



BEFORE THE ARIZONA CORPORATION COMMISSION

DOCKETED

AUG 22 2002

WILLIAM A. MUNDELL
CHAIRMAN
JIM IRVIN
COMMISSIONER
MARC SPITZER
COMMISSIONER

DOCKETED BY *[Signature]*

IN THE MATTER OF THE APPLICATION OF
EFFICY GROUP, INC., FOR THE
CANCELLATION OF ITS CERTIFICATE OF
CONVENIENCE AND NECESSITY.

DOCKET NO. T-03484A-01-0562

DECISION NO. 65128

ORDER

Open Meeting
August 20 and 21, 2002
Phoenix, Arizona

BY THE COMMISSION:

Having considered the entire record herein and being fully advised in the premises, the Commission finds, concludes, and orders that:

FINDINGS OF FACT

1. On October 8, 1998, in Decision No. 61167, the Arizona Corporation Commission ("Commission") granted to Efficy Group, Inc. ("Efficy" or "Applicant") a Certificate of Convenience and Necessity ("CC&N") authorizing it to provide competitive interLATA/intraLATA resold telecommunications services except local exchange services.

2. On July 13, 2001, a letter from Efficy requesting that the Commission cancel its CC&N was filed in this docket.

3. Efficy's letter states that it sold its assets to Access Point, Inc., a Delaware corporation, on August 22, 2000.

4. Because Efficy was not providing service to Arizona customers, Efficy's assets were not necessary or useful in the performance of its duties to the public in Arizona.

5. On December 7, 2001, the Commission's Utilities Division Staff ("Staff") filed a Staff Report in this matter.

6. In the Staff Report, Staff states that Efficy is no longer doing business in Arizona. Staff also states that Efficy does not service any intrastate customers. Staff states that no

1 prepayments, deposits, or advances would be at risk by cancellation of Efficy's CC&N. In addition,
2 Staff states that since Efficy does not serve any Arizona customers and there are numerous other
3 carriers offering services similar to Efficy's in Arizona, that granting this application for cancellation
4 is in the public interest.

5 7. Staff recommends that Efficy's application be approved without a hearing.

6 8. Pursuant to Commission rules, the Commission may grant the application without a
7 hearing.

8 CONCLUSIONS OF LAW

9 1. Applicant is a public service corporation within the meaning of Article XV of the
10 Arizona Constitution and A.R.S. §§ 40-281, 40-282 and 40-285.

11 2. The Commission has jurisdiction over Applicant and the subject matter of the
12 application.

13 3. The cancellation of Applicant's CC&N is in the public interest.

14 4. Staff's recommendation in Findings of Fact No. 7 is reasonable and should be
15 adopted.

16 ...

17 ...

18 ...

19 ...

20 ...

21 ...

22 ...

23 ...

24 ...

25 ...

26 ...

27 ...

28 ...

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ORDER

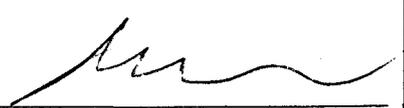
IT IS THEREFORE ORDERED that the application of Efficcy Group Inc. for the cancellation of its Certificate of Convenience and Necessity is hereby approved.

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

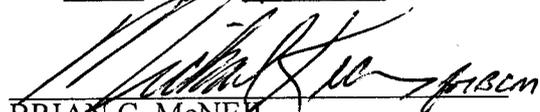
BY ORDER OF THE ARIZONA CORPORATION COMMISSION.


CHAIRMAN


COMMISSIONER


COMMISSIONER

IN WITNESS WHEREOF, I, BRIAN C. McNEIL, Executive Secretary of the Arizona Corporation Commission, have hereunto set my hand and caused the official seal of the Commission to be affixed at the Capitol, in the City of Phoenix, this 22nd day of AUGUST, 2002.


BRIAN C. McNEIL
EXECUTIVE SECRETARY

DISSENT _____
TW:dap

1 SERVICE LIST FOR:

EFFICY GROUP, INC.

2

3 DOCKET NO.:

T-03984A-01-0562

4

Kaye Davis
Regulatory Manager
EFFICY GROUP, INC.
16 Hyland Road, Suite D
Greenville, South Carolina 29615

7

Christopher Kempley, Chief Counsel
Legal Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, Arizona 85007

8

9

10

Ernest G. Johnson, Director
Utilities Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, Arizona 85007

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28