



BEFORE THE ARIZONA CORPORATION COMMISSION

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

Arizona Corporation Commission

DOCKETED

OCT 25 2005

DOCKETED BY

IN THE MATTER OF THE JOINT  
APPLICATION OF MCIMETRO ACCESS  
TRANSMISSION SERVICES, L.L.C. AND  
INTERMEDIA COMMUNICATIONS, INC.  
FOR APPROVAL OF REORGANIZATION,  
TRANSFER OF CERTAIN ASSETS, AND  
CANCELLATION OF INTERMEDIA  
COMMUNICATIONS, INC.'S  
CERTIFICATES OF CONVENIENCE AND  
NECESSITY FOR LOCAL EXCHANGE  
AND INTEREXCHANGE  
TELECOMMUNICATIONS SERVICES

DOCKET NO. T-03574A-05-0038  
T-03291A-05-0038

DECISION NO. 68248

ORDER

Open Meeting  
October 18 and 19, 2005  
Phoenix, Arizona

BY THE COMMISSION:

FINDINGS OF FACT

1. On January 19, 2005, MCI metro Access Transmission Services, LLC ("MCI metro") and Intermedia Communications, Inc. ("Intermedia") filed with the Arizona Corporation Commission ("Commission") an application for approval of the merger and transfer of assets between the two companies. This application also requested cancellation of Intermedia's Certificate of Convenience and Necessity ("CC&N") to provide telecommunications service in the State of Arizona.

2. On January 16, 1997, the Commission in Decision No. 59983 granted MCI metro Access Transmission Services, Inc. a CC&N to provide local exchange and intraLATA private line

1 service in the State of Arizona. On July 7, 1998, in Decision No. 61014, the Commission  
2 approved the merger of MCImetro Access Transmission Services, Inc. with and into MCImetro.  
3 Through this merger, MCImetro was granted the authority to provide both resold and facilities-  
4 based local exchange service.

5 3. On April 21, 1999, the Commission, in Decision No. 61665, originally granted a  
6 CC&N to Intermedia to provide resold and facilities based local exchange services in the State of  
7 Arizona. On February 1, 2000, the Commission, in Decision No. 62278 approved Intermedia's  
8 application to additionally provide resold interexchange service in the State of Arizona.

9 4. On January 19, 2005, Intermedia submitted an application requesting Commission  
10 approval to transfer certain local exchange telecommunications assets, including its local exchange  
11 telecommunications switch, to MCImetro. Pursuant to A. R. S. Section 40-285, the Commission  
12 has jurisdiction over this matter. Although it was not requested, Staff believes the Commission's  
13 Slamming and Cramming rules should be waived in this matter. Staff believes these rules should  
14 be waived because Intermedia stated that it does not have any customers in Arizona.

15 5. Intermedia indicated that it does not have any Arizona customers and that it is no  
16 longer providing resold interexchange or resold or facilities-based local exchange  
17 telecommunications services in Arizona.

18 6. Consumer Services Staff has indicated that there are no open complaints, inquiries  
19 or opinions concerning Intermedia. Intermedia informed Staff that customer deposits and/or  
20 prepayments were never collected. Consequently, there is no risk that an advance, deposit and/or  
21 prepayment of funds from Arizona customers would be lost by canceling Intermedia's CC&N.

22 7. Intermedia has advised Staff that it no longer serves any customers in Arizona and  
23 that as of September 2002, all of its customers were migrated to other Commission authorized  
24 telecommunications providers. On February 11, 2005, Intermedia provided the Commission with  
25 an affidavit of publication indicating that it has published notification of its request to cancel its  
26 CC&N in the county where service was provided. Staff believes Intermedia has submitted  
27 information that meets the obligations of the rules related to the discontinuance of local service  
28 described in A.A.C. R14-2-1107.

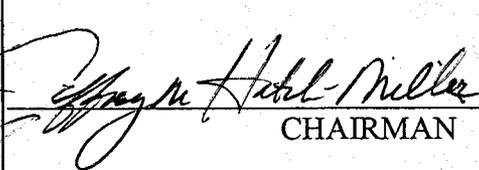


ORDER

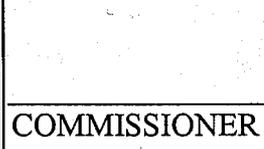
IT IS THEREFORE ORDERED that Intermedia's requests to transfer its local telecommunications service assets to MCImetro, to cancel Intermedia's CC&N and to cancel Intermedia's performance bond be and hereby are approved.

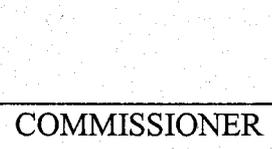
IT IS FURTHER ORDERED this Decision shall become effective immediately.

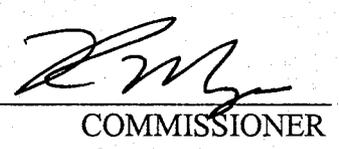
**BY THE ORDER OF THE ARIZONA CORPORATION COMMISSION**

  
CHAIRMAN

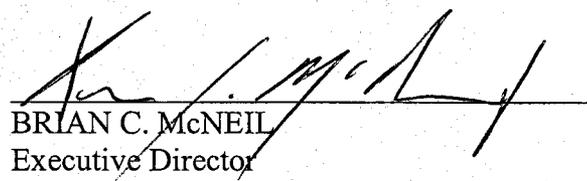
  
COMMISSIONER

  
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IN WITNESS WHEREOF, I BRIAN C. McNEIL, Executive Director of the Arizona Corporation Commission, have hereunto, set my hand and caused the official seal of this Commission to be affixed at the Capitol, in the City of Phoenix, this 25<sup>th</sup> day of October, 2005.

  
BRIAN C. McNEIL  
Executive Director

DISSENT: \_\_\_\_\_

DISSENT: \_\_\_\_\_

EGJ:AJL:WMS:lhm\JW

1 SERVICE LIST FOR: MCImetro Access Transmission Services, L.L.C. and Intermedia  
Communications, Inc.  
2 DOCKET NOS. T-03574A-05-0038 and T-03291A-05-0038

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