



OPEN MEETING 0000042441 ORIGINAL  
MEMORANDUM

RECEIVED

TO: THE COMMISSION  
FROM: Utilities Division  
DATE: December 11, 2001

2001 DEC 11 P 1:43  
AZ CORP COMMISSION  
DOCUMENT CONTROL

RE: IN THE MATTER OF VARTEC TELECOM, INC. - FILING FOR AN EXEMPTION FROM A.R.S. 40-285 AND WAIVER OF THE PUBLIC UTILITY HOLDING COMPANIES AND AFFILIATED INTERESTS RULES (DOCKET NOS. T-03401A-01-0952, T-02584A-01-0952 AND T-03188A-01-0952)

On December 4, 2001, VarTec Telecom, Inc., Excel Telecommunications, Inc., eMeritus Communications, Inc., and Long Distance Wholesale Club, Inc. (collectively, "the applicant") filed for an exemption from A.R.S. 40-285 and a waiver of the Public Utility Holding Companies and Affiliated Interests Rules.

The Applicant is an Arizona public service corporation within the meaning of Article XV, Section 2 of the Arizona Constitution. The Commission has jurisdiction over the Companies and over the subject matter of the application.

Staff recommends that the filing be suspended because as of this date, Staff has not had sufficient time to review and analyze the data provided by the Applicant. Therefore, Staff respectfully requests that the Commission suspend this tariff filing for one hundred twenty (120) days.

Ernest G. Johnson  
Director  
Utilities Division

EGJ:REL:lhms\TS

ORIGINATOR: Ronald E. Ludders

Arizona Corporation Commission  
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**BEFORE THE ARIZONA CORPORATION COMMISSION**

WILLIAM A. MUNDELL  
Chairman  
JIM IRVIN  
Commissioner  
MARC SPITZER  
Commissioner

IN THE MATTER OF THE APPLICATION OF )  
VARTEC TELECOM, INC., EXCEL )  
TELECOMMUNICATIONS, INC., )  
EMERITUS COMMUNICATIONS, INC., )  
AND LONG DISTANCE WHOLESALE )  
CLUB, INC., FOR EXCEPTION FROM )  
A.R.S. 40-285 AND WAIVER OF THE )  
PUBLIC UTILITY HOLDING COMPANIES )  
AND AFFILIATED INTEREST RULES )

DOCKET NOS. T-03401A-01-0952  
T-02584A-01-0952  
T-03188A-01-0952

DECISION NO. \_\_\_\_\_

ORDER

Open Meeting  
December 18 and 19, 2001  
Phoenix, Arizona

BY THE COMMISSION:

FINDINGS OF FACT

1. On December 4, 2001, VarTec Telecom, Inc. ("VarTec"), Excel Telecommunications, Inc. ("Excel"), eMeritus Communications, Inc. f/k/a Teleglobe Business Solutions, Inc., f/k/a Telco Holdings, Inc d/b/a Dail & Save Corp. ("eMeritus"), and Long Distance Wholesale Club, Inc. ("LDWC"), collectively ("the Applicants") applied, pursuant to A.R.S. 40-202.M for a permanent exception from A.R..S. 40-285 and, pursuant to A.A.C. R14-2-806, for a permanent general waiver of the Commission's Public Utility Holding Companies and Affiliated Interests Rules (A.A.C. R14-2-801 to R14-2-806 ("the Rules").
2. Staff has not had adequate time to review the VarTec's proposal and therefore, recommends that the filing be suspended for a period of one hundred twenty days.

CONCLUSIONS OF LAW

1. The Companies are Arizona public service corporations within the meaning of Article XV, Section 2 of the Arizona Constitution.
2. The Commission has jurisdiction over the Companies and over the subject matter of the application.

1 3. The Commission having reviewed the application and Staff's Memorandum dated  
2 December 11, 2001, concludes that it is in the public interest to suspend the filing for a period of one  
3 hundred twenty days.

4 ORDER

5 IT IS THEREFORE ORDERED that the filing be and hereby is suspended for a period of one  
6 hundred twenty days (120), up to and including May 1, 2002..

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

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

9  
10 CHAIRMAN

COMMISSIONER

COMMISSIONER

11 IN WITNESS WHEREOF, I, BRIAN C. McNEIL, Executive  
12 Secretary of the Arizona Corporation Commission, have  
13 hereunto, set my hand and caused the official seal of this  
14 Commission to be affixed at the Capitol, in the City of  
15 Phoenix, this \_\_\_\_\_ day of \_\_\_\_\_, 2001.

16 \_\_\_\_\_  
17 BRIAN C. McNEIL  
18 Executive Secretary

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

20 EGJ:REL:lhm

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1 SERVICE LIST FOR: VarTec Telecom, Inc., Excel Telecommunications, Inc., eMeritus  
2 Communications, Inc., and Long Distance Wholesale Club, Inc.

3 DOCKET NOS. T-03401A-01-0876 et al.

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5 McGuire Woods LLP  
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