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



Executive Director

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ARIZONA CORPORATION COMMISSION

DATE: April 11, 2006

DOCKET NO: T-04280A-05-0806

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:

BUSINESS PRODUCTIVITY SOLUTIONS, INC.

(TRANSFER OF CONTROL)

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:

APRIL 20, 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:

MAY 2 AND 3, 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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BRIAN C. McNEIL
EXECUTIVE DIRECTOR

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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

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

IN THE MATTER OF THE APPLICATION OF
BUSINESS PRODUCTIVITY SOLUTIONS, INC.
TARIFF FILING TO ADD TEXTUAL CHANGES
TO REFLECT CHANGES IN CONTACT
INFORMATION AND DELETE PROVISIONS
RELATED TO CUSTOMER DEPOSITS AND
ADVANCE PAYMENTS RESULTING FROM
THE TRANSFER OF CONTROL OF BUSINESS
PRODUCTIVITY SOLUTIONS, INC. TO
MANHATTAN TELECOMMUNICATIONS
CORPORATION.

DOCKET NO. T-04280A-05-0806

DECISION NO. _____

ORDER

Open Meeting
May 2 and 3, 2006
Phoenix, Arizona

BY THE COMMISSION:

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

FINDINGS OF FACT

1. On August 15, 2005, Business Productivity Solutions, Inc. ("BPS" or "Applicant") and Manhattan Telecommunications Corporation d/b/a Metropolitan Telecommunications Corporation ("MetTel") notified the Commission of their intent to consummate a transfer of control from Eschelon Telecom, Inc. to MetTel. The transfer of control was effectuated through the acquisition by MetTel of 100 percent of the stock of BPS.
2. On December 16, 2005, MetTel and BPS notified the Commission that the transfer of control had taken place. BPS continues to operate as a separate subsidiary of MetTel.
3. On November 1, 2005, BPS filed with the Commission tariff revisions to make textual changes to reflect changes in contact information and delete provisions related to customer deposits and advance payments resulting from the transfer of control of BPS to MetTel. Because the proposed tariff revisions eliminate deposits for its customers and BPS does not currently hold customer

1 deposits, BPS also requested that the Commission grant it authority to cancel and withdraw its
2 \$10,000 surety bond that was required by Decision No. 67727 (March 29, 2005).

3 4. The proposed tariff revisions include changing the contact information to reflect an
4 address change from Minnesota to New York and eliminating provisions related to customer deposits
5 and advance payments.

6 5. Staff recommended the approval of BPS's proposed tariff revisions and its request that
7 the Commission grant it the authority to cancel and withdraw its \$10,000 surety bond.

8 **CONCLUSIONS OF LAW**

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

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

13 3. The revision of Applicant's tariff and the cancellation and withdrawal of the \$10,000
14 surety bond is in the public interest.

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

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ORDER

IT IS THEREFORE ORDERED that the proposed tariff revisions shall be, and hereby are, approved.

IT IS FURTHER ORDERED that Business Productivity Solutions, Inc. shall be, and hereby is, granted approval to cancel and withdraw its \$10,000 surety bond.

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

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SERVICE LIST FOR:

BUSINESS PRODUCTIVITY SOLUTIONS, INC.

DOCKET NO.:

T-04280A-05-0806

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