

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



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ARIZONA CORPORATION COMMISSION

2004 APR -5 P 1:37

DATE: April 5, 2004

DOCKET NO: T-03956A-04-0051

AZ CORP COMMISSION  
DOCUMENT CONTROL

TO ALL PARTIES:

Enclosed please find the recommendation of Administrative Law Judge Amanda Pope. The recommendation has been filed in the form of an Order on:

MAXTEL USA, INC.  
(CC&N CANCELLATION)

Pursuant to A.A.C. R14-3-110(B), you may file exceptions to the recommendation of the Administrative Law Judge by filing an original and thirteen (13) copies of the exceptions with the Commission's Docket Control at the address listed below by **4:00 p.m.** on or before:

APRIL 14, 2004

The enclosed is NOT an order of the Commission, but a recommendation of the Administrative Law Judge to the Commissioners. Consideration of this matter has tentatively been scheduled for the Commission's Working Session and Open Meeting to be held on:

APRIL 20 AND 21, 2004

For more information, you may contact Docket Control at (602)542-3477 or the Hearing Division at (602)542-4250. For information about the Open Meeting, contact the Executive Secretary's Office at (602) 542-3931.

Arizona Corporation Commission

**DOCKETED**

APR - 5 2004

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BRIAN C. McNEIL  
EXECUTIVE SECRETARY

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 COMMISSIONERS

3 MARC SPITZER, Chairman  
4 WILLIAM A. MUNDELL  
5 JEFF HATCH-MILLER  
6 MIKE GLEASON  
7 KRISTIN K. MAYES

8 IN THE MATTER OF THE APPLICATION OF  
9 MAXTEL USA, INC. FOR CANCELLATION OF  
10 ITS CERTIFICATE OF CONVENIENCE AND  
11 NECESSITY TO PROVIDE COMPETITIVE  
12 RESOLD LONG DISTANCE  
13 TELECOMMUNICATIONS SERVICES IN THE  
14 STATE OF ARIZONA.

DOCKET NO. T-03956A-04-0051

DECISION NO. \_\_\_\_\_

**ORDER**

15 Open Meeting  
16 April 20 and 21, 2004  
17 Phoenix, Arizona

18 **BY THE COMMISSION:**

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

21 **FINDINGS OF FACT**

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

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

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

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

4 Staff states that MaxTel is no longer providing resold interexchange services in  
5 Arizona and has no customers. Staff also states that there are no open complaints or inquiries with  
6 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 \_\_\_\_\_ day of \_\_\_\_\_, 2004.

\_\_\_\_\_  
BRIAN C. McNEIL  
Executive Secretary

DISSENT: \_\_\_\_\_

DISSENT: \_\_\_\_\_

AP: mj

1 SERVICE LIST FOR: MAXTEL USA, INC.

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

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