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BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

Arizona Corporation Commission

2005 MAR 29 A 10:55

DOCKETED

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

AZ CORP COMMISSION
DOCUMENT CONTROL

MAR 29 2005

DOCKETED BY [Signature]

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

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

IN THE MATTER OF THE APPLICATION OF
UNITED SYSTEMS ACCESS TELECOM, INC. TO
CANCEL THEIR CERTIFICATE OF
CONVENIENCE AND NECESSITY TO PROVIDE
RESOLD LONG DISTANCE.

DOCKET NO. T-04058A-04-0715

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 Telecom, Inc. ("United") and a waiver of the applicable carrier change authorization and verification rules ("Application").

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 Procedural Order dated December 7, 2004, Staff was ordered to 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 R14-2-1107 applies to the transfer of a customer base. To the extent that Staff concludes that R14-2-1107 does not apply, it should indicate its basis for so concluding, and to the extent that Staff concludes that R14-2-1107 does apply, it should indicate whether and why the provisions of that rule should be waived.

On December 27, 2004, Staff filed an Addendum to its October 29, 2004 Staff Report by

1 which Staff indicated that: (1) the transfer of a customer base does not require Commission approval
2 as a transfer of assets; (2) a waiver of A.A.C. R14-2-1904 and 1905 is necessary to effectuate the
3 transfer of a customer base and should be approved in this matter; and (3) the transfer of a customer
4 base does not qualify as a discontinuance of service or abandonment of a service area such that
5 A.A.C. R14-2-1107 does not apply.

6 United also currently has pending an application to cancel its Certificate of Convenience and
7 Necessity ("CC&N") to provide resold long distance telecommunications services in Docket No. T-
8 04058A-04-0715, which was filed on September 30, 2004. Commission records indicate that
9 United's application has been deemed insufficient such that Staff's recommendation thereon will be
10 forestalled until such time as United satisfies any and all data requests issued by Staff.

11 The Application and United's cancellation application appear to be related and should be
12 considered concurrently.

13 IT IS THEREFORE ORDERED that the above-captioned matters are hereby consolidated.

14 IT IS FURTHER ORDERED that upon sufficiency of United's application to cancel its
15 CC&N, Staff shall submit its recommendation thereon and such response shall detail not only its
16 recommendation with regard to the cancellation of United's Arizona CC&N but also the manner in
17 which United has either satisfied the requirements set forth in A.A.C. R14-2-1107 or whether and
18 why any of the provisions of that rule should be waived in this matter

19 DATED this 29th day of March, 2005.

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22 
23 AMANDA POPE
24 ADMINISTRATIVE LAW JUDGE

25 Copies of the foregoing mailed/delivered
26 this 29 day of March, 2005 to:

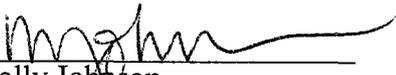
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Molly Johnson
Secretary to Amanda Pope

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