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BRIAN C. McNEIL
EXECUTIVE SECRETARY

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ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission

DOCKETED

DATE: April 17, 2001
DOCKET NO: T-03603A-00-0565
TO ALL PARTIES:

APR 17 2001

DOCKETED BY	SD
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Enclosed please find the recommendation of Administrative Law Judge Lyn Farmer. The recommendation has been filed in the form of an Order on:

MEGSINET-CLEC, INC.
(CANCEL CC&N)

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 ten (10) copies of the exceptions with the Commission's Docket Control at the address listed below by **4:00** p.m. on or before:

APRIL 26, 2001

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 Working Session and Open Meeting to be held on:

MAY 1, 2001 and MAY 2, 2001

For more information, you may contact Docket Control at (602)542-3477 or the Hearing Division at (602)542-4250.

BRIAN C. McNEIL
EXECUTIVE SECRETARY

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 WILLIAM A. MUNDELL
CHAIRMAN

3 JIM IRVIN
COMMISSIONER

4 MARC SPITZER
COMMISSIONER

5
6 IN THE MATTER OF THE APPLICATION OF
MEGSINET-CLEC, INC. FOR CANCELLATION
7 OF ITS CERTIFICATE OF CONVENIENCE AND
NECESSITY TO PROVIDE COMPETITIVE
8 RESOLD INTEREXCHANGE
TELECOMMUNICATIONS SERVICES

DOCKET NO. T-03603A-00-0565

DECISION NO. _____

ORDER

9 Open Meeting
10 May 1 and 2, 2001
Phoenix, Arizona

11 **BY THE COMMISSION:**

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

14 **FINDINGS OF FACT**

15 1. MegsINET-CLEC, Inc. ("MegsINET" or "Applicant") has a Certificate of
16 Convenience and Necessity ("Certificate") to provide competitive resold interexchange
17 telecommunications services in the State of Arizona pursuant to Decision No. 61231 (November 23,
18 1998).

19 2. On August 1, 2001, MegsINET filed with the Commission an application requesting
20 cancellation of the Certificate.

21 3. As part of its application, MegsINET stated that it has never had any customers, and
22 has never provided telecommunications services in Arizona.

23 4. Pursuant to Commission rules, the Commission may grant the application without a
24 hearing.

25 5. On March 27, 2001, the Commission's Utilities Division Staff ("Staff") filed a Staff
26 Report recommending approval of MegsINET's application for cancellation of its Certificate of
27 Convenience and Necessity without a hearing.

28 6. The Staff Report indicates that MegsINET never provided service in Arizona and did

1 not collect any prepayments, advances, or deposits, and therefore, no customer deposits are at risk.

2 **CONCLUSIONS OF LAW**

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

5 2. The Commission has jurisdiction over Applicant and the subject matter of the
6 application.

7 3. The cancellation of Applicant's Certificate is in the public interest.

8 4. Staff's recommendation in Findings of Fact No. 5 is reasonable and should be
9 adopted.

10 **ORDER**

11 IT IS THEREFORE ORDERED that the application of MegsINET-CLEC, Inc. for the
12 cancellation of the Certificate of Convenience and Necessity to provide competitive resold
13 interexchange telecommunications services shall be, and the same is hereby approved.

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

15 BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

16
17
18 CHAIRMAN

COMMISSIONER

COMMISSIONER

19
20 IN WITNESS WHEREOF, I, BRIAN C. McNEIL, Executive
21 Secretary of the Arizona Corporation Commission, have
22 hereunto set my hand and caused the official seal of the
23 Commission to be affixed at the Capitol, in the City of Phoenix,
24 this ____ day of _____, 2001.

24
25 BRIAN C. McNEIL
EXECUTIVE SECRETARY

26 DISSENT _____
27 LAF:dap

1 SERVICE LIST FOR:

MEGSINET-CLEC, INC.

2 DOCKET NO.:

T-03603A-00-0565

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