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BEFORE THE ARIZONA CORPORATION COMMISSION RECEIVED

WILLIAM A. MUNDELL
CHAIRMAN
JIM IRVIN
COMMISSIONER
MARC SPITZER
COMMISSIONER

2002 FEB 22 P 1:34

AZ CORP COMMISSION
DOCUMENT CONTROL

IN THE MATTER OF THE APPLICATION OF
WESTERN CLEC CORPORATION, FORMERLY
ECLIPSE COMMUNICATIONS CORPORATION,
FOR A CERTIFICATE OF CONVENIENCE AND
NECESSITY TO PROVIDE FACILITIES-BASED
AND RESOLD TELECOMMUNICATIONS
SERVICES AND PETITION FOR COMPETITIVE
CLASSIFICATION OF PROPOSED SERVICES.

DOCKET NO. T-03590A-98-0364

PROCEDURAL ORDER

BY THE COMMISSION:

On May 4, 2001, the Arizona Corporation Commission ("Commission") issued Decision No. 63657 which granted Western CLEC Corporation ("Western" or "Company") a Certificate of Convenience and Necessity ("CC&N") to provide facilities-based and resold telecommunications services. The certificate was conditioned on, among other things, Western's posting of proof of a \$100,000 performance bond the earlier of 90 days from the date of the Decision or 30 days prior to commencement of service. To date, no proof of a performance bond has been filed by Western.

On November 21, 2001, the Company filed a Request for Extension of Time to File Proof of Performance Bond. Western argues that unprecedented financial challenges and turmoil in the telecommunications industry necessitates the extension of time. The Company states that it still intends to compete in Arizona, and expects entry into the Arizona market within 30 months. Accordingly, Western requests an extension of the bond requirement until the earlier of 30 months from the date of the Commission's Order authorizing the extension or 30 days prior to commencement of service.

On January 24, 2002, Staff filed a response to the Company's extension request. Staff recommends that Western be granted an extension of 45 days to comply with the Commission's Order, and that no further extensions of time be granted.

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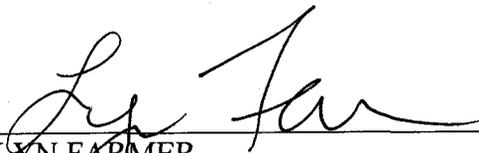
Arizona Corporation Commission
DOCKETED

FEB 22 2002

DOCKETED BY

1 IT IS THEREFORE ORDERED that Western CLEC Corporation shall file its \$100,000
2 performance bond in accordance with the requirement of Decision No. 63657 by no later than May 4,
3 2002, or 30 days prior to providing service in Arizona, whichever occurs first. No additional
4 extensions will be granted and failure to comply with the above-stated conditions will result in
5 voidance of Western's CC&N without further order of the Commission. In the event that Western
6 fails to comply with all conditions, thereby resulting in voidance of its CC&N, a new application for
7 CC&N authority must be filed by the Applicant and approved by the Commission prior to
8 commencement of service.

9 DATED this 22nd day of February, 2002.

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11
12 
13 LYN FARMER
CHIEF ADMINISTRATIVE LAW JUDGE

14 Copies of the foregoing mailed/delivered
15 this 22nd day of February, 2002 to:

16 Jeffrey W. Crockett
17 SNELL & WILMER
18 One Arizona Center
Phoenix, AZ 85004-2202

19 Christopher Kempley, Chief Counsel
20 ARIZONA CORPORATION COMMISSION
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21 Ernest Johnson, Director
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24
25 By: 
26 Molly Johnson
Secretary to Lyn Farmer

27
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