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COMMISSIONER  
MARC SPITZER  
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OPEN HEARING ITEM



ARIZONA CORPORATION COMMISSION

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BRIAN C. McNEIL  
EXECUTIVE SECRETARY

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*YARNELL*

TO ALL PARTIES:

*T-03365A-01-0072*

Arizona Corporation Commission

DOCKETED

MAR 13 2001

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Enclosed please find the recommendation of Hearing Officer Stephen Gibelli. The recommendation has been filed in the form of an Order on:

OPTEL (ARIZONA) TELECOM, INC.  
(CANCEL CC&N)

Pursuant to A.A.C. R14-3-110(B), you may file exceptions to the recommendation of the Hearing Officer by filing an original and ten (10) copies of the exceptions with the Commission's Docket Control at the address listed below by **4:00** p.m. on or before:

MARCH 22, 2001

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

MARCH ~~26~~<sup>27</sup>, 2001 AND MARCH ~~27~~<sup>28</sup>, 2001

For more information, you may contact Docket Control at (602)542-3477 or the Hearing Division at (602)542-4250.

BRIAN C. McNEIL  
EXECUTIVE SECRETARY

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 WILLIAM A. MUNDELL  
CHAIRMAN  
3 JIM IRVIN  
COMMISSIONER  
4 MARC SPITZER  
COMMISSIONER  
5

6 IN THE MATTER OF THE APPLICATION OF  
OPTEL (ARIZONA) TELECOM, INC. FOR A  
7 CANCELLATION OF ITS CERTIFICATE OF  
CONVENIENCE AND NECESSITY TO PROVIDE  
8 LOCAL EXCHANGE SERVICES

DOCKET NO. T-03365A-01-0072

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

**ORDER**

9 Open Meeting  
March 27 and 28, 2001  
10 Phoenix, Arizona

11 **BY THE COMMISSION:**

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

14 **FINDINGS OF FACT**

15 1. OpTel (Arizona) Telecom, Inc. ("OpTel" or "Applicant") has a Certificate of  
16 Convenience and Necessity ("Certificate") to provide competitive local exchange  
17 telecommunications services in the State of Arizona pursuant to Decision No. 60780 (April 8, 1998).

18 2. On January 22, 2001, OpTel filed with Docket Control of the Arizona Corporation  
19 Commission ("Commission") an application requesting cancellation of the Certificate.

20 3. Pursuant to A.A.C. 14-2-1107, the Commission may grant the application without a  
21 hearing.

22 4. On February 2, 2001, OpTel filed an Affidavit of Publication indicating that on  
23 January 29, 2001, notice of its application was published in accordance with the Commission's notice  
24 requirements.

25 5. On February 9, 2001, the Commission's Utilities Division Staff ("Staff") filed a Staff  
26 Report recommending approval of OpTel's application for cancellation of its Certificate of  
27 Convenience and Necessity.

28 6. On February 13, 2001, Staff filed an Amendment to its Report.

**CONCLUSIONS OF LAW**

1  
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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1 IT IS FURTHER ORDERED that once all of the conditions, as described above, have been  
2 met, the Certificate of Convenience and Necessity shall be ordered cancelled without further order of  
3 the Commission.

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

5 BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

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7			
8	CHAIRMAN	COMMISSIONER	COMMISSIONER

9  
10 IN WITNESS WHEREOF, I, BRIAN C. McNEIL, Executive  
11 Secretary of the Arizona Corporation Commission, have  
12 hereunto set my hand and caused the official seal of the  
13 Commission to be affixed at the Capitol, in the City of Phoenix,  
14 this \_\_\_\_ day of \_\_\_\_\_, 2001.

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16 \_\_\_\_\_  
17 BRIAN C. McNEIL  
18 EXECUTIVE SECRETARY

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1 SERVICE LIST FOR:

OPTEL (ARIZONA) TELECOM, INC.

2 DOCKET NO.

T-03365A-01-0072

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