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Arizona Corporation Commission
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AZ CORP COMMISSION
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DOCKET NO. T-04103A-02-0274
T-02565A-02-0274

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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

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

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" or "Applicant") 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").¹ Specifically, OCMC seeks to transfer the existing Certificate of One Call Communications, Inc. dba Opticom ("Opticom") based on its purchase of Opticom's assets.

On March 29, 2004, OCMC filed its Verified Amendment to Application, which requested a waiver pursuant to A.A.C. R14-2-1006 to allow OCMC to complete zero-minus calls, including emergency calls, over OCMC's telecommunications network. In conjunction with its waiver request, OCMC provided a description of its facilities and its zero minus call completion procedures.

On April 26, 2004, Staff filed its Amended Staff Report, which continued to recommend approval of OCMC's Application. Staff did not, however, recommend approval of OCMC's request for a waiver pursuant to A.A.C. R14-2-1006. Specifically, Staff concluded that although OCMC has the capability to process zero-minus calls quickly and accurately, it failed to provide information required by the rule relating to the manner in which the local exchange carrier ("LEC") processes

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

1 such calls.

2 On May 13, 2004, OCMC filed its Verified Response to Staff Report arguing that OCMC has
3 provided sufficient information for the Commission to grant a waiver pursuant to A.A.C. R14-2-
4 1006. OCMC argues that should it be determined, however, that OCMC has failed to provide
5 requisite data relating to the LEC's processing of such calls, a waiver of such a requirement is in the
6 public interest pursuant to A.A.C. R14-2-1014. Finally, OCMC argues that if additional information
7 relating to the LEC is required and that a waiver of such requirement is not in the public interest, it
8 should be granted the opportunity to work with Commission Staff to provide the necessary
9 information to support its request for a waiver pursuant to A.A.C. R14-2-1006.

10 By Procedural Order dated May 24, 2004, OCMC was ordered to work with Staff in an effort
11 to provide the information required pursuant to A.A.C. R14-2-1006.B relating to the manner in which
12 the LEC provides zero-minus calls. OCMC was provided 60 days in which to provide the necessary
13 information, Staff was ordered to file an Amended Staff Report indicating its recommendation with
14 regard to approval of OCMC's waiver request as set forth in its Amended Application at the
15 expiration of the 60 day period, and the time clock provisions for processing the Application were
16 further stayed until July 23, 2004.

17 On July 23, 2004, Staff filed its Motion to Extend Due Date for Staff Report, which indicated
18 that it had received no response to the data requests issued in an attempt to elicit the necessary
19 information and requested an additional 30 days to obtain and analyze the requisite information.

20 By Procedural Order dated July 26, 2004, Staff was ordered to file its Amended Staff Report
21 on or before August 23, 2004, and the time clock provisions of A.A.C. R14-2-510.E were extended
22 until August 23, 2004.

23 On August 23, 2004, Staff filed a Supplemental Staff Report, which examined OCMC's
24 request for a waiver pursuant to A.A.C. R14-2-1006 by utilizing a comparison of the facilities, call
25 completion procedures, call processing sequences, and call processing times of OCMC and Qwest as
26 the predominant LEC operating in the area to be served by OCMC. Based upon the information
27 provided by OCMC, Staff concluded that it is not possible to make an objective comparison between
28 the call processing times of OCMC and Qwest, and therefore, Staff cannot recommend granting

1 OCMC's waiver.

2 On August 26, 2004, OCMC filed a letter indicating that it is working to determine if it has
3 any additional data, which would allow Staff to make the comparisons at issue.

4 By Procedural Order dated August 30, 2004, a hearing on OCMC's request for a waiver of the
5 Commission's zero-minus rules, as set forth in OCMC's Amended Application, was set for
6 September 20, 2004.

7 The hearing was held as scheduled on September 20, 2004 and was limited in scope to the
8 issue of whether OCMC is able to process zero-minus calls with equal quickness as Qwest. Mr.
9 David Hill testified on behalf of OCMC, and Mr. Del Smith testified on behalf of Staff.

10 Mr. Hill testified that OCMC does not maintain data related solely to its zero-minus
11 emergency call times but later testified that OCMC does maintain information akin to that provided
12 by Qwest, which relates to its zero-minus call times in general.

13 Mr. Smith testified that the information provided by OCMC in response to its data requests,
14 and as set forth in Staff's August 23, 2004 Supplemental Staff Report, was subjective in nature and
15 did not provide a basis for comparison to the responses provided by Qwest.

16 Mr. Smith testified, however, that of the responses provided by Qwest, it was unclear in all
17 circumstances whether Qwest was providing information specifically related to its zero-minus
18 emergency call times or more generally to its zero-minus call times inclusive of, but not limited to,
19 zero-minus emergency call times.

20 Given OCMC's testimony that comparable data exists by which Staff may be able to
21 undertake a comparative examination of OCMC's zero-minus call processing time in relation to that
22 of Qwest, it is appropriate to hold the record open to allow such information to be submitted by
23 OCMC and considered by Staff.

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1 IT IS THEREFORE ORDERED that OCMC shall file written responses to Staff's data
2 requests relating to call processing times, as set forth in Staff's data request nos. 3, 4, and 5,² with any
3 and all statistical data relating to either OCMC's zero-minus call processing times in general or zero-
4 minus emergency call times, which may provide a basis for comparison to the statistical information
5 provided by Qwest on or before October 4, 2004.

6 IT IS FURTHER ORDERED that Staff shall file a responsive memorandum, which details its
7 comparison of the data provided by OCMC with that previously provided by Qwest and its
8 recommendation with regard to OCMC's waiver request based upon that comparison on or before
9 October 19, 2004.

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

12 DATED this 20th day of September, 2004.

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15 
16 AMANDA POPE
17 ADMINISTRATIVE LAW JUDGE

18 Copies of the foregoing mailed/delivered
19 this 20th day of September, 2004 to:

20 Michael Hallam, Esq.
21 Thomas Campbell, Esq.
22 40 North Central Ave.
23 Phoenix, Arizona 85004

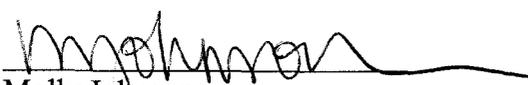
24 Anne C. Bernard
25 General Counsel
26 One Call Communications, Inc. dba Opticom
27 801 Congressional Blvd.
28 Carmel, IN 46302

² The information sought by Staff in data request nos. 3, 4, and 5 is set forth in Staff's Supplemental Staff Report dated August 23, 2004. Specifically, OCMC must provide a detailed response to the following questions: (1) what is the average call processing time from the time the caller can press "0" to the time the caller is connected to a live operator; (2) what is the average call processing time from the time the live operator is connected to the caller to the time the caller is connected with the emergency service provider; (3) what is the average operator work time; and (4) what is the total average call processing time.

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11 By: 
12 Molly Johnson
13 Secretary to Amanda Pope

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