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THE ARIZONA CORPORATION COMMISSION

DOCKETED

MAR 30 2001

WILLIAM A. MUNDELL
CHAIRMAN
JIM IRVIN
COMMISSIONER
MARC SPITZER
COMMISSIONER

DOCKETED BY	<i>sd</i>
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IN THE MATTER OF THE APPLICATION OF
OPTEL (ARIZONA) TELECOM, INC. FOR A
CANCELLATION OF ITS CERTIFICATE OF
CONVENIENCE AND NECESSITY TO PROVIDE
LOCAL EXCHANGE SERVICES

DOCKET NO. T-03365A-01-0072

DECISION NO. 63496

ORDER

Open Meeting
March 27 and 28, 2001
Phoenix, Arizona

BY THE COMMISSION:

Having considered the entire record herein and being fully advised in the premises, the Arizona Corporation Commission ("Commission") finds, concludes, and orders that:

FINDINGS OF FACT

1. OpTel (Arizona) Telecom, Inc. ("OpTel" or "Applicant") has a Certificate of Convenience and Necessity ("Certificate") to provide competitive local exchange telecommunications services in the State of Arizona pursuant to Decision No. 60780 (April 8, 1998).
2. On January 22, 2001, OpTel filed with Docket Control of the Arizona Corporation Commission ("Commission") an application requesting cancellation of the Certificate.
3. Pursuant to A.A.C. 14-2-1107, the Commission may grant the application without a hearing.
4. On February 2, 2001, OpTel filed an Affidavit of Publication indicating that on January 29, 2001, notice of its application was published in accordance with the Commission's notice requirements.
5. On February 9, 2001, the Commission's Utilities Division Staff ("Staff") filed a Staff Report recommending approval of OpTel's application for cancellation of its Certificate of Convenience and Necessity.
6. On February 13, 2001, Staff filed an Amendment to its Report.

CONCLUSIONS OF LAW

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

4 2. The Commission has jurisdiction over Applicant and the subject matter of the
5 application.

6 3. The cancellation of Applicant's Certificate is in the public interest.

7 4. Staff's recommendation in Findings of Fact No. 5 is reasonable and should be
8 adopted.

9 ORDER

10 IT IS THEREFORE ORDERED that the application of OpTel (Arizona) Telecom, Inc. for the
11 cancellation of the Certificate of Convenience and Necessity to provide competitive local exchange
12 telecommunications services shall be, and the same is hereby approved, as conditioned below.

13 IT IS FURTHER ORDERED that OpTel (Arizona) Telecom, Inc. shall file an affidavit within
14 60 days from the effective date of this Decision, indicating that all customers have been mailed notice
15 of the termination of service at least 30 days prior to the termination of service.

16 IT IS FURTHER ORDERED that OpTel (Arizona) Telecom, Inc. shall notify the Compliance
17 Section of the Arizona Corporation Commission of the date in which it intends to cease providing
18 service, within 30 days of the effective date of this Decision.

19 IT IS FURTHER ORDERED that OpTel (Arizona) Telecom, Inc. shall file an affidavit,
20 within 60 days from the date that it indicates to the Compliance Section that it will cease service,
21 verifying that all customer deposits have been refunded.

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IT IS FURTHER ORDERED that once all of the conditions, as described above, have been met, the Certificate of Convenience and Necessity shall be ordered cancelled without further order of the Commission.

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

BY ORDER OF THE ARIZONA CORPORATION COMMISSION.



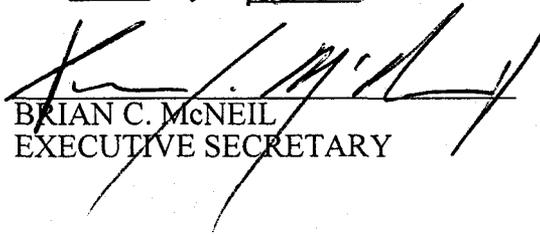
CHAIRMAN

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 the Commission to be affixed at the Capitol, in the City of Phoenix, this 30th day of March 2001.



BRIAN C. McNEIL
EXECUTIVE SECRETARY

DISSENT _____
SG:mlj

SERVICE LIST FOR:

OPTEL (ARIZONA) TELECOM, INC.

DOCKET NO.

T-03365A-01-0072

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