



BEFORE THE ARIZONA CORPORATION COMMISSION

25FD

COMMISSIONERS

Arizona Corporation Commission

DOCKETED

DEC 07 2004

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

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2004 DEC -1 P 2:38

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IN THE MATTER OF TELIGENT SERVICES,  
INC.'S NOTIFICATION OF A PROPOSED  
TRANSACTION WHEREBY TELIGENT  
SERVICES, INC. WILL TRANSFER ITS LONG  
DISTANCE CUSTOMER BASE AND  
ASSOCIATED CUSTOMER ACCOUNT  
INFORMATION TO STARTEC GLOBAL  
LICENSING COMPANY

DOCKET NO. T-03761A-04-0710  
T-03794A-04-0710

PROCEDURAL ORDER

BY THE COMMISSION:

On September 30, 2004, Startec Global Licensing Company ("Startec") and Teligent Services, Inc. ("Teligent") (collectively, the "Parties") filed a Joint Notification of Proposed Transfer of Long Distance Customer Accounts ("Notification"), which indicated that Teligent intended to transfer its long distance customer base and associated customer account information to Startec. The Notification indicated that transfer of Teligent's Certificate of Convenience and Necessity is not contemplated and not required given Startec's authority to provide resold interexchange telecommunications services in Arizona pursuant to Decision No. 63370 (February 16, 2001).

By its Notification, the Parties indicated that the proposed transaction does not involve the transfer of network facilities or telecommunications equipment, and the Parties stated their belief that Commission approval is not required for the proposed customer base transfer.

The Parties also indicated, however, that in compliance with the rules of the Federal Communications Commission ("FCC") governing carrier-to-carrier customer base transfers,<sup>1</sup> Teligent's Arizona customers would be given not less than 30 days written notice of the proposed transfer.

On October 29, 2004, the Commission's Utilities Division Staff ("Staff") filed its Staff

<sup>1</sup> 47 C.F.R. § 64.1200(e).

1 Report, which recommends approval of the customer base transfer and a waiver of A.A.C. R14-2-  
2 1904 and R14-2-1905.

3 By recommending approval of the proposed transfer of Teligent's customer base and  
4 associated account information, it is unclear, however, whether Staff is taking the position that the  
5 Commission has jurisdiction over such transactions.

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

8 Accordingly, Staff should submit an Addendum to its Staff Report, which sets forth its  
9 position with regard to (1) the statutory authority or Commission rule, if any, pursuant to which  
10 Commission approval of the transfer of a customer base is required; and (2) the extent to which R14-  
11 2-1107 applies to the transfer of a customer base. To the extent that Staff concludes that R14-2-1107  
12 does not apply, it should indicate its basis for so concluding, and to the extent that Staff concludes  
13 that R14-2-1107 does apply, it should indicate whether and why the provisions of that rule should be  
14 waived.

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

17 DATED this 7 day of December, 2004.

18   
19 AMANDA POPE  
20 ADMINISTRATIVE LAW JUDGE

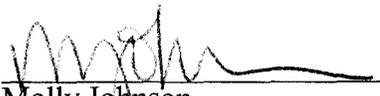
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