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MEMORANDUM RECEIVED

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TO: Docket Control
FROM: Ernest G. Johnson
Director
Utilities Division

EA for EGT

AZ CORP COMMISSION
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THRU: Wilfred Shand, Jr.
Manager, Telecommunications & Energy Section
Utilities Division

Matthew Rowell
Chief, Telecommunications & Energy Section
Utilities Division

Arizona Corporation Commission
DOCKETED

SEP - 3 2004

DATE: September 3, 2004

DOCKETED BY *CR*

RE: IN THE MATTER OF THE APPLICATION OF I-LINK COMMUNICATIONS, INC. TO CANCEL THEIR CERTIFICATE OF CONVENIENCE AND NECESSITY FOR RESOLD LONG DISTANCE, RESOLD LOCAL EXCHANGE, COMPETITIVE LOCAL EXCHANGE, AND INTERSTATE LONG DISTANCE TELECOMMUNICATIONS SERVICES (DOCKET NO. T-03259A-04-0127)

On February 23, 2004, I-Link Communications, Inc. ("I-Link") filed a request to cancel its Certificate of Convenience and Necessity ("CC&N") to provide telecommunications services in Arizona.

On July 29, 2004, Staff filed its Staff Report on this matter. In its Staff Report, Staff recommended approval of I-Link's request to cancel its CC&N to provide resold long distance, facilities-based long distance, resold local exchange and facilities-based local exchange service. Staff also indicated that A.A.C. R14-2-1107(A) is not applicable because I-Link has no Arizona customers.

On August 11, 2004, the Hearing Division ("Hearing") issued a Procedural Order ordering Staff to (1) clarify the services for which I-Link is certificated; (2) clarify the services which I-Link seeks to cancel; and (3) set forth the legal basis for its recommendation that the requirements set forth in A.A.C. R14-2-1107 (A) and (B) apply to I-Link. Staff was also ordered to indicate either the manner in which I-Link has satisfied the requirements of the rule or the basis for waiving the requirements that have not been satisfied.

On July 13, 2004, I-Link responded to Staff's July 12, 2004 Data Request. In this response, I-Link requested cancellation of its CC&N to provide facilities-based long distance,

resold long distance, facilities-based local exchange and resold local exchange. Staff's Report listed these as the specific services to cancel when canceling I-Link's CC&N.

Staff initially reviewed the Commission's DockCase database to obtain information about I-Link's CC&N. The DockCase database indicated that I-Link was granted a CC&N to provide resold long distance service in Decision No. 61168 and facilities-based long distance, facilities-based local exchange and resold local exchange telecommunications services in Decision No. 64708 (see attached printout from the DockCase database). After further review, Staff has determined that while I-Link does have a CC&N to provide resold long distance service, I-Link does not have a CC&N to provide facilities-based long distance, facilities-based local exchange or resold local exchange. I-Link's application to provide these services was administratively closed in Decision No. 64708.

I-Link has a CC&N granting the authority to provide only resold long distance service. Therefore, Staff recommends cancellation of its CC&N to provide resold long distance service in Arizona.

The Legal Division has advised Staff that A.A.C. R14-2-1107 (A) applies to companies which are "providing" service. Because I-Link ceased providing service on April 30, 2003, this rule is not applicable. A.A.C. R14-2-1107 (B) requires that notice be published in "all counties affected by the application". Because I-Link indicated that it has no customers, there are no counties affected and this rule is not applicable. In the event that it is determined that R14-2-1107 (A) and (B) apply to a company with no customers, Staff believes that I-Link has complied with these rules. I-Link's statement that there are no customers provides a response to A.A.C. R14-2-1107 (A)(1), (2), and (3), as well as A.A.C. R14-2-1107 (B), since there are no counties in which to publish. I-Link's indication that customer deposits were never collected provides a response to A.A.C. R14-2-1107 (A)(3).

Upon cancellation of its CC&N, I-Link will no longer be authorized to provide competitive intrastate telecommunications services as a resold long distance service provider in Arizona and therefore, will no longer be subject to the requirements of Decision No. 61168.

Originator: Adam Lebrecht

Attachment: Original and Sixteen Copies

SERVICE LIST FOR: I-LINK COMMUNICATIONS, INC.

DOCKET NO. T-03259A-04-0127

Mr. Lance Steinhart
Lance J.M. Steinhart, P.C.
1720 Windward Concourse, Suite 250
Alpharetta, Georgia 30005

Mr. Ernest G. Johnson
Arizona Corporation Commission
Utilities Division
1200 West Washington
Phoenix, Arizona 85007

Mr. Christopher C. Kempley
Arizona Corporation Commission
Legal Division
1200 West Washington
Phoenix, Arizona 85007

Ms. Lyn Farmer
Chief Administrative Law Judge
Arizona Corporation Commission
Hearing Division
1200 West Washington
Phoenix, Arizona 85007

FIND : COMPANY AND ATTORNEY &/OR CONSULTANT INFO

ESCAPE!



Find Cases for this Company

CC&N TYPE 1: R-LD

STATUS: Granted

DATE: 10/8/1998 DEC#: 61168

CC&N TYPE 2: CLEC

STATUS: Granted

DATE: 4/11/2002 DEC#: 64708

CC&N TYPE 3: RLEC

STATUS: Granted

DATE: 4/11/2002 DEC#: 64708

CC&N TYPE 4: IXC

STATUS: Granted

DATE: 4/11/2002 DEC#: 64708

CC&N TYPE 5:

STATUS:

DATE: DEC#:

CC&N TYPE 6:

STATUS:

DATE: DEC#: