

WILLIAM A. MUNDELL  
CHAIRMAN  
JIM IRVIN  
COMMISSIONER  
MARC SPITZER  
COMMISSIONER



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EXECUTIVE SECRETARY

ARIZONA CORPORATION COMMISSION

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AZ CORP COMMISSION  
DOCUMENT CONTROL

DATE: JULY 9, 2001  
DOCKET NO: T-03803A-99-0636  
TO ALL PARTIES:

Enclosed please find the recommendation of Administrative Law Judge Stephen Gibelli. The recommendation has been filed in the form of an Order on:

AMERICAS.COM, INC.  
(CC&N/FACILITIES-BASED)

Pursuant to A.A.C. R14-3-110(B), you may file exceptions to the recommendation of the Administrative Law Judge by filing an original and ten (10) copies of the exceptions with the Commission's Docket Control at the address listed below by **4:00 p.m.** on or before:

JULY 18, 2001

The enclosed is NOT an order of the Commission, but a recommendation of the Administrative Law Judge to the Commissioners. Consideration of this matter has tentatively been scheduled for the Commission's Working Session and Open Meeting to be held on:

JULY 24, 2001 AND JULY 25, 2001

For more information, you may contact Docket Control at (602)542-3477 or the Hearing Division at (602)542-4250.

Arizona Corporation Commission  
**DOCKETED**

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*Brian C. McNeil*  
BRIAN C. McNEIL  
EXECUTIVE SECRETARY

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 WILLIAM A. MUNDELL  
CHAIRMAN  
3 JIM IRVIN  
COMMISSIONER  
4 MARC SPITZER  
COMMISSIONER  
5

6 IN THE MATTER OF THE APPLICATION OF  
AMERICAS.COM, INC. FOR A CERTIFICATE OF  
7 CONVENIENCE AND NECESSITY TO PROVIDE  
COMPETITIVE FACILITIES-BASED LOCAL  
8 EXCHANGE TELECOMMUNICATIONS  
SERVICES

DOCKET NO. T-03803A-99-0636

DECISION NO. \_\_\_\_\_

9 **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 November 4, 1999, Americas.Com, Inc. ("Americas.Com" or "Applicant") filed  
17 with the Commission an application for a Certificate of Convenience and Necessity ("Certificate") to  
18 provide competitive facilities-based local exchange telecommunications services within the State of  
19 Arizona.

20 2. On December 8, 1999, U S WEST Communications, Inc., now Qwest Corporation  
21 ("Qwest") filed a Motion for Leave to Intervene.

22 3. On December 30, 1999, Qwest was granted intervention.

23 4. On December 18, 2000, the Commission's Utilities Division Staff ("Staff") filed a  
24 Staff Report.

25 5. In the Staff Report, Staff recommended denial of America.Com's application. Staff  
26 stated that the Applicant has not responded to data requests for additional information.

27 6. Americas.Com, Inc. has failed to publish notice of its application.

28 7. By Procedural Order dated May 29, 2001, the Commission set a deadline of June 29,

1 2001, for filing exceptions to the Staff Report. That Procedural Order stated that the failure of  
2 Americas.Com to file a timely response to the Staff Report may result in a denial of its application  
3 without a hearing.

4 8. No exceptions were filed to the Staff Report, nor did any party request that a hearing  
5 be set.

6 CONCLUSIONS OF LAW

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

9 2. The Commission has jurisdiction over Applicant and the subject matter of the  
10 application.

11 3. Notice of the application was not given in accordance with the law.

12 4. Staff's recommendation in Findings of Fact No. 5 is reasonable and should be adopted.

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ORDER

IT IS THEREFORE ORDERED that the application of Americas.Com, Inc. for a Certificate of Convenience and Necessity for authority to provide competitive facilities-based local exchange telecommunications services is hereby denied.

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 \_\_\_\_ day of \_\_\_\_\_, 2001.

\_\_\_\_\_  
BRIAN C. McNEIL  
EXECUTIVE SECRETARY

DISSENT \_\_\_\_\_  
SG:mlj

1 SERVICE LIST FOR: AMERICAS.COM, INC.

2 DOCKET NO.: T-03803A-99-0636

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