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BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

- JEFF HATCH-MILLER, Chairman
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 AZ CORP COMMISSION
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IN THE MATTER OF THE APPLICATION OF
 OCMC, INC. TO OBTAIN A CERTIFICATE OF
 CONVENIENCE AND NECESSITY FROM ONE
 CALL COMMUNICATIONS, INC. DBA
 OPTICOM TO PROVIDE
 TELECOMMUNICATIONS SERVICES AS A
 PROVIDER OF RESOLD INTEREXCHANGE
 SERVICES AND ALTERNATIVE OPERATOR
 SERVICES WITHIN THE STATE OF ARIZONA.

DOCKET NO. T-04103A-02-0274
 T-02565A-02-0274

PROCEDURAL ORDER

BY THE COMMISSION:

In Decision No. 67444 (December 3, 2004), the Arizona Corporation Commission (“Commission”) granted OCMC, Inc.’s (“OCMC”) application for authority to provide competitive resold interexchange and interLATA and intraLATA alternative operator services (“AOS”) subject to compliance with certain conditions.

The Commission also granted to OCMC a temporary waiver of the zero-minus rules as set forth in Arizona Administrative Code (“A.A.C.”) R14-2-1006.A for a period of six months. Decision No. 67444 ordered Staff to review OCMC’s performance during the pendency of the temporary waiver and provided that OCMC may file for a permanent waiver at the expiration of the six-month period.

On April 28, 2005, OCMC filed a Request to Make Waiver Permanent, by which OCMC requested a permanent waiver of A.A.C. R14-2-1006.A based upon the fact that as of the date of its filing, it was unaware of any customer complaints in Arizona relating to its provision of zero-minus service. OCMC further indicated that it would file additional verification shortly before the June 3, 2005 expiration date.

By Procedural Order dated May 25, 2005, the Commission’s Utilities Staff (“Staff”) was ordered to file a memorandum, which details not only its findings with regard to OCMC’s performance in providing zero-minus services during the past six months but also its

1 recommendation with regard to granting OCMC's request for a permanent waiver of A.A.C. R14-2-
2 1006.A based upon that performance on or before June 17, 2005.

3 On May 25, 2005, OCMC filed a Request for Expedited Issuance of Procedural Order
4 requesting an extension of the temporary waiver pending the issuance of a Decision on the permanent
5 waiver request.

6 By Procedural Order issued May 31, 2005, OCMC was granted an extension of the temporary
7 waiver until a Decision is issued by the Commission regarding the request for a permanent waiver.

8 On June 17, 2005, Staff filed a Staff Report recommending that OCMC's waiver of the zero-
9 minus rules be extended indefinitely, subject to certain reporting conditions.

10 By Procedural Order issued June 24, 2005, a hearing was set for August 18, 2005 to address
11 the "Public Safety Requirements" for AOS providers pursuant to A.A.C. R14-2-1006.A. The
12 Procedural Order directed OCMC and Staff to file testimony addressing a number of issues and
13 questions related to compliance with the Commission's rules.

14 On July 14, 2005, OCMC filed a Request to Vacate Hearing. OCMC states that a hearing is
15 not needed in this matter and a decision should be made based on the existing record. OCMC claims
16 that its zero minus processing times are as quick and accurate as those completed by Qwest. OCMC
17 also cites comments made by Commissioner Spitzer at a prior Open Meeting as a basis for
18 concluding that it has met the requirements for obtaining a permanent waiver of the zero minus rules
19 (*i.e.*, no customer complaints for the past six months). OCMC therefore requests that the August 18,
20 2005 hearing be vacated and that a recommendation on its request for a permanent waiver be
21 considered at an Open Meeting based on the existing record.

22 OCMC's insight as to "what is needed" for a full record is greatly appreciated; however,
23 pursuant to the requirements of A.A.C. R14-2-1006, OCMC and Staff were directed to address the
24 issues specifically set forth in the June 24, 2005, Procedural Order. As stated therein, OCMC and
25 Staff were ordered through pre-filed testimony and exhibits to address, at a minimum, the following:

- 26 1. How OCMC provisions zero-minus calls and an explanation of why its
27 performance does not appear to be of equal quickness to that of Qwest;
- 28 2. OCMC data regarding the accuracy of zero-minus calls and how that accuracy

1 compares to that of Qwest;

- 2 3. Whether, and how, OCMC qualifies for a permanent waiver of the
3 Commission's zero-minus rules;
- 4 4. Whether any other AOS providers have been granted a similar waiver and, if
5 so, based on what criteria;
- 6 5. Whether OCMC provides AOS in the service territories of any other LECs
7 and, if so, how its zero-minus performance compares to that of the other
LECs; and
- 8 6. Whether the transient nature of AOS end-use customers would tend to
9 minimize the number of complaints from such customers for zero-minus calls
that are handled by the AOS provider.

10 This information is necessary to determine whether OCMC has "clearly and convincingly
11 demonstrated that it has the capability to process [zero-minus] calls with equal quickness and
12 accuracy as provided by the LEC." A.A.C. R14-2-1006(B).

13 IT IS THEREFORE ORDERED that OCMC's Request to Vacate Hearing is denied.

14 IT IS FURTHER ORDERED that the August 18, 2005, hearing shall be held as previously
15 scheduled.

16 IT IS FURTHER ORDERED that OCMC shall file Direct testimony in support of its request
17 for a permanent waiver by no later than July 22, 2005.

18 IT IS FURTHER ORDERED that Staff shall file Rebuttal testimony by no later than August
19 5, 2005.

20 IT IS FURTHER ORDERED that OCMC shall file Surrebuttal testimony by no later than
21 August 12, 2005.

22 IT IS FURTHER ORDERED that the extension of the temporary waiver granted by the May
23 31, 2005 Procedural Order shall remain in effect until a final Decision is issued by the Commission
24 regarding OCMC's Request to Make Waiver Permanent.

25 IT IS FURTHER ORDERED that the ex parte rule (A.A.C. R14-3-113-Unauthorized
26 Communications) applies to this proceeding as the matter is scheduled for public hearing.

27 ...

1 IT IS FURTHER ORDERED that the Administrative Law Judge may rescind, alter, amend,
2 or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at
3 hearing.

4 DATED this 15th day of July, 2005

5
6 

7 DWIGHT D. NODES
8 ASSISTANT CHIEF ADMINISTRATIVE LAW JUDGE

9 Copies of the foregoing mailed/delivered
10 this 15 day of July, 2005 to:

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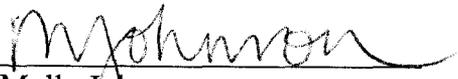
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