

OPEN MEETING ITEM



0000038228

BRIAN C. McNEIL
Executive Director

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

ORIGINAL



ARIZONA CORPORATION COMMISSION

DATE: January 9, 2006

DOCKET NO: T-03707A-04-0814

TO ALL PARTIES:

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

UNITED STATES ADVANCED NETWORK, INC.

(CC&N CANCELLATION)

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 thirteen (13) copies of the exceptions with the Commission's Docket Control at the address listed below by 4:00 p.m. on or before:

JANUARY 18, 2006

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 Open Meeting to be held on:

JANUARY 24 AND 25, 2006

For more information, you may contact Docket Control at (602)542-3477 or the Hearing Division at (602)542-4250. For information about the Open Meeting, contact the Executive Director's Office at (602) 542-3931.

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AZ CORP COMMISSION
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BRIAN C. McNEIL
EXECUTIVE DIRECTOR

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 COMMISSIONERS

3 JEFF HATCH-MILLER, Chairman
4 WILLIAM A. MUNDELL
5 MARC SPITZER
6 MIKE GLEASON
7 KRISTIN K. MAYES

8 IN THE MATTER OF THE APPLICATION OF
9 UNITED STATES ADVANCED NETWORK, INC.
10 FOR CANCELLATION OF ITS CERTIFICATE OF
11 CONVENIENCE AND NECESSITY TO PROVIDE
12 RESOLD LONG DISTANCE
13 TELECOMMUNICATIONS SERVICES IN THE
14 STATE OF ARIZONA.

DOCKET NO. T-03707A-04-0814

DECISION NO. _____

ORDER

15 Open Meeting
16 January 24 and 25, 2006
17 Phoenix, Arizona

18 **BY THE COMMISSION:**

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

21 FINDINGS OF FACT

22 1. United States Advanced Network, Inc. ("Applicant") has a Certificate of Convenience
23 and Necessity ("Certificate") to provide alternative operator service ("AOS") in the State of Arizona
24 pursuant to Decision No. 61898 (August 27, 1999).

25 2. On November 10, 2004, Applicant filed an application for cancellation of its
26 Certificate, indicating that it does not have any customers in Arizona.

27 3. On December 2, 2004, the Commission's Utilities Division Staff ("Staff") filed a
28 Letter of Insufficiency and First Set of Data Requests.

1 4. On December 14, 2004, Applicant filed its response to Staff's First Set of Data
2 Requests. Applicant indicated that it does not have any advances, deposits and/or prepayments.

3 5. On July 12, 2005, Applicant filed an Affidavit of Publication.

4 6. On October 14, 2005, Staff filed a Staff Report, recommending approval of the
5 application to cancel Applicant's Certificate without a hearing.

6 7. Staff indicated that there are no open complaints, inquiries or opinions concerning

1 Applicant.

2 8. Numerous other carriers in Arizona offer services similar to those that Applicant is
3 currently certificated to provide.

4 9. No Arizona customers will be affected by the requested cancellation.

5 **CONCLUSIONS OF LAW**

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

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

10 3. The cancellation of Applicant's CC&N is in the public interest.

11 4. Pursuant to A.R.S. § 40-282, the Commission may issue this Decision without a
12 hearing.

13 5. Staff's recommendation is reasonable and should be adopted.

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ORDER

IT IS THEREFORE ORDERED that the Certificate of Convenience and Necessity granted to United States Advanced Network, Inc. in Decision No. 61898 is hereby cancelled.

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

BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

CHAIRMAN

COMMISSIONER

COMMISSIONER

COMMISSIONER

COMMISSIONER

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 _____ day of _____, 2006.

BRIAN C. McNEIL
Executive Director

DISSENT: _____

DISSENT: _____

AB: mj

1 SERVICE LIST FOR:

UNITED STATES ADVANCED NETWORK, INC.

2 DOCKET NO.:

T-03707A-04-0814

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