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BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

DOCKETED

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

SEP 17 1999

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IN THE MATTER OF THE APPLICATION OF
PRIDE AMERICA, INC. FOR A CERTIFICATE
OF CONVENIENCE AND NECESSITY TO
PROVIDE COMPETITIVE INTRASTATE
TELECOMMUNICATIONS SERVICES AS A
RESELLER.

DOCKET NO. T-03498A-98-0024

DECISION NO. 61957

ORDER

Open Meeting
September 14 and 15, 1999
Phoenix, Arizona

BY THE COMMISSION:

Having considered the entire record herein and being fully advised in the premises, the Commission finds, concludes, and orders that:

FINDINGS OF FACT

1. On January 23, 1998, Pride America, Inc. ("Applicant") filed with the Arizona Corporation Commission ("Commission") an application for a Certificate of Convenience and Necessity ("Certificate") to provide resold telecommunications services within the State of Arizona.
2. 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.
3. In Decision No. 59124 (June 23, 1995), the Commission adopted A.A.C. R14-2-1101 through R14-2-1115 to regulate resellers.
4. On February 12, 1999, the Commission's Utilities Division Staff ("Staff") filed its Staff Report and recommended denial of this application because Applicant did not provide financial information and Staff believed the Applicant did not have the financial ability to provide the requested services. Staff reported that the Applicant did not appear to be a going concern as Staff

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was unable to contact Applicant at the provided numbers.

5. Applicant is a Delaware corporation that was authorized to do business in Arizona in 1998.

6. By Procedural Order dated April 1, 1999, the Commission set a deadline of May 20, 1999, for providing notice to interested parties; requesting that a hearing be set or filing exceptions to the Staff Report; and requesting intervention as an interested party.

7. Applicant did not request a hearing, nor does the record reflect that Applicant published notice of its application as required by A.A.C. R14-2-1104 and R14-2-1105 or that it mailed notice to interested parties pursuant to the April 1, 1999 Procedural Order.

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 Applicant and the subject matter of the application.

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

4. As Applicant has not complied with Commission orders or rules, it is not a fit and proper entity to receive a Certificate for providing competitive telecommunications services in Arizona.

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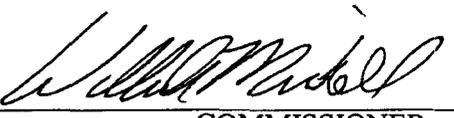
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ORDER

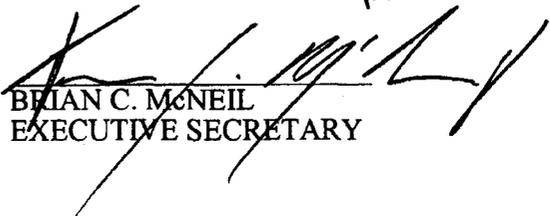
IT IS THEREFORE ORDERED that the application of Pride America, Inc. for a Certificate of Convenience and Necessity for authority to provide competitive resold telecommunications services shall be, and the same is, hereby denied, and the Docket closed.

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 17th day of September 1999.



BRIAN C. McNEIL
EXECUTIVE SECRETARY

DISSENT _____
JR:dap

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SERVICE LIST FOR: PRIDE AMERICA, INC.

DOCKET NO.: T-03498A-98-0024

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