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ARIZONA CORPORATION COMMISSION

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November 13, 2001

AZ CORP COMMISSION
DOCUMENT CONTROL

Tony S. Lee
Swidler Berlin Shereff Friedman, LLP
The Washington Harbour
3000 K Street, NW, Suite 300
Washington, DC 20007-5116

Arizona Corporation Commission
DOCKETED

NOV 13 2001

DOCKETED BY	<i>mac</i>
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RE: Staff's Letter of Sufficiency and First Set of Data Requests to Big Planet, Inc.
Docket No. T-03630A-01-0854

Dear Mr. Lee:

On October 29, 2001, Big Planet, Inc. filed an application for a CC&N to provide resold long distance telecommunication services in the State of Arizona. The application is not sufficient. This data request list the information Staff needs to complete its analysis of your application. Please treat this, as Staff's first set of data requests to Big Planet, Inc. in the above-referenced matter.

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

These data requests are continuing, and your answers or any documents supplied in response to these data requests 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 an original plus 10 copies to Docket Control, Arizona Corporation Commission, 1200 W. Washington Street, Phoenix, AZ 85007-2927. If no response is received, Staff will recommend that the application be terminated. If the application is terminated, 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 Commission.

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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
John Bostwick
CC&N Specialist

Enclosures

STAFF'S FIRST SET OF DATA REQUESTS TO
BIG PLANET, INC.
DOCKET NO. T-03630A-01-0854

Please make sure each numbered item and each part of the item is answered completely. If it is not, Staff will resubmit the numbered item(s) and/or part(s) of the item in a following data request. In order for Staff to continue with its review of this application, the following information must be submitted:

1. You indicated that you want to provide the following:

Resold long distance services (answer items 1 - 14 and items 15 - 21)

2. Provide facsimile number (including area code) of the Applicant.

Provide the e-mail address of the Applicant.

Provide the Web address (if one is available for customer access) of the Applicant.

3. Provide facsimile number (including area code) of the Company's complaint contact person.

Provide the e-mail address of the Company's complaint contact person.

(Note: You are required to inform the Commission of any changes pertaining to the Applicant, dba name, management contact, Attorney and/or Consultant, or the Company's complaint contact person.)

4. You indicated that the Applicant is:

Corporation please indicate type: "S", "C", Non-profit,
please indicate domicile: Arizona, Foreign

(Note: According to A.R.S. § 40-282 A., "If an Applicant for a Certificate of Convenience and Necessity is a corporation, a certified copy of its Articles of Incorporation shall be filed in the office of the commission before any Certificate of Convenience and Necessity may issue.")

5. You provided us with a copy of your proposed tariffs as Attachment "B".

Indicate by reference to page number(s) the proposed rates and charges for each service to be provided.

Indicate by reference to page number(s) the tariff (maximum) rate as well as

STAFF'S FIRST SET OF DATA REQUESTS TO
BIG PLANET, INC.
DOCKET NO. T-03630A-01-0854

the price to be charged.

(Note: If no maximum rates are indicated, then the current prices on file will be considered current and maximum rates.)

Indicate by reference to page number(s) the terms and conditions that will apply to provision of the service(s) by your Company.

Indicate by reference to page number(s) the deposits, advances, and/or prepayments that will apply to provision of the service(s) by your Company.

(Note: Price list rate changes that result in rates that are lower than the tariff rate are effective upon concurrent notice to the Commission (see Rule R14-2-1109 (B) (2)). See Rule R14-2-1110 for procedures to make price list changes that result in rates that are higher than the tariff rate.)

6. 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.

7. 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".

8. Please provide retained earnings account information on the balance sheet or on a separate sheet in Attachment "C".

9. Please indicate if your Company is a subsidiary.

If "yes", provide a copy of your Parent Company's financial statements, in addition to your Company's financial statements, in Attachment "C".

Repeat items 6, 7 and 8 for your Parent Company. Make sure answers furnished by your Parent Company satisfy each item and request for information.

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10. You indicated that your customers will be required (or have the option) to pay advances, prepayments, or deposits for any of your products or services.

Provide an explanation of how and when these customer advances, prepayments, or deposits will be applied or reference the terms and conditions section of your Company's tariffs (by reference to page number(s)) with this explanation. If this information is not explained in the tariff, provide it on a separate sheet.

(Note: Commission considers prepaid calling cards de facto prepayments.)

11. Please state the proposed fee that will be charged for returned checks.
12. Please clarify and indicate by reference to page number(s) in your tariff your Company's deposit policy.

(Note: Pursuant to A.A.C. R14-2-503 (B), the amount of a deposit required by the utility shall not exceed 2 times that residential customer's estimated average monthly bill or the average monthly bill for the customer class for that customer which ever is greater. Nonresidential customer deposits shall not exceed 2 1/2 times that customer's estimated maximum monthly bill. The term "deposit" refers to all deposits, advance payments, and prepayment.)

13. 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 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. All material for preparing and

STAFF'S FIRST SET OF DATA REQUESTS TO
BIG PLANET, INC.
DOCKET NO. T-03630A-01-0854

filing Legal Notice in the newspapers is available at the end of item number 21).

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

STAFF'S FIRST SET OF DATA REQUESTS TO
BIG PLANET, INC.
DOCKET NO. T-03630A-01-0854

15. You indicated that your Company is currently reselling long distance telecommunications services in Arizona.

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.)

16. Please list the states in which you have applied for authority to offer resold long distance telecommunications services.
17. Please indicate the resold long distance telecommunications services you applied for in each state.
18. Please list and give a detailed explanation of complaints you have received (if any) regarding resold long distance exchange telecommunications services offered in other states.

State what actions were taken to remedy these complaints and to prevent them from occurring again.

19. You indicated that your Company is a switchless reseller of long distance telecommunications services.

Provide the name of the company or companies whose long distance telecommunications services you resell.

20. Please list the companies with which you have signed resale agreements for long distance, along with the states in which they were approved.
21. Please provide us with a copy of the resale agreement or contract between your Company and the applicable local exchange service provider. All applications for resold long distance telecommunications services must include a resale agreement or contract as Attachment "F".

NEWSPAPER INFORMATION

You may contact John Fearing, Executive Director of the Arizona Newspaper Association, at (602) 261-7655 for information on the newspapers, which publish in each county and for a rate quote.

The Arizona Republic is the only newspaper, which is considered to have a statewide distribution.

The Arizona Business Gazette is only sufficient for Maricopa County.

SAMPLE CORRESPONDENCE LETTER

To: Docket Control Center
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007-2927

Re: (Enter Docket Number)
Application of (Enter Applicant's Name) for a
Certificate of Convenience and Necessity

Dear Sir or Madam:

Submitted herewith for filing, on behalf of (Enter Applicant's Name) are an original and ten (10) copies of a notarized affidavit attesting that (Enter Applicant's Name) has filed the required public notice of its Application for a Certificate of Convenience and Necessity in *The Arizona Republic* newspaper on (Enter Month, Date and Year).

Enclosed is an additional; copy of its transmittal letter and affidavit. Please stamp the additional copy and return it to us in the enclosed stamped, self-addressed envelope as an acknowledgement of receipt.

Please direct any questions regarding this matter to the undersigned.

Respectfully submitted,

(Signature of Applicant or Applicant's Representative)
(Name of Signer)
(Signer's Position/Title)
(Attorney for (Applicant's Name))

SAMPLE LEGAL NOTICE FOR RESOLD LONG DISTANCE
TELECOMMUNICATIONS SERVICES

**NOTICE OF APPLICATION FOR A CERTIFICATE OF
CONVENIENCE AND NECESSITY TO PROVIDE COMPETITIVE
RESOLD INTEREXCHANGE TELECOMMUNICATIONS
SERVICES BY (ENTER APPLICANT'S NAME)**

(Enter Applicant's Name) ("Applicant") has filed with the Arizona Corporation Commission ("Commission") an application for a Certificate of Convenience and Necessity ("Certificate") to provide competitive resold interexchange telecommunications services in the State of Arizona. Applicant will be required by the Commission to provide this service under the rates and charges and terms and conditions established by the Commission.

A.R.S. § 40-282 provides that the Commission may act on an application for a Certificate to provide resold telecommunications services without a hearing, or with a hearing, if one is requested by any party. Applicant or any other party must request a hearing within twenty (20) days of the date of this notice, or the Commission will rule on the application without a hearing.

The application, report of the Commission's Utilities Division Staff, and any written exceptions to the Staff report prepared by the applicant are available for inspection during regular business hours at the offices of the Commission located at 1200 West Washington Street, Phoenix, Arizona, 85007, and at Applicant, (Enter Applicant's Address).

Under appropriate circumstances, interested parties may intervene in the proceedings, and participate as a party. Intervention shall be in accordance with the A.A.C. R 14-3-105, except that all motions to intervene must be filed on or within twenty (20) days of the date of this notice. You may have the right to intervene in the proceedings, or you may make a statement for the record. If you have any comments, mail them to:

The Arizona Corporation Commission
Attention Docket Control
Re: (Enter Applicant's Name)
(Enter Docket Number)
1200 West Washington Street
Phoenix, Arizona 85007

All Comments should be received within twenty (20) days of the date of this notice.

If you have any questions about this application or have any objections to its approval, you may contact Consumer Services Section of the Commission at 1200 West Washington Street, Phoenix, Arizona 85007, or call 1-800-222-7000.

The Commission does not discriminate on the basis of disability in admission to its public meetings. Persons with a disability may request reasonable accommodations such as sign language interpreter, as well as request this document in an alternative format, by contacting Shelley Hood, ADA Coordinator, voice phone number (602) 542-3931, E-Mail shood@cc.state.az.us. Requests should be made as early as possible to allow time to arrange the accommodation.

SAMPLE PROOF OF PUBLICATION

BEFORE THE ARIZONA CORPORATION COMMISSION

WILLIAM A. MUNDELL
CHAIRMAN
JAMES M. IRVIN
COMMISSIONER
MARC SPITZER
COMMISSIONER

IN THE MATTER OF THE APPLICATION
AND PETITION OF (ENTER COMPANY NAME)
FOR A CERTIFICATE OF CONVENIENCE
AND NECESSITY TO PROVIDE COMPETITIVE
INTRASTATE TELECOMMUNICATIONS
SERVICES

DOCKET NO. _____

**NOTICE OF FILING OF
AFFIDAVITS OF PUBLICATIONS**

(Enter Company Name) hereby submits copies of the affidavits of publication for (Enter Newspaper Name) in verification that (Enter Company Name) public notice in this matter was published in each of these newspapers on the date specified.

RESPECTFULLY SUBMITTED this _____ day of, _____, 2001.

(Enter Company Name)

(Signature)

(Name)

(Title/Company)

(Address)

THIS FORM IS TO BE COMPLETED BY THE COMPANY. ATTACH THE AFFIDAVITS OF PUBLICATION FROM THE NEWSPAPERS TO THIS FORM. FILE THE ORIGINAL AND TEN COPIES OF THIS FORM AND ITS ATTACHMENTS WITH THE COMMISSION'S DOCKET CONTROL CENTER.

THE ARIZONA REPUBLIC

NOTICE OF APPLICATION FOR A CERTIFICATE OF CONVENIENCE AND NECESSITY TO PROVIDE COMPETITIVE INTRASTATE TELECOMMUNICATIONS SERVICES AS A LONG DISTANCE RESELLER BY GLOBAL CREST COMMUNICATION, INC.

GLOBAL CREST COMMUNICATION, INC. (Applicant) has filed with the Arizona Corporation Commission (Commission) as application for a Certificate of Convenience and Necessity (Certificate) to provide competitive intrastate telecommunications services as a long distance reseller in the State of Arizona. Applicant will be required by the Commission to provide this service under the rates and charges and terms and conditions established by the Commission.

A.R.S. § 40-282 provides that the Commission may act on an application for a Certificate to provide resale telecommunications services without a hearing, or with a hearing, if one is requested by any party. Applicant or any other party must request a hearing within twenty-one (21) days from publication of this notice, or the Commission will rule on the application without a hearing.

The application, report of the Commission's Utilities Division Staff, and any written exceptions to the Staff Report prepared by the applicant are available for inspection during regular business hours at the offices of the Commission located at 1200 West Washington Street, Phoenix, Arizona 85007, and at GLOBAL CREST COMMUNICATIONS, INC. 1200 Biscayne Blvd., #701, North Miami, FL 33181.

Under appropriate circumstances, interested parties may intervene in the proceedings and participate as a party. Intervention shall be in accordance with A.A.C. R14-1-005, except that all motions to intervene must be filed within twenty-one (21) days from the date of publication of this notice. You may have the right to intervene in the proceeding, or you may make a statement for the record. If you have any comments, mail them to:

The Arizona Corporation Commission Attention: Docket Control for GLOBAL CREST COMMUNICATIONS, INC. T-04024A-01-0461 1200 West Washington Street Phoenix, Arizona 85007

All comments should be received within twenty-one (21) days from the date of publication of this notice.

If you have any questions about this application or have any objections to its approval, you may contact the Consumer Services Section of the Commission at 1200 West Washington Street, Phoenix, Arizona 85007 or call 1-800-222-7000.

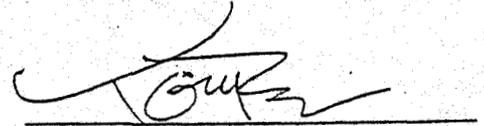
The Commission does not discriminate on the basis of disability in admission to its public meetings. Persons with a disability may request reasonable accommodations such as a sign language interpreter, as well as request this document in an alternative format by contacting Sherry Hood, ADA Coordinator, voice phone number 602/542-9838, E-Mail shhood@cc.state.az.us. Requests should be made as early as possible to allow time to arrange the accommodation. 01507 - July 3, 2001

STATE OF ARIZONA }
COUNTY OF MARICOPA } SS.

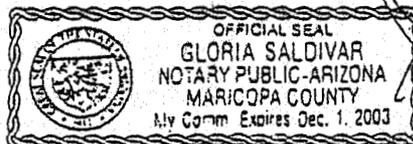
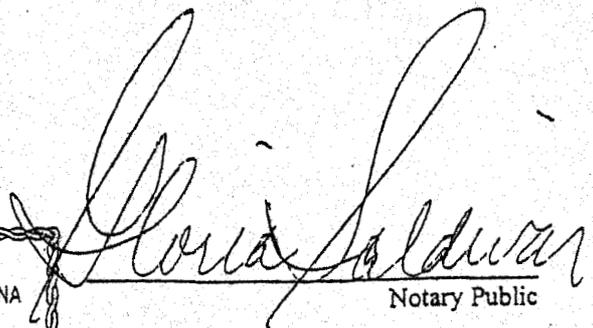
TOM BLANCO, being first duly sworn, upon oath deposes and says: That he is the legal advertising manager of the Arizona Business Gazette, a newspaper of general circulation in the county of Maricopa, State of Arizona, published at Phoenix, Arizona, by Phoenix Newspapers Inc., which also publishes The Arizona Republic, and that the copy hereto attached is a true copy of the advertisement published in the said paper on the dates as indicated.

The Arizona Republic

July 3, 2001



Sworn to before me this
11TH day of
July A.D. 2001



Notary Public