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BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

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COMMISSIONERS

DOCKETED

APR 21 2004

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

DOCKETED BY [Signature]

IN THE MATTER OF THE APPLICATION OF
MAXTEL USA, INC. FOR CANCELLATION OF
ITS CERTIFICATE OF CONVENIENCE AND
NECESSITY TO PROVIDE COMPETITIVE
RESOLD LONG DISTANCE
TELECOMMUNICATIONS SERVICES IN THE
STATE OF ARIZONA.

DOCKET NO. T-03956A-04-0051

DECISION NO. 66944

ORDER

Open Meeting
April 20 and 21, 2004
Phoenix, Arizona

BY THE COMMISSION:

Having considered the entire record herein and being fully advised in the premises, the Commission finds, concludes, and orders that:

FINDINGS OF FACT

1. On March 30, 2001, in Decision No. 63535, the Commission granted to MaxTel USA, Inc. ("MaxTel" or "Applicant") a Certificate of Convenience and Necessity ("CC&N") authorizing it to provide competitive resold interexchange telecommunications services in Arizona.

2. On January 26, 2004, MaxTel filed in this docket an application requesting the cancellation of its tariffs and CC&N.

3. The application further stated that MaxTel ceased to have customers as of April 2002 and is no longer engaged in the long distance reseller business.

4. On February 25, 2004, the Commission's Utilities Division Staff ("Staff") filed a Staff Report in this matter, recommending that MaxTel's CC&N and tariffs be cancelled, and that it no longer be subject to the requirements of Decision No. 63535.

5. Staff states that MaxTel is no longer providing resold interexchange services in Arizona and has no customers. Staff also states that there are no open complaints or inquiries with the Commission concerning MaxTel, and there are no outstanding customer deposits to be refunded.

1 6. Numerous other carriers in Arizona offer services similar to those that MaxTel is
2 currently certificated to provide.

3 7. No Arizona customers will be affected by the requested cancellation.

4 **CONCLUSIONS OF LAW**

5 1. Applicant is a public service corporation within the meaning of Article XV of the
6 Arizona Constitution and A.R.S. §§ 40-281 and 40-282.

7 2. The Commission has jurisdiction over Applicant and the subject matter of the
8 application.

9 3. The cancellation of Applicant's CC&N and its tariffs is in the public interest.

10 4. Staff's recommendations in Findings of Fact No. 4 are reasonable and should be
11 adopted.

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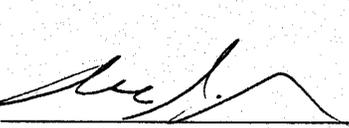
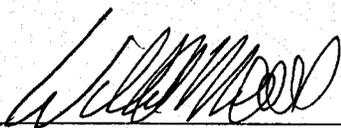
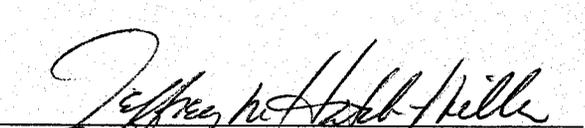
ORDER

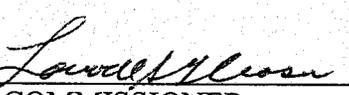
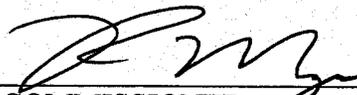
IT IS THEREFORE ORDERED that the application of MaxTel USA, Inc. for the cancellation of its Certificate of Convenience and Necessity to provide competitive resold interexchange telecommunications services in Arizona is hereby approved.

IT IS FURTHER ORDERED that MaxTel USA, Inc.'s tariffs are hereby cancelled.

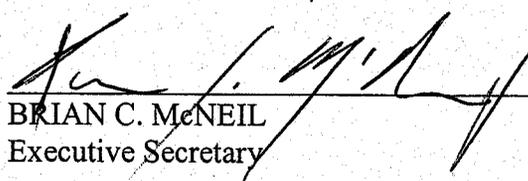
IT IS FURTHER ORDERED that this Decision shall become effective immediately.

BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

		
CHAIRMAN	COMMISSIONER	COMMISSIONER

	
COMMISSIONER	COMMISSIONER

IN WITNESS WHEREOF, I BRIAN C. McNEIL, Executive Secretary of the Arizona Corporation Commission, have hereunto, set my hand and caused the official seal of this Commission to be affixed at the Capitol, in the City of Phoenix, this 21st day of April, 2004.



BRIAN C. McNEIL
Executive Secretary

DISSENT: _____

DISSENT: _____

AP: mj

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SERVICE LIST FOR: MAXTEL USA, INC.

DOCKET NO.: T-03956A-04-0051

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