

OPEN MEETING ITEM



0000023991

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

ORIGINAL



ARIZONA CORPORATION COMMISSION

22

DATE: August 12, 2005

DOCKET NO: T-04006A-05-0298

TO ALL PARTIES:

Enclosed please find the recommendation of Administrative Law Judge Yvette Kinsey. The recommendation has been filed in the form of an Opinion and Order on:

NEW ACCESS COMMUNICATIONS  
(CC&N Cancellation)

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 thirteen (13) copies of the exceptions with the Commission's Docket Control at the address listed below by 4:00 p.m. on or before:

AUGUST 22, 2005

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 Open Meeting to be held on:

September 7 and 8, 2005

For more information, you may contact Docket Control at (602)542-3477 or the Hearing Division at (602)542-4250. For information about the Open Meeting, contact the Executive Secretary's Office at (602) 542-3931.

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BRIAN C. McNEIL  
EXECUTIVE SECRETARY

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 COMMISSIONERS

3 JEFF HATCH-MILLER, Chairman  
4 WILLIAM A. MUNDELL  
5 MARC SPITZER  
6 MIKE GLEASON  
7 KRISTIN K. MAYES

8 IN THE MATTER OF THE APPLICATION OF  
9 NEW ACCESS COMMUNICATIONS FOR  
10 CANCELLATION OF ITS CERTIFICATE OF  
11 CONVENIENCE AND NECESSITY TO PROVIDE  
12 RESOLD LOCAL EXCHANGE  
13 TELECOMMUNICATIONS SERVICES.

DOCKET NO. T-04006A-05-0298

DECISION NO. \_\_\_\_\_

**ORDER**

14 Open Meeting  
15 September 7 and 8, 2005  
16 Phoenix, Arizona

17 **BY THE COMMISSION:**

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

20 **FINDINGS OF FACT**

21 1. On February 18, 2003, in Decision No. 65632, the Arizona Corporation Commission  
22 ("Commission") granted to New Access Communications LLC ("New Access" or "Applicant") a  
23 Certificate of Convenience and Necessity ("Certificate") authorizing it to provide competitive  
24 intrastate telecommunications service as a provider of resold interexchange and resold local exchange  
25 service in Arizona.

26 2. On June 16, 2004, in Decision No. 67043, the Commission granted New Access  
27 authority to provide facilities-based local exchange service in Arizona.

28 3. On April 21, 2005, New Access filed an application requesting that the Commission  
cancel the portions of its Certificate authorizing it to provide competitive intrastate  
telecommunications service as a resold and facilities-based local exchange provider in Arizona.  
Applicant did not request to discontinue its authority to provide resold interexchange service in  
Arizona.

4. The Application states that New Access has never advertised local exchange service or

1 obtained a local exchange service customer in Arizona and has no future intentions of providing local  
2 exchange services in Arizona.

3 5. On May 25, 2005, Applicant provided written notification, published in the *Arizona*  
4 *Republic*, of its intent to cancel a portion of its Certificate.

5 6. On July 15, 2005, the Commission's Utilities Division Staff ("Staff") filed a Staff  
6 Report in this matter, recommending that the portion of New Access' Certificate authorizing it to  
7 provide competitive intrastate telecommunications service as a resold and facilities-based local  
8 exchange provider in Arizona be cancelled and that New Access no longer be subject to the resold  
9 local exchange requirements of Decision No. 65632 or any portion of Decision No. 67043.

10 7. Staff states that there are no open complaints or inquiries with the Commission  
11 concerning New Access, and there are no outstanding customer deposits to be refunded.

12 8. Numerous other carriers in Arizona offer services similar to those that New Access is  
13 currently certificated to provide.

#### 14 CONCLUSIONS OF LAW

15 1. New Access is a public service corporation within the meaning of Article XV of the  
16 Arizona Constitution and A.R.S 40-281 and 40-282.

17 2. The Commission has jurisdiction over New Access and the subject matter of the  
18 Application.

19 3. The cancellation of New Access' authority to provide local exchange  
20 telecommunication services and its related tariffs is in the public interest.

21 4. Notice of cancellation was given in accordance with the law.

22 5. Staff's recommendations in Findings of Fact No. 6 are reasonable and should be  
23 adopted.

#### 24 ORDER

25 IT IS THEREFORE ORDERED that the application of New Access Communications LLC  
26 for the cancellation of its authority to provide competitive intrastate resold and facilities-based local  
27 exchange telecommunications service in Arizona is hereby approved.

28 ...

1 IT IS FURTHER ORDERED that New Access Communications LLC's local exchange tariffs  
2 are hereby cancelled.

3 IT IS FURTHER ORDERED that New Access Communications LLC's authority to provide  
4 resold interexchange service in the State of Arizona remains in effect and is not affected by this  
5 Decision.

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

7 BY ORDER OF THE ARIZONA CORPORATION COMMISSION.  
8  
9

10 CHAIRMAN

COMMISSIONER

11  
12 COMMISSIONER

COMMISSIONER

COMMISSIONER

13  
14 IN WITNESS WHEREOF, I BRIAN C. McNEIL, Executive  
15 Secretary of the Arizona Corporation Commission, have  
16 hereunto, set my hand and caused the official seal of this  
17 Commission to be affixed at the Capitol, in the City of Phoenix,  
18 this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

19 \_\_\_\_\_  
20 BRIAN C. McNEIL  
Executive Secretary

21 DISSENT: \_\_\_\_\_  
22

23 DISSENT: \_\_\_\_\_  
24

25 YK:mj  
26  
27  
28

1 SERVICE LIST FOR:

NEW ACCESS COMMUNICATIONS LLC

2 DOCKET NO.:

T-04006A-05-0298

3 Brandi Slaughter  
4 NEW ACCESS COMMUNICATIONS  
5 P.O. Box 52088  
6 Minneapolis, MN 55402

7 Christopher Kempley, Chief Counsel  
8 Legal Division  
9 ARIZONA CORPORATION COMMISSION  
10 1200 West Washington Street  
11 Phoenix, AZ 85007

12 Ernest G. Johnson, Director  
13 Utilities Division  
14 ARIZONA CORPORATION COMMISSION  
15 1200 West Washington Street  
16 Phoenix, AZ 85007  
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