



0000030311

Arizona Corporation Commission

BEFORE THE ARIZONA CORPORATION COMMISSION **DOCKETED**

AUG 06 2001

1  
2 WILLIAM A. MUNDELL  
CHAIRMAN  
3 JIM IRVIN  
COMMISSIONER  
4 MARC SPITZER  
COMMISSIONER  
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DOCKETED BY	<i>ad</i>
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6 IN THE MATTER OF THE APPLICATION OF  
VISTA GROUP INTERNATIONAL, INC., FOR A  
7 CERTIFICATE OF CONVENIENCE AND  
NECESSITY TO PROVIDE COMPETITIVE  
8 RESOLD INTEREXCHANGE  
TELECOMMUNICATIONS SERVICES, EXCEPT  
9 LOCAL EXCHANGE SERVICES.

DOCKET NO. T-03418A-97-0445

DECISION NO. 63901

**ORDER**

10 Open Meeting  
July 24 and 25, 2001  
11 Phoenix, Arizona

12 **BY THE COMMISSION:**

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

15 **FINDINGS OF FACT**

16 1. On August 25, 1997, Vista Group International, Inc. ("Applicant") filed with the  
17 Commission an application for a Certificate of Convenience and Necessity ("Certificate") to provide  
18 competitive resold local exchange and interexchange telecommunications services within the State of  
19 Arizona.

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

23 3. In Decision No. 59124 (June 23, 1995), the Commission adopted A.A.C. R14-2-1101  
24 through R14-2-1115 to regulate resellers.

25 4. Applicant is an Ohio corporation authorized to do business in Arizona since 1997.

26 5. On October 6, 7, 10, and 31, 1997, Applicant filed affidavits of publication indicating  
27 it had published notice of its application for authority to provide resold interexchange services.

28 7. On September 15, 2000, Staff sent a data request to Applicant. Staff requested

1 information from Applicant about whether it would collect any prepayments, advances or deposits  
2 and requested Applicant to file a tariff for interexchange service. The correspondence required  
3 Applicant to submit responses within 30 days and that a failure to respond within 30 days would  
4 result in Staff's recommendation that the Application be denied.

5 8. Several attempts have been made by Staff to contact Applicant since September 15,  
6 2000 without success.

7 9. In a letter addressed to Staff dated December 13, 2000, Applicant's attorney indicated  
8 that he believes that Applicant is out of business.

9 10. Applicant's attorney indicates that, to the best of his knowledge, Applicant has not  
10 collected any prepayments, advances or deposits from customers in Arizona.

11 11. On January 22, 2001, the Commission's Utilities Division Staff ("Staff") filed a Staff  
12 Report recommending denial of the application because Applicant failed to provide Staff with the  
13 information necessary to process the application.

14 12. To date, Applicant has not complied with Staff's requests.

15 13. By Procedural Order dated April 27, 2001, the Commission set a deadline of May 31,  
16 2001, for filing exceptions to the Staff Report; requesting that a hearing be set; or requesting  
17 intervention as interested parties.

18 14. No exceptions were filed to the Staff Report, nor did any party request that a hearing  
19 be set.

#### 20 CONCLUSIONS OF LAW

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

23 2. The Commission has jurisdiction over Applicant and the subject matter of the  
24 application.

25 3. For its failure to adhere to Commission rules and regulations that require Applicant to  
26 provide the Commission with sufficient information to process its application, Applicant is not a fit  
27 and proper entity to receive a Certificate for providing resold local exchange and interexchange  
28 telecommunication services in Arizona.

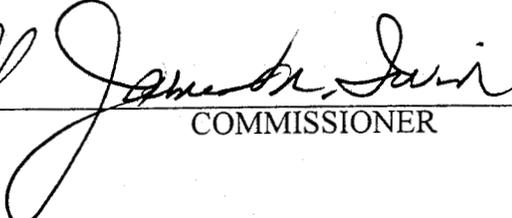
1 4. Staff's recommendation in Finding of Fact No. 11 is reasonable and should be  
2 adopted.

3 **ORDER**

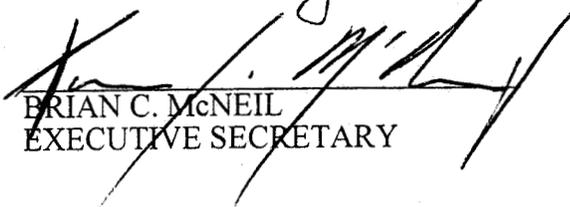
4 IT IS THEREFORE ORDERED that the Application of Vista Group International, Inc. for a  
5 Certificate of Convenience and Necessity for authority to provide competitive resold interexchange  
6 telecommunication services shall be, and the same is hereby denied, and the Docket closed.

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

8 BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

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11 CHAIRMAN   
12 COMMISSIONER   
13 COMMISSIONER

14 IN WITNESS WHEREOF, I, BRIAN C. McNEIL, Executive  
15 Secretary of the Arizona Corporation Commission, have  
16 hereunto set my hand and caused the official seal of the  
17 Commission to be affixed at the Capitol, in the City of Phoenix,  
18 this 06th day of August, 2001.

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20 BRIAN C. McNEIL  
21 EXECUTIVE SECRETARY

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1 SERVICE LIST FOR:

VISTA GROUP INTERNATIONAL, INC.

2 DOCKET NO.:

T-03418A-97-0445

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