submitted to the Arizona Corporation Commission ("Commission") an application for a Certificate of Convenience and Necessity ("Certificate") to provide resold interexchange services and alternative operator services in the State of Arizona ("Application").<sup>1</sup>

On June 24, 2002, OCMC published notice of its Application in *The Arizona Republic* notifying any interested parties of their right to intervene.

On September 20, 2002, the Commission's Utilities Division ("Staff") filed its Staff Report.

On September 24, 2002, Staff filed a Motion for Stay of Proceedings. In the Motion, Staff stated that the Federal Communications Commission ("FCC") issued a "Notice of Apparent Liability for Forfeiture" ("NAL"). Staff was unaware of this proceeding and requested that this proceeding be stayed so that Staff could conduct further discovery regarding the NAL. No objections to Staff's Motion were filed.

By Procedural Order dated October 15, 2002, Staff's Motion for Stay was granted and the time clock provisions of A.A.C. R14-2-510(E) were stayed to permit Staff additional time to conduct further discover.

<sup>1</sup> OCMC's original application filed on April 9, 2002 was amended on July 15, 2002 to include provision of AOS services.

1 On January 8, 2004, OCMC filed a Motion to Lift Stay and Notice of Substitution of Counsel.  
2 In the Motion, OCMC states that it entered into a Consent Decree with the FCC, which resolves all  
3 issues relating to the NAL and terminates the FCC's investigation. Additionally, OCMC's Motion  
4 indicates that the FCC has consented to its acquisition of the assets of One Call Communications, Inc.  
5 No objections to OCMC's Motion were filed.

6 By Procedural Order dated January 26, 2004, OCMC's Motion was granted, and Staff was  
7 ordered to submit an Amended Staff Report, which provides its recommendation with regard to: (1)  
8 approval of OCMC's Application in light of the information submitted in conjunction with OCMC's  
9 Motion; (2) whether the transfer of assets from One Call Communications, Inc. to OCMC is subject  
10 to the provisions of A.R.S. § 40-285; and (3) if the transfer is subject to that statutory provision,  
11 whether the transfer should receive retroactive approval.

12 On February 25, 2004, Staff submitted its Amended Staff Report, which indicates that the sale  
13 and transfer of assets from Opticom to OCMC is not subject to the provisions of A.R.S. § 40-285 as  
14 no physical assets were transferred, yet Staff recommends retroactive approval of the sale and  
15 transfer of assets for the same transaction.

16 The record is, therefore, unclear as to the assets transferred and sold to OCMC and the extent  
17 to which the transfer and sale of any such assets are subject to the provisions of A.R.S. § 40-285.

18 Accordingly, this matter should be set for hearing.

19 IT IS THEREFORE ORDERED that the hearing on the above Application of OCMC shall  
20 commence on **April 6, 2004 at 10:00 a.m.**, or as soon thereafter is practical, at the Commission's  
21 offices, 1200 West Washington Street, Phoenix, Arizona 85007.

22 IT IS FURTHER ORDERED that the Presiding Officer may rescind, alter, amend, or waive  
23 any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing

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1 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113 - Unauthorized  
2 Communications) applies to this proceeding as the matter is now set for public hearing.

3 DATED this 15<sup>th</sup> day of March, 2004.

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6   
AMANDA POPE  
ADMINISTRATIVE LAW JUDGE

7 Copies of the foregoing mailed/delivered  
8 this 15 day of March, 2004 to:

9 Thomas Campbell, Esq.  
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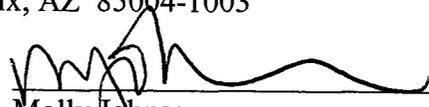
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By:   
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