

OPEN MEETING ITEM
ORIGINAL



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



ARIZONA CORPORATION COMMISSION

DATE: March 20, 2006
DOCKET NO: T-02431A-06-0042
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:

MCI NETWORK SERVICES, 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:

MARCH 29, 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:

APRIL 4 AND 5, 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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Arizona Corporation Commission
BRIAN C. McNEIL
EXECUTIVE DIRECTOR

MAR 20 2006

DOCKETED BY

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 MCI NETWORK SERVICES, INC. TO CANCEL
10 ITS CERTIFICATE OF CONVENIENCE AND
11 NECESSITY.

DOCKET NO. T-02431A-06-0042

DECISION NO. _____

OPINION AND ORDER

9 Open Meeting
10 April 4 and 5, 2006
11 Phoenix, Arizona

12 **BY THE COMMISSION:**

13 * * * * *

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

FINDINGS OF FACT

16 1. MCI Network Services, Inc. ("Applicant") is a certificated interexchange carrier
17 pursuant to Decision Nos. 54507 (April 29, 1985) and 59446 (December 20, 1995).

18 2. On December 9, 2005, the Commission issued Decision No. 68345 which authorized
19 the transfer of Applicant's assets, facilities and wholesale customer contracts involving long distance
20 telephone, data and Internet services to MCI Communications Services, Inc. ("MCI
21 Communications"). As a condition of approving the transfer, Applicant was to file an application
22 canceling its Certificate within 60 days of Decision No. 68345.

23 3. On February 21, 2006, Applicant filed with the Commission an application to cancel
24 its Certificate of Convenience and Necessity ("Certificate").

25 4. On February 21, 2006, Applicant filed its Notice of Filing Affidavit of Publication.

26 5. On February 27, 2006, Staff filed its Staff Report recommending approval of the
27 application for cancellation of Certificate. In its application Applicant stated that its customers are
28 wholesale customers only; that all of its customers have transferred to, and are now being served by,

1 MCI Communications; that there are no deposits held by Applicant; and that there are several other
2 certificated service providers providing wholesale service in the affected geographic area.

3 **CONCLUSIONS OF LAW**

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

6 2. The Commission has jurisdiction over Applicant and of the subject matter in this
7 filing.

8 3. The cancellation of Applicant's Certificate is in the public interest.

9 4. Staff's recommendation is reasonable and should be adopted.

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ORDER

IT IS THEREFORE ORDERED that the Application of MCI Network Services, Inc., for cancellation of its Certificate of Convenience and Necessity shall be, and is hereby, approved.

IT IS FURTHER ORDERED that MCI Network Services, Inc. shall no longer be subject to the requirements of Decision Nos. 54507 and 59446.

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 the 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: MCI NETWORK, INC.

2 DOCKET NO.: T-04231A-06-0042

3 Thomas Campbell
4 Michael Hallam
5 LEWIS AND ROCA
6 40 North Central Avenue
7 Phoenix, AZ 85004

8 Thomas F. Dixon
9 MCI Network Services, Inc.
10 707 - 17th Street, #4200
11 Denver, CO 80202

12 Marsha Ward
13 MCI Network Services, Inc.
14 6 Concourse Parkway, Ste. 600
15 Atlanta, GA 30328

16 Christopher Kempley, Chief Counsel
17 Legal Division
18 ARIZONA CORPORATION COMMISSION
19 1200 West Washington Street
20 Phoenix, AZ 85007

21 Ernest G. Johnson, Director
22 Utilities Division
23 ARIZONA CORPORATION COMMISSION
24 1200 West Washington
25 Phoenix, AZ 85007

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