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Arizona Corporation Commission

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BEFORE THE ARIZONA CORPORATION COMMISSION

1
2 WILLIAM A. MUNDELL
3 CHAIRMAN
4 JIM IRVIN
5 COMMISSIONER
6 MARC SPITZER
7 COMMISSIONER

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IN THE MATTER OF THE APPLICATION OF
RHYTHMS LINKS INC. TO DISCONTINUE
LOCAL EXCHANGE SERVICE AREA.

DOCKET NO. T-03621A-01-0650

DECISION NO. 64228

ORDER

Open Meeting
November 27 and 28, 2001
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 August 5, 1999, in Decision No. 61862, the Commission granted to Rhythms Links, Inc. ("Rhythms" or "Applicant") a Certificate of Convenience and Necessity ("CC&N") authorizing it to provide competitive local exchange telecommunications services.

2. On August 10, 2001, Rhythms filed the above-captioned application ("Application").

3. The Application states that pursuant to an agreement on file in the United States Bankruptcy Court,¹ Rhythms was required to terminate service to its customers by September 10, 2001.

4. Rhythms notified all its Arizona customers of its discontinuance of services by mail on August 9, 2001.

5. On August 15, 2001, Rhythms published legal notice of the Application in accordance with A.A.C. R14-2-1107.

6. All Rhythms' affected Arizona customers will have access to an alternative local

¹ See *In re Rhythms NetConnections Inc., et al.*, Nos. 01-14283 (BRL) through 01-14287 (BRL) (filed Aug. 1, 2001 S.D.N.Y.).

1 exchange service provider.

2 7. No objections to the Application were filed.

3 8. No requests for hearing were filed.

4 9. No motions to intervene were filed.

5 10. Rhythms has not collected deposits from any Arizona customers, and therefore,
6 refunds will not be necessary.

7 11. Pursuant to A.A.C. R14-2-1107(C), the Application may be granted without a hearing.

8 12. On November 16, 2001, the Commission's Utilities Division Staff ("Staff") filed a
9 Staff Report recommending approval of Rhythms' Application. Staff recommends cancellation of
10 Rhythms' CC&N, and further recommends that a hearing not be held.

11 **CONCLUSIONS OF LAW**

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

14 2. The Commission has jurisdiction over Applicant and the subject matter of the
15 Application.

16 3. The Application complies with the requirements of A.A.C. R14-2-1107(A).

17 4. The cancellation of Applicant's CC&N is in the public interest.

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

20 **ORDER**

21 IT IS THEREFORE ORDERED that the application of Rhythms Links, Inc. to discontinue
22 provision of local exchange service is hereby approved.

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1 SERVICE LIST FOR:

RHYTHMS LINKS, INC.

2 DOCKET NO.:

T-03621A-01-0650

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