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BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

DOCKETED

SEP 09 2005

COMMISSIONERS

JEFF HATCH-MILLER, Chairman
WILLIAM A. MUNDELL
MARC SPITZER
MIKE GLEASON
KRISTIN K. MAYES

DOCKETED BY

IN THE MATTER OF THE APPLICATION OF
NEW ACCESS COMMUNICATIONS FOR
CANCELLATION OF ITS CERTIFICATE OF
CONVENIENCE AND NECESSITY TO PROVIDE
RESOLD LOCAL EXCHANGE
TELECOMMUNICATIONS SERVICES.

DOCKET NO. T-04006A-05-0298

DECISION NO. 68120

ORDER

Open Meeting
September 7 and 8, 2005
Phoenix, Arizona

BY THE COMMISSION:

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

FINDINGS OF FACT

1. On February 18, 2003, in Decision No. 65632, the Arizona Corporation Commission ("Commission") granted to New Access Communications LLC ("New Access" or "Applicant") a Certificate of Convenience and Necessity ("Certificate") authorizing it to provide competitive intrastate telecommunications service as a provider of resold interexchange and resold local exchange service in Arizona.

2. On June 16, 2004, in Decision No. 67043, the Commission granted New Access authority to provide facilities-based local exchange service in Arizona.

3. On April 21, 2005, New Access filed an application requesting that the Commission cancel the portions of its Certificate authorizing it to provide competitive intrastate telecommunications service as a resold and facilities-based local exchange provider in Arizona. Applicant did not request to discontinue its authority to provide resold interexchange service in Arizona.

4. The Application states that New Access has never advertised local exchange service or

1 obtained a local exchange service customer in Arizona and has no future intentions of providing local
2 exchange services in Arizona.

3 5. On May 25, 2005, Applicant provided written notification, published in the *Arizona*
4 *Republic*, of its intent to cancel a portion of its Certificate.

5 6. On July 15, 2005, the Commission's Utilities Division Staff ("Staff") filed a Staff
6 Report in this matter, recommending that the portion of New Access' Certificate authorizing it to
7 provide competitive intrastate telecommunications service as a resold and facilities-based local
8 exchange provider in Arizona be cancelled and that New Access no longer be subject to the resold
9 local exchange requirements of Decision No. 65632 or any portion of Decision No. 67043.

10 7. Staff states that there are no open complaints or inquiries with the Commission
11 concerning New Access, and there are no outstanding customer deposits to be refunded.

12 8. Numerous other carriers in Arizona offer services similar to those that New Access is
13 currently certificated to provide.

14 **CONCLUSIONS OF LAW**

15 1. New Access is a public service corporation within the meaning of Article XV of the
16 Arizona Constitution and A.R.S 40-281 and 40-282.

17 2. The Commission has jurisdiction over New Access and the subject matter of the
18 Application.

19 3. The cancellation of New Access' authority to provide local exchange
20 telecommunication services and its related tariffs is in the public interest.

21 4. Notice of cancellation was given in accordance with the law.

22 5. Staff's recommendations in Findings of Fact No. 6 are reasonable and should be
23 adopted.

24 **ORDER**

25 IT IS THEREFORE ORDERED that the application of New Access Communications LLC
26 for the cancellation of its authority to provide competitive intrastate resold and facilities-based local
27 exchange telecommunications service in Arizona is hereby approved.

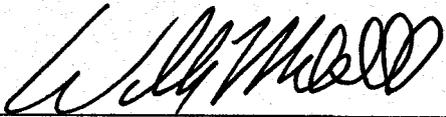
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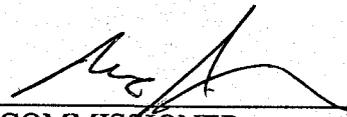
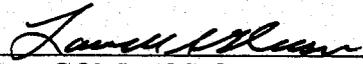
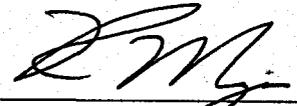
1 IT IS FURTHER ORDERED that New Access Communications LLC's local exchange tariffs
2 are hereby cancelled.

3 IT IS FURTHER ORDERED that New Access Communications LLC's authority to provide
4 resold interexchange service in the State of Arizona remains in effect and is not affected by this
5 Decision.

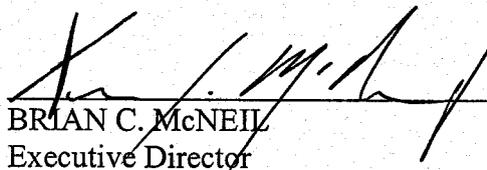
6 IT IS FURTHER ORDERED that this Decision shall become effective immediately.

7 BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

8
9  
10 CHAIRMAN COMMISSIONER

11
12   
13 COMMISSIONER COMMISSIONER COMMISSIONER

14 IN WITNESS WHEREOF, I BRIAN C. McNEIL, Executive
15 Director of the Arizona Corporation Commission, have
16 hereunto, set my hand and caused the official seal of this
17 Commission to be affixed at the Capitol, in the City of Phoenix,
18 this 9th day of September, 2005.

19 
20 BRIAN C. McNEIL
Executive Director

21 DISSENT: _____

22
23 DISSENT: _____

24
25 YK:mj

1 SERVICE LIST FOR:

NEW ACCESS COMMUNICATIONS LLC

2 DOCKET NO.:

T-04006A-05-0298

3 Brandi Slaughter
4 NEW ACCESS COMMUNICATIONS
5 P.O. Box 52088
6 Minneapolis, MN 55402

7 Christopher Kempley, Chief Counsel
8 Legal Division
9 ARIZONA CORPORATION COMMISSION
10 1200 West Washington Street
11 Phoenix, AZ 85007

12 Ernest G. Johnson, Director
13 Utilities Division
14 ARIZONA CORPORATION COMMISSION
15 1200 West Washington Street
16 Phoenix, AZ 85007
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