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BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission 254

COMMISSIONERS

2005 JUN 24 A 9 16

DOCKETED

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

AZ CORP COMMISSION
DOCUMENT CONTROL

JUN 24 2005

DOCKETED BY	<i>KJ</i>
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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 A.A.C. R14-2-1006 addresses "Public Safety Requirements" for AOS providers as follows:

- 11 A. AOS providers shall route all zero-minus calls immediately to the
12 originating LEC.
- 13 B. The Commission may, upon application of the AOS provider, issue
14 a waiver to subsection (A) of this Section if the AOS provider has
15 clearly and convincingly demonstrated that it has the capability to
16 process such calls with *equal quickness and accuracy* as provided
17 by the LEC. (emphasis added)

18 Based on the data contained in the Staff Report, it does not appear that OCMC's zero-minus
19 performance is of "equal quickness" as that reported by Qwest. Further, there does not appear to be
20 any data with respect to the accuracy of the calls for either OCMC or Qwest. Thus, it is unclear how
21 OCMC qualifies for the waiver from A.A.C. R14-2-1006(A).

22 In order to determine whether the requested permanent waiver should be granted, it is
23 necessary to conduct an evidentiary hearing on this matter. Through pre-filed testimony and exhibits,
24 OCMC and Staff should address, at a minimum, the following issues: how OCMC provisions zero-
25 minus calls and an explanation of why its performance does not appear to be of equal quickness to
26 that of Qwest; OCMC data regarding the accuracy of zero-minus calls and how that accuracy
27 compares to that of Qwest; whether, and how, OCMC qualifies for a permanent waiver of the
28 Commission's zero-minus rules; whether any other AOS providers have been granted a similar
waiver and, if so, based on what criteria; whether OCMC provides AOS in the service territories of

1 any other LECs and, if so, how its zero-minus performance compares to that of the other LECs; and
2 whether the transient nature of AOS end-use customers would tend to minimize the number of
3 complaints from such customers for zero-minus calls that are handled by the AOS provider.

4 IT IS THEREFORE ORDERED that this matter shall be set for **hearing on August 18, 2005,**
5 **at 10:00 a.m.**, at the offices of the Commission, 1200 West Washington, Phoenix, Arizona 85007.

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

8 IT IS FURTHER ORDERED that Staff shall file Rebuttal testimony by no later than August
9 5, 2005.

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

12 IT IS FURTHER ORDERED that the extension of the temporary waiver granted by the May
13 31, 2005 Procedural Order shall remain in effect until a final Decision is issued by the Commission
14 regarding OCMC's Request to Make Waiver Permanent.

15 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized
16 Communications) applies to this proceeding as the matter is scheduled for public hearing.

17 IT IS FURTHER ORDERED that the Presiding Officer may rescind, alter, amend, or waive
18 any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

19 DATED this 24th day of June, 2005.

20
21 

22 DWIGHT D. NODES
23 ASSISTANT CHIEF ADMINISTRATIVE LAW JUDGE

24 Copies of the foregoing mailed/delivered
25 this 24 day of June, 2005 to:

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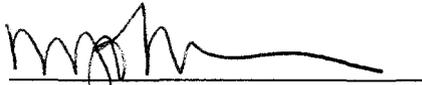
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