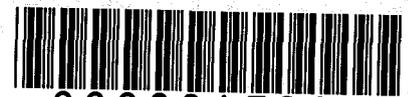


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ARIZONA CORPORATION COMMISSION RECEIVED

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January 22, 2002

CORP COMMISSION  
DOCKET CONTROL

Arizona Corporation Commission  
DOCKETED

JAN 23 2002

Todd H. Lowe, President  
Visiology, Inc.  
16061 Carmel Bay Drive  
Northport, Alabama 35475

DOCKETED BY 

RE: Staff's Letter of Sufficiency and First Set of Data Requests to ECI Communications, Inc. dba  
ITS Network Services  
Docket No. T-04078A-02-0028

Dear Mr. Lowe:

On January 11, 2002, ECI Communications, Inc. dba ITS Network Services filed an application for a Certificate of Convenience and Necessity ("CC&N") to provide resold long distance telecommunication services in the State of Arizona. Your application is not sufficient. This data request is prepared in the format of an Application form used to request a CC&N to provide resold and/or facilities-based telecommunications services in Arizona. The form lists the information Staff needs to complete its analysis of your application. Please treat this Application form, as Staff's first and only data request to be sent ECI Communications, Inc. dba ITS Network Services in the above-referenced matter.

For purposes of this data request, the words "ECI", "Applicant", "the Company", "you", and "your" refer to ECI Communications, Inc. dba ITS Network Services and any representative, including every person and/or entity acting with, under the control of, or on behalf of ECI Communications, Inc. dba ITS Network Services. For each answer, please identify by name, title, and address each person providing information that forms the basis for the response provided.

Your answers to the items on the form or any documents supplied in response to this data request should be supplemented with any additional information or documents that come to your attention after you have provided your initial responses.

Please provide Docket Control with the information being requested within **60 days** of the date of this letter. Mail your CC&N Application (original plus 10 copies) to Docket Control, Arizona Corporation Commission, 1200 W. Washington Street, Phoenix, AZ 85007-2927. If no

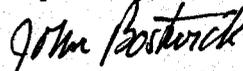
January 22, 2002

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response is received, Staff will recommend that your CC&N Application be denied. If the CC&N Application is denied, the Applicant cannot provide the same telecommunications services in Arizona for which it is currently applying, until such time as a new application is filed with and approved by the Arizona Corporation Commission.

Remember that information submitted for a CC&N will be made a part of the public record (including financial statements). Any information designated as confidential will not be accepted by Docket Control. If you have any questions, please contact me at (602) 542-0856. Thank you for your prompt response to this request.

Respectfully,



John Bostwick

Administrative Services Officer II

Enclosures

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DOCKET NO. T-04078A-02-0028

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**Make sure each numbered item and each part of the item is answered completely. Please do not change the number of the item when responding to the numbered item. In order for Staff to review of your Application, the following information must be provided:**

1. You indicated that you want to provide the following type of telecommunications services in Arizona. Please answer the appropriate numbered items.

Resold long distance services (answer items 1 - 12 and items 13 - 18)

2. Please provide a copy of the Applicant's authority to do business in Arizona as Attachment "A".
3. Please indicate the geographic market you will serve:

Statewide \_\_\_\_\_.

Other, describe the area by community or rate center name  
\_\_\_\_\_.

4. Please indicate if the Company has been or the Company is concurrently involved in any formal complaint proceedings pending before any State or Federal Regulatory Commission.

If "yes", in which states is the Company involved in proceedings?

What is the substance of these complaints?

Provide a copy of the Commission order(s) that resolved any of these complaints.

5. Please indicate if the Company has been or the Company is concurrently involved in any civil or criminal investigations related to the delivery of telecommunications services within the last five years.

If "yes", in which states has the Applicant been involved in investigations?

Indicate why is the Applicant being investigated.

6. Please indicate if the Applicant had judgement entered against it in any civil matter or been convicted of criminal acts related to the delivery of telecommunications services within the last five years.

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If "yes", list the states in which a judgement or conviction was entered.

Provide a copy of the court order.

7. Please indicate if your customers will be able to access alternative toll service providers or resellers via 1+101XXXX access.
8. Please indicate if your Company has financial statements for the two most recent years.

If "no", explain why and give the date your Company began operations.

9. Please provide financial information as Attachment "C".

Provide us with a copy of your Company's balance sheet in Attachment "C".

Provide us with a copy of your Company's income statement in Attachment "C".  
Provide us with a copy of your Company's audit report (if audited) in Attachment "C".

Provide all related notes to these financial statements for the two most recent years that your Company has been in business in Attachment "C".

10. Please provide retained earnings account information on the balance sheet or on a separate sheet in Attachment "C".
11. Please submit copies of affidavits of publications that the Company has, as required, published legal notice of the application in all counties where services will be provided. Prior to the issuance of a CC&N, the Applicant is to complete and submit the following:

A correspondence letter. Refer to the Sample Correspondence Letter in the Legal Notice Material;

Affidavits of publication form. Refer to the Sample Proof of Publication and an Affidavit of Publication in the Legal Notice Material; and

The actual copy of your Company's published Legal Notice as noted in the Legal Notice Material.

*(Note: Use the Sample Legal Notice For Resold Telecommunications Services to provide resold long distance and/or resold local exchange telecommunications*

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*services. Use the Sample Legal Notice For Facilities-Based Telecommunications Services to provide facilities-based and resold local exchange, long distance and access exchange telecommunications services. If your Application requests facilities-based telecommunications services, instructions for preparing and issuing a Legal Notice will be ordered by the Hearing Division at a later date. All material for preparing and filing Legal Notice in the newspapers is available at the end of item number 78).*

12. Based on the review of the financial information submitted, Staff will determine whether or not the Applicant lacks sufficient financial resources.

If Staff determines the Applicant lacks sufficient financial resources, the Applicant must do one of the following:

1. Staff recommends that the Applicant procure a performance bond equal to \$10,000. The minimum bond amount of \$10,000 should be increased if at any time it would be insufficient to cover prepayments or deposits collected from the Applicant's customers. Staff further recommends that proof of the above mentioned performance bond be docketed within 90 days of the effective date of an order in this matter or 30 days prior to the provision of service, whichever ever comes first. If the Applicant is currently providing service, then please docket the performance bond within **60 days** of the date of this letter.

*(Note: The minimum bond amount for each type of telecommunication services is as follows: resold long distance \$10,000; resold local exchange \$25,000; facilities-based long distance \$100,000; and facilities-based local exchange, including access service, \$100,000. The amount of performance bond for multiple services is an aggregate of the minimum bond amount for each type of telecommunications services requested by the Applicant.)*

**OR**

2. The Applicant must file a letter stating that it does not currently, and will not in the future, charge its customers for any prepayments, advances, or deposits. If the Applicant is currently collecting prepayments, advances, or deposits, the Applicant must refund those charges to customers to avoid maintaining the above mentioned performance bond. If in the future, the Applicant desires to charge prepayments, advances, or deposits, it must file information with the Commission that demonstrates the Applicant's

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financial viability. Staff will review the information and forward its recommendation to the Commission for a Decision.

13. Please indicate if your Company is currently reselling long distance telecommunications services in Arizona.

If "yes", please provide the date or approximate date you began reselling long distance telecommunications services in Arizona.

Identify the types of long distance telecommunications services you resell.

Identify whether operator services are provided or resold.

Identify whether operator services are provided or resold to traffic aggregators (as defined in A.A.C. Rule R14-2-1001 (3)).

*(Note: Commission rule requires that a separate CC&N, issued under Article 10, be obtained in order to provide operator services to traffic aggregators.)*

Identify the number of customers in Arizona for each type of resold long distance telecommunications service.

Identify the total number of long distance intrastate minutes resold in the latest 12-month period for which data is available.

If "no", please indicate the date when your Company plans to begin reselling long distance telecommunications services in Arizona.

14. Please list the states in which you have applied for authority to offer resold long distance telecommunications services.
15. Please indicate the resold long distance telecommunications services you applied for in each state.
16. Please list the states in which you have been approved to offer resold long distance telecommunications services similar to those you intend to resell in Arizona.
17. Please list the states in which you currently offer resold long distance telecommunications services similar to those you intend to resell in Arizona.

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18. Please provide a list of the states in which you have sought authority to resell long distance telecommunications services and either granted the authority with major changes and conditions, or had your application denied.

For each state listed, provide a copy of the Commission's decision modifying or denying your application for authority to provide resold long distance telecommunications services.