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Arizona Corporation Commission
BEFORE THE ARIZONA CORPORATION COMMISSION
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25 FD

COMMISSIONERS

DEC 07 2004

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

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 2004 DEC -11 P 2:33
 AZ CORP COMMISSION
 DOCUMENT CONTROL

IN THE MATTER OF COMTECH21, LLC DBA
COMTECH21'S APPLICATION TO ACQUIRE
UNITED SYSTEMS ACCESS' CUSTOMER BASE

DOCKET NO. T-04080A-04-0510
T-04058A-04-0510

PROCEDURAL ORDER

BY THE COMMISSION:

On July 16, 2004, ComTech21, LLC dba ComTech21 ("ComTech21") filed an Application to Transfer Customer Base by which it sought approval of a transaction whereby ComTech21 will acquire approximately 112 customers from United Systems Access Services, Inc. ("United") and a waiver of the applicable carrier change authorization and verification rules.

ComTech21 also indicated that United customers would be notified by letter of the change in their interexchange service provider in conformity with the Federal Communications Commission's rules and regulation governing carrier-to-carrier customer base transfers, and ComTech21 filed a copy of their Notice of Change in Long Distance Service Provider on July 20, 2004.

On October 29, 2004, the Commission's Utilities Division Staff ("Staff") filed its Staff Report, which recommended approval of the customer base transfer and a waiver of A.A.C. R14-2-1904 and R14-2-1905.

By recommending approval of the proposed transfer of United's customer base, it is unclear, however, whether Staff is taking the position that the Commission has jurisdiction over such transactions.

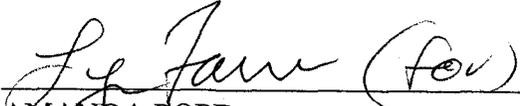
Additionally, Staff does not indicate whether the provisions of A.A.C. R14-2-1107 apply to United's transfer of its customer base given its discontinuance of service to those customers.

Accordingly, Staff should submit an Addendum to its Staff Report, which sets forth its position with regard to (1) the statutory authority or Commission rule, if any, pursuant to which Commission approval of the transfer of a customer base is required; and (2) the extent to which R14-

1 2-1107 applies to the transfer of a customer base. To the extent that Staff concludes that R14-2-1107
2 does not apply, it should indicate its basis for so concluding, and to the extent that Staff concludes
3 that R14-2-1107 does apply, it should indicate whether and why the provisions of that rule should be
4 waived.

5 IT IS THEREFORE ORDERED that Staff shall file an Addendum to its Staff Report as set
6 forth above on or before December 27, 2004.

7 DATED this 7 day of December, 2004.

8 
9 AMANDA POPE
10 ADMINISTRATIVE LAW JUDGE

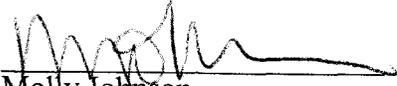
11 Copies of the foregoing mailed/delivered
12 this 7 day of December, 2004 to:

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27 By:

28 
Molly Johnson
Secretary to Amanda Pope