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Arizona Corporation Commission

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BEFORE THE ARIZONA CORPORATION COMMISSION

CARL J. KUNASEK
CHAIRMAN
JIM IRVIN
COMMISSIONER
WILLIAM A. MUNDELL
COMMISSIONER

IN THE MATTER OF THE APPLICATION OF
APOLLO TELECOM FOR THE CANCELLATION
OF THE CERTIFICATE OF CONVENIENCE AND
NECESSITY TO PROVIDE COMPETITIVE
INTRASTATE TOLL SERVICES AS A
RESELLER IN THE STATE OF ARIZONA.

DOCKET NO. T-03074A-00-0738

DECISION NO. 63143

ORDER

Open Meeting
November 7 and 8, 2000
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. Apollo Telecom ("Apollo") has a Certificate of Convenience and Necessity ("Certificate") to provide intrastate toll telecommunication services as a reseller in the State of Arizona pursuant to Decision No. 60178 (May 16, 1997).

2. On April 19, 1999, Apollo filed bankruptcy under Chapter 11, which was converted to a Chapter 7 case on August 20, 1999.

3. On September 26, 2000, Apollo filed a letter requesting cancellation of its Certificate because it is no longer doing business.

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

5. Pursuant to A.R.S. § 40-282, the Commission may issue Decisions regarding resellers' Certificates without a hearing.

6. On October 11, 2000, the Commission's Utilities Division Staff ("Staff") filed a Staff Report, recommending that the request to cancel Applicant's Certificate be granted without a hearing.

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CONCLUSIONS OF LAW

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- 1. Apollo 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 Applicant and the subject matter of the application.
- 3. The cancellation of Apollo's Certificate is in the public interest.
- 4. Staff's recommendation in Findings of Fact No. 6 is reasonable and should be adopted.

ORDER

IT IS THEREFORE ORDERED that the application for the cancellation of the Certificate of Convenience and Necessity of Apollo Telecom to provide competitive intrastate toll telecommunications services, except local exchange services, shall be, and the same is hereby approved.

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

BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

 CHAIRMAN	 COMMISSIONER	 COMMISSIONER
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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 November, 2000.


BRIAN C. McNEIL
EXECUTIVE SECRETARY

DISSENT _____
JR:dp

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SERVICE LIST FOR:

APOLLO TELECOM

DOCKET NO.

T-03074A-00-0738

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