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THE ARIZONA CORPORATION COMMISSION

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In the Matter of the Application of )  
 ReFlex Communications, Inc. for a )  
 Certificate of Public Convenience and )  
 Necessity to Provide Facilities-Based and )  
 Resold Local Exchange, Exchange Access )  
 and Interexchange Telecommunications )  
 Services and Petition for Competitive )  
 Classification of Proposed Services )

DEC 13 2000

2000 DEC 13 A 11:44

FILED BY CP

Docket No. T-03768A-99-0443

AZ CORP COMMISSION  
DOCUMENT CONTROL

**RESPONSE OF REFLEX COMMUNICATIONS, INC. TO STAFF'S COMMENTS OF  
 NOVEMBER 29, 2000**

ReFlex Communications, Inc. ("ReFlex"), by its undersigned counsel, hereby files this response to the comments filed by the Staff of the Arizona Corporation Commission in this docket on November 29, 2000. Staff's comments were filed in response to ReFlex's October 26, 2000 answer to the request by the Commission to provide fair value rate base information.

**I. ReFlex's Proposed Solution is Similar to Staff Alternative #1 and Should be Adopted.**

Staff's comments do not address the proposal made by ReFlex in its October 26, 2000 comments and the comments filed by ReFlex on October 11, 2000 in Docket No. RT-00000D-00-0694, which ReFlex incorporated into the record of this docket. In those comments, ReFlex proposed that any order in this docket granting a certificate of convenience and necessity *not* require that ReFlex file an initial tariff within thirty days of such order, but instead, if necessary, require that ReFlex propose an initial tariff, and, if necessary, updated fair-value information, within a specified number of days before offering regulated intrastate telecommunications services in Arizona. ReFlex's proposal fits within one of the options suggested by Staff in its Alternative #1. Specifically, ReFlex accepts as reasonable a requirement that it be required to file a proposed tariff

and FVRB information, if required, at least 90 days prior to providing intrastate telecommunications services in Arizona, and to notify Staff at least ten days (or up to 90) prior to starting such service.<sup>1</sup>

As explained in its prior above-referenced filings, ReFlex submits that this proposal is preferable, in its case, to any requirement that would mandate a tariff and FVRB filing within 30 days of the issuance of a certificate in this docket. ReFlex will not be in a position to file such information within 30 days of an order, as it will not have completed its network or interconnection with other carriers. However, ReFlex agrees to comply with all applicable laws Commission regulations and will not provide intrastate telecommunications services in Arizona without receiving approval of a tariff under the procedures contemplated above, if such procedures are still required by the Commission.

## **II. ReFlex Is Not Presently Providing Intrastate Telecommunications Services in Arizona.**

The Staff Comments state that "ReFlex is currently providing service in Arizona." However, ReFlex stated at the hearing on this docket on September 7, 2000 that it is not providing regulated intrastate telecommunications services in Arizona. ReFlex has not started such service since that date, and will not provide service in violation of Commission rules or any order in this docket.

## **III. A CCN Should be Issued Without Further Delay.**

ReFlex respectfully submits that it has satisfied all criteria necessary for the grant of a certificate of convenience and necessity as requested by its Application, as filed on July 30, 1999. ReFlex requests expedited treatment of its application without further regard to the ongoing uncertainties pertaining to fair value rate regulation for competitive carriers.

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<sup>1</sup>ReFlex hopes that the Commission will implement procedures that will ensure that most disputes over FVRB filings can be resolved within 90 days of filing, but ReFlex does not request that such procedures be delineated in this docket.

WHEREFORE, ReFlex respectfully requests the issuance of a certificate of convenience and necessity at the earliest possible date, with a provision that ReFlex file a proposed tariff and any necessary FVRB information at least 90 days prior to providing regulated intrastate telecommunications services in Arizona.

Respectfully submitted,



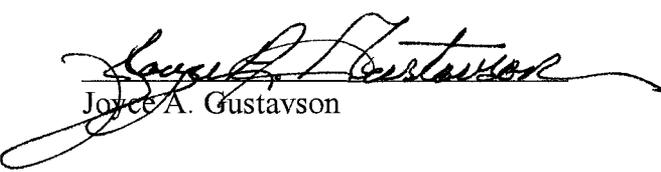
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Copy of the foregoing was mailed this day to:

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Joyce A. Gustavson

Dated: December 12, 2000