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BEFORE THE ARIZONA CORPORATION COMMISSION

RECEIVED

2 WILLIAM A. MUNDELL
Chairman
3 JIM IRVIN
Commissioner
4 MARC SPITZER
Commissioner

Arizona Corporation Commission

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AZ CORP COMMISSION
DOCUMENT CONTROL

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6 UTILITIES DIVISION STAFF,

DOCKET NO. T03532A-02-0443

7 Complainant,

8 vs.

STAFF'S MOTION TO DISMISS
STAFF'S COMPLAINT

9 MAX-TEL COMMUNICATIONS, INC.

10 Respondent.

12 Staff, for Utilities Division of the Arizona Corporation Commission ("Staff"), hereby comes
13 to request Dismissal with Prejudice of the above captioned Complaint. On November 25, 2002,
14 Staff finally received an original notarized document labeled "BOND FOR UTILITY USERS" from
15 Hartford Fire Insurance Company ("Hartford"). This document is attached and a copy has been filed
16 under Docket No.T-03532A-98-0134. The document indicates that Max-Tel Communications, Inc.
17 ("Respondent", "Max-Tel", or "Company") retained a \$25,000.00 bond, executed on November 18,
18 2002, in which Hartford is the Surety.

19 Given the attached documentation of a bond, Staff is satisfied with Max-tel's current
20 compliance. Thus, Staff believes that it would be in the public's best interest to Dismiss with
21 Prejudice the above captioned Complaint.

22 RESPECTIVELY SUMITTED this 26th day of November, 2002.

Lisa Ann Vandenberg
Attorney, Legal Division
Arizona Corporation Commission
1200 W. Washington
Phoenix, Arizona 85007
(602) 542-3402

27 Original and fifteen (15) copies
28 of the foregoing filed this 26th
day of November, 2002 with:

1 Docket Control
2 Arizona Corporation Commission
3 1200 West Washington Street
4 Phoenix, Arizona 85007

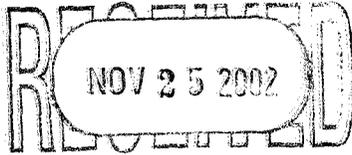
5 COPY mailed this 26th day
6 of November, 2002 to:

7 Mr. Mark Maxey
8 Max-Tel Communication, Inc.
9 103 N. Wickham
10 Alvord, Texas 76225

11 Rickey Davis
12 Max-Tel Communications, Inc.
13 105 North Wickham
14 P.O. Box 280
15 Alvord, Texas 76225

16 
17 Angela L. Bennett

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BOND FOR UTILITY USERS

Director of Utilities

KNOW ALL MEN BY THESE PRESENTS: That we, MaxTel Communications, Inc. as Principal, and Hartford Fire Insurance Company as Surety are jointly and severally bound unto the users of Principal in the sum of \$ 25,000 , lawful money of the United States of America, to be paid as hereinafter provided for which payment will and truly to be made, we bind ourselves, and each our successors and assigns, jointly and severally be these presents.

THE CONDITIONS OF THIS OBLIGATION ARE THAT: Whereas, the above bounden Principal has contracted with the users of the Principal for the furnishing of telecommunications service.

NOW THEREFORE, if the said Principal, or any assigns of this fails to provide telecommunications services so furnished, the said Surety will pay the same to the users of the Principal with the consent of the Arizona Corporation Commission as Trustee, an amount not exceeding the sum herein above specified.

THIS BOND SHALL REMAIN IN FULL FORCE and effect until cancelled by mutual agreement of the Arizona Corporation Commission, the Principal and the Surety. The Surety's liability shall be terminated and bond cancelled upon written notice of the cancellation by the Surety to the Principal with a copy to the Arizona Corporation Commission no less than thirty days prior to the cancellation date. Notice to the Principal shall be by certified mail in a sealed envelope with the postage prepaid. Proof of notice to the Principal shall be made available to the Arizona Corporation Commission upon request. IN WITNESS Whereof, we have caused these presents to be executed this

18th, day of November, 2002.

[Signature]
(Principal)

BY: Hartford Fire Insurance
Company

(Surety)
[Signature]
Carol Noone, Attorney-in-Fact

Attest: [Signature]

HARTFORD FIRE INSURANCE COMPANY

Hartford, Connecticut POWER OF ATTORNEY

Know all men by these Presents, That HARTFORD FIRE INSURANCE COMPANY, a corporation duly organized under the laws of the State of Connecticut, and having its principal office in the City of Hartford, County of Hartford, State of Connecticut, does hereby make, constitute and appoint

CAROL NOONE, TERESA GODSEY, ANGELA TURNER, CRAIG MOSS, LINDA WHITE
and BRENDA McCRAW of FORT WORTH, TEXAS

its true and lawful Attorney(s)-in-Fact, with full power and authority to each of said Attorney(s)-in-Fact, in their separate capacity if more than one is named above, to sign, execute and acknowledge any and all bonds and undertakings and other writings obligatory in the nature thereof on behalf of the Company in its business of guaranteeing the fidelity of persons holding places of public or private trust; guaranteeing the performance of contracts other than insurance policies; guaranteeing the performance of insurance contracts where surety bonds are accepted by states and municipalities, and executing or guaranteeing bonds and undertakings required or permitted in all actions or proceedings or by law allowed, and to bind HARTFORD FIRE INSURANCE COMPANY thereby as fully and to the same extent as if such bonds and undertakings and other writings obligatory in the nature thereof were signed by an Executive Officer of HARTFORD FIRE INSURANCE COMPANY and sealed and attested by one other of such Officers, and hereby ratifies and confirms all that its said Attorney(s)-in-Fact may do in pursuance hereof.

This Power of Attorney is granted under and by authority of the By-Laws of HARTFORD FIRE INSURANCE COMPANY, ("the Company") as amended by the Board of Directors at a meeting duly called and held on July 9, 1997, as follows:

ARTICLE IV

SECTION 7. The President or any Vice President or Assistant Vice-President, acting with any Secretary or Assistant Secretary shall have power and authority to sign and execute and attach the seal of the Company to bonds and undertakings, recognizances, contracts of indemnity and other writings obligatory in the nature thereof, and such instruments so signed and executed, with or without the common seal, shall be valid and binding upon the Company.

SECTION 8. The President or any Vice-President or any Assistant Vice President acting with any Secretary or Assistant Secretary, shall have power and authority to appoint, for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, one or more resident Vice Presidents, resident Assistant Secretaries and Attorneys-in-Fact and at any time to remove any such resident Vice-President, resident Assistant Secretary, or Attorney-in-Fact, and revoke the power and authority given to him.

Resolved, that the signatures of such Officers and the seal of the Company may be affixed to any such power of attorney or to any certificate relating thereto by facsimile, and any such power of attorney or certificate bearing such facsimile signatures or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by facsimile signatures and facsimile seal shall be valid and binding upon the Company in the future with respect to any bond or undertaking to which it is attached.

In Witness Whereof, HARTFORD FIRE INSURANCE COMPANY has caused these presents to be signed by its Assistant Vice-President, and its corporate seal to be hereto affixed, duly attested by its Secretary, this 14th day of May, 1999.

HARTFORD FIRE INSURANCE COMPANY



Paul A. Bergenholtz, Assistant Secretary

Robert L. Post, Assistant Vice President

STATE OF CONNECTICUT

COUNTY OF HARTFORD

} ss. Hartford

On this 14th day of May, A.D. 1999, before me personally came Robert L. Post, to me known, who being by me duly sworn, did depose and say: that he resides in the County of Hartford, State of Connecticut; that he is the Assistant Vice-President of HARTFORD FIRE INSURANCE COMPANY, the corporation described in and which executed the above instrument; that he knows the seal of the said corporation; that the seal affixed to the said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said corporation and that he signed his name thereto by like order.



CERTIFICATE

Jean H. Wozniak
Notary Public

My Commission Expires June 30, 2004

I, the undersigned, Secretary of HARTFORD FIRE INSURANCE COMPANY, a Connecticut Corporation, DO HEREBY CERTIFY that the foregoing and attached POWER OF ATTORNEY remains in full force and has not been revoked; and furthermore, that Article IV, Sections 7 and 8 of the By-Laws of HARTFORD FIRE INSURANCE COMPANY, set forth in the Power of Attorney, are now in force.

Signed and sealed at the City of Hartford.

Dated the 18th

day of November XX 2002



Richard L. Marshall, Jr., Assistant Secretary

J. Dennis Lane, Assistant Vice President