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BEFORE THE ARIZONA CORPORATION COMMISSION

DOCKETED

MAY 16 2002

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

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5 IN THE MATTER OF:
6 UTILITIES DIVISION STAFF,
7
8 COMPLAINANTS,
9
10 VS.
11 TELECENTS COMMUNICATIONS, INC.,
RESPONDENT.

DOCKET NO. T-03958A-01-0798

DECISION NO. 64830

OPINION AND ORDER

12 DATE OF HEARING: January 23, 2002
13 PLACE OF HEARING: Phoenix, Arizona
14 ADMINISTRATIVE LAW JUDGE: Philip J. Dion III
15 APPEARANCES: Ms. Janet Wagner, Staff Attorney, Legal Division, on
16 behalf of the Utilities Division of the Arizona
Corporation Commission.

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 October 11, 2001, the Commission Utilities Division Staff ("Staff") filed a
22 Complaint against Telecents Communications, Inc. ("Telecents") for failure to comply with Decision
23 No. 63527 (March 30, 2001).

24 2. In Decision No. 63527, Telecents was granted a Certificate of Convenience and
25 Necessity ("CC&N") for authority to provide competitive resold interexchange telecommunication
26 services, except local exchange services, subject to some conditions. One of those conditions was
27 that Telecents was to maintain a performance bond. Specifically, the Commission ordered that the
28 bond posted by Telecents was to remain in effect for a minimum one year, after which Telecents

1 would be allowed to file information with Staff that demonstrates its financial ability in order to
2 cancel the bond.

3 3. On August 27, 2001, Travelers Insurance Company notified the Commission that it
4 was canceling the performance bond effective August 23, 2001.

5 4. On August 28, 2001, Staff sent a letter to Telecents stating that it must maintain the
6 performance bond until the Commission approves a properly filed request for waiver of the bond
7 requirement of Decision No. 63527.

8 5. On November 29, 2001, a Procedural Order was issued scheduling the matter for
9 hearing to commence on January 23, 2002 at the Commission's offices in Phoenix, Arizona.

10 6. On January 23, 2002, a hearing was held by a duly authorized Administrative Law
11 Judge of the Commission. Staff appeared at the hearing and was represented by counsel, however,
12 Telecents did not appear for the hearing.

13 7. Mr. Patrick Williams testified on behalf of Staff that Telecents obtained a bond in
14 compliance with Decision No. 63527. Mr. Williams testified that the Commission received a notice
15 of the cancellation of the bond from Travelers Insurance Company. Mr. Williams testified that he
16 wrote a letter to Telecents indicating that, due to its failure to maintain a bond, Telecents was in
17 violation of one of the conditions set forth in Decision No. 63527, and Staff would file a complaint
18 seeking revocation of Telecents' CC&N. Telecents did not submit evidence that it maintained a
19 bond.

20 8. Mr. Williams testified that based on Telecents' 2000 annual report, no customers were
21 served in Arizona, nor were any prepaids, advances or deposits held by the Company. Additionally,
22 Mr. Williams testified that there were no outstanding complaints against the Company.

23 9. Staff recommends that the Commission revoke Telecents' CC&N for failure to
24 maintain a bond unless, within 30 days of the Commission's Decision, Telecents files the required
25 bond.

26 10. We find Staff's recommendation to revoke Telecents' CC&N appropriate. However,
27 Telecents has been given ample opportunity to comply with Decision No. 63527, therefore, its
28 CC&N should be revoked immediately.

11. Telecents has not responded, nor contacted Staff regarding this matter.

CONCLUSIONS OF LAW

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

2. The Commission has jurisdiction over the Applicant and of the subject matter of the Application.

3. Notice of the Application was given in accordance with the law.

4. Applicant's provision of resold interexchange telecommunication services is not in the public interest.

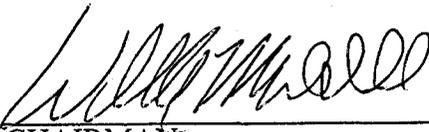
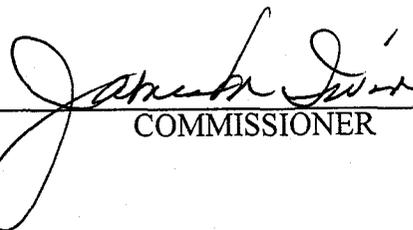
5. Staff's recommendation, as modified herein, to revoke Telecents' CC&N is reasonable and should be adopted.

ORDER

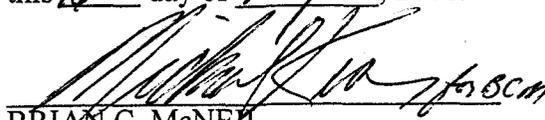
IT IS THEREFORE ORDERED that the Certificate of Convenience and Necessity granted to Telecents Communications, Inc. in Decision No. 63527, shall be and the same is hereby revoked.

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 16TH day of MAY, 2002.


 BRIAN C. McNEIL
 EXECUTIVE SECRETARY

DISSENT _____
PJD:mlj

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SERVICE LIST FOR:

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DOCKET NO.:

T-03958A-01-0798

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