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BRIAN C. McNEIL
EXECUTIVE SECRETARY

WILLIAM A. MUNDELL
CHAIRMAN
JIM IRVIN
COMMISSIONER
MARC SPITZER
COMMISSIONER

OPEN MEETING ITEM



ARIZONA CORPORATION COMMISSION

2001 MAR 30 P 4: 13

Arizona Corporation Commission

DOCKETED

AZ CORP COMMISSION
DOCUMENT CONTROL

DATE: March 30, 2001

DOCKET NOS: T-03119A-00-0780

MAR 30 2001

TO ALL PARTIES:

DOCKETED BY

Enclosed please find the recommendation of Administrative Law Judge Alicia Grantham. The recommendation has been filed in the form of an Order on:

USN COMMUNICATIONS LONG DISTANCE, INC.
(RESELLER)

Pursuant to A.A.C. R14-3-110(B), you may file exceptions to the recommendation of the Administrative Law Judge 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:

APRIL 9, 2001

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

APRIL 17, 2001 AND APRIL 18, 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
7 USN COMMUNICATIONS LONG DISTANCE,
8 INC. FOR THE CANCELLATION OF THE
9 CERTIFICATE OF CONVENIENCE AND
NECESSITY TO PROVIDE RESOLD
INTRASTATE TELECOMMUNICATIONS
SERVICES IN ARIZONA

DOCKET NO. T-03119A-00-0780

DECISION NO. _____

ORDER

10 Open Meeting
11 April 17 and 18, 2001
12 Phoenix, Arizona

BY THE COMMISSION:

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

FINDINGS OF FACT

15 1. USN Communications Long Distance, Inc. ("Applicant") has a Certificate of
16 Convenience and Necessity ("Certificate") to provide resold intrastate telecommunications service in
17 the State of Arizona pursuant to Decision No. 60532 (December 18, 1997).

18 2. On October 4, 2000, Applicant filed an application with the Commission requesting
19 cancellation of its Certificate. The Applicant indicated that it no longer provides resold
20 telecommunications services in Arizona.

21 3. In Decision No. 58926 (December 22, 1994), the Commission found that resold
22 telecommunications providers ("resellers") were public service corporations subject to the
23 jurisdiction of the Commission.

24 4. On October 20, 2000, the Commission's Utilities Division Staff ("Staff") filed a Staff
25 Report, stating that Applicant is no longer doing business in Arizona, and no prepayments, deposits,
26 or advances are at risk by the cancellation of Applicant's Certificate. Staff recommended
27 cancellation of Applicant's Certificate without a hearing.
28

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. 4 is reasonable and should be
8 adopted.

9 **ORDER**

10 IT IS THEREFORE ORDERED that the application of USN Communications Long Distance,
11 Inc. for the cancellation of the Certificate of Convenience and Necessity to provide resold intrastate
12 telecommunications services shall be, and is hereby, approved.

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

14 BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

15
16
17 CHAIRMAN

COMMISSIONER

COMMISSIONER

18
19
20 IN WITNESS WHEREOF, I, BRIAN C. McNEIL, Executive
21 Secretary of the Arizona Corporation Commission, have
22 hereunto set my hand and caused the official seal of the
23 Commission to be affixed at the Capitol, in the City of Phoenix,
24 this ____ day of _____, 2001.

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26 BRIAN C. McNEIL
27 EXECUTIVE SECRETARY

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1 SERVICE LIST FOR:

USN COMMUNICATIONS LONG DISTANCE, INC.

2 DOCKET NO.

T-03119A-00-0780

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