

WILLIAM A. MUNDELL  
CHAIRMAN  
JIM IRVIN  
COMMISSIONER  
MARC SPITZER  
COMMISSIONER

ORIGINAL OPENING ITEM



0000025314

ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

DOCKETED

APR 18 2001

DATE: April 18, 2001  
DOCKET NOS: T-03619A-98-0496  
TO ALL PARTIES:

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

USC TELECOM, INC.  
(CC&N/RESELLER)

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 **12:00 noon** on or before:

APRIL 27, 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  
7 USC TELECOM, INC. FOR A CERTIFICATE OF  
8 CONVENIENCE AND NECESSITY TO PROVIDE  
COMPETITIVE RESOLD INTEREXCHANGE  
TELECOMMUNICATIONS SERVICES IN  
ARIZONA

DOCKET NO. T-03619A-98-0496

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. On September 3, 1998, USC Telecom, Inc. ("Applicant" or "USC") filed with the  
16 Commission an application for a Certificate of Convenience and Necessity ("Certificate") to provide  
17 competitive resold interexchange telecommunications services within the State of Arizona.

18 2. In Decision No. 58926 (December 22, 1994), the Commission found that resold  
19 telecommunications providers ("resellers") were public service corporations subject to the  
20 jurisdiction of the Commission.

21 3. The Applicant has not published notice of its application.

22 4. On October 24, 2000, the Commission's Utilities Division Staff ("Staff") docketed a  
23 letter sent to USC requesting additional information in order to process the application. Staff  
24 requested that USC contact it within 71 days.

25 5. On January 11, 2001, Staff filed a Staff Report recommending denial of USC's  
26 application due to its failure to respond to Staff's requests for information.

27 6. USC has not requested a hearing, answered Staff's data requests, or contacted Staff.  
28

CONCLUSIONS OF LAW

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

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

6 3. Notice of the application was not given in accordance with the law.

7 4. USC is not a fit and proper entity to receive a Certificate for providing competitive  
8 intrastate telecommunications services as a reseller in Arizona.

ORDER

9  
10 IT IS THEREFORE ORDERED that the application of USC Telecom, Inc. for a Certificate of  
11 Convenience and Necessity for authority to provide competitive resold interexchange  
12 telecommunications services as a reseller, shall be, and the same is hereby denied.

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

14 BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

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16  
17 CHAIRMAN

COMMISSIONER

COMMISSIONER

18  
19 IN WITNESS WHEREOF, I, BRIAN C. McNEIL, Executive  
20 Secretary of the Arizona Corporation Commission, have  
21 hereunto set my hand and caused the official seal of the  
22 Commission to be affixed at the Capitol, in the City of Phoenix,  
23 this \_\_\_\_ day of \_\_\_\_\_, 2001.

24 BRIAN C. McNEIL  
EXECUTIVE SECRETARY

25 DISSENT \_\_\_\_\_  
26 LAF:mlj

1 SERVICE LIST FOR: USC TELECOM, INC.

2 DOCKET NO.: T-03619A-98-0496

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