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BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission
DOCKETED

MAY 04 2001

DOCKETED BY [Signature]

1
2 WILLIAM A. MUNDELL
CHAIRMAN
3 JIM IRVIN
COMMISSIONER
4 MARC SPITZER
COMMISSIONER
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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. 63661

ORDER

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

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:

FINDINGS OF FACT

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

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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.

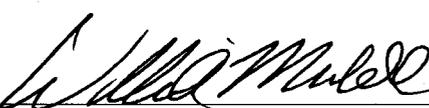
7 4. USC is not a fit and proper entity to receive a Certificate for providing competitive
8 intrastate telecommunications services as a reseller in Arizona.

9 ORDER

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 4th day of May, 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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