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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

Arizona Corporation Commission

DOCKETED

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

MAY 05 2006

DOCKETED BY *AK*

IN THE MATTER OF THE COMMISSION ON  
ITS OWN MOTION INVESTIGATING THE  
FAILURE OF NUMEROUS UTILITIES TO  
FILE ANNUAL REPORTS FOR CALENDAR  
YEAR 2002.

DOCKET NO C-00000A-06-0195

DECISION NO. 68687

ORDER TO SHOW CAUSE

Open Meeting  
May 2 and 3, 2006  
Phoenix, Arizona

BY THE COMMISSION

The Arizona Corporation Commission ("Commission"), hereby issues this Order to Show Cause against the following respondents:

DOCKET NO	COMPANY NAME
T-04017A	AMIGA ENTERPRISES
T-03942A	COMTEL NETWORK, LLC
T-02940A	DILLON ENTERPRISES
T-03482A	DISCOUNT UTILITIES, LLC
T-03021A	E.SPIRE
T-03220A	ETI - TELECOMMUNICATIONS
T-03836A	EXCELL AGENT SERVICES, LLC
T-03833A	EZTEL NETWORK SERVICES, LLC
W-02271A	GREEN ACRES WATER COMPANY
T-03251A	GROUP LONG DISTANCE, INC.
W-01557A	LAKE VERDE WATER COMPANY
W-02504A	MEADOW WATER COMPANY
T-03244A	METROPHONE TELECOMMUNICATIONS, INC.
T-02939A	MTV WORLD PAYPHONES
T-03821A	NAS
T-03878A	NATEL, LLC
T-03737A	PROMISE-NET INTERNATIONAL, LTD.
T-03928A	RAPTEL COMMUNICATIONS, LLC
W-02003A	RILLITO WATER USERS ASSOCIATION
W-01084A	SALOME WATER COMPANY

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T-03650A	SPECIAL ACCOUNTS BILLING GROUP, INC.
W-01407A	STRAWBERRY WATER COMPANY
W-02386A	SUN LEISURE ESTATES UTILITIES COMPANY, INC.
T-04167A	TELEGLOBE USA LLC
T-03262A	TELE-PRO INDEPENDENT CONTRACTORS, LLC
T-02885A	TRATTORIA PINA
T-03558A	UNITED STATES TELECOMMUNICATIONS, INC.
W-02274A	VERDE WEST IRRIGATION
T-03988A	WILSHIRE CONNECTION, LLC
T-03165A	ZENEX LONG DISTANCE, INC.

FINDINGS OF FACT

The Arizona Corporation Commission (Commission), for its Complaint, alleges as follows:

**I**

The Commission is an agency of the State of Arizona, existing by virtue of Article 15 of the Arizona Constitution.

**II**

Respondents are public service corporations as defined by Article 15, Section 2 of the Arizona Constitution, and were issued Certificates of Convenience and Necessity in accordance with Arizona Revised Statutes Section 40-281.

**III**

As public service corporations, respondents are subject to the jurisdiction of the Commission with regard to the matters herein alleged.

**IV**

This Complaint is initiated and authorized pursuant to Arizona Revised Statutes, Sections 40-202, 40-204, 40-425, 40-426, and Arizona Administrative Code R14-2-411.D.4, R14-2-510.G.4, R14-2-610.D.4., R14-2-907.A., R14-2-1011.A., and R14-2-1115.F.

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V

Investigation by the Commission's Staff (Staff) reveals and the Commission alleges that Respondents have violated Arizona Revised Statutes and Commission Rules. The Commission alleges the following in support of its claim:

- A. Pursuant to Arizona Revised Statutes Section 40-204 and Arizona Administrative Code R14-2-411.D.4, R14-2-510.G.4, R14-2-610.D.4., R14-2-907.A., R14-2-1011.A., and R14-2-1115.F., all public service corporations in Arizona are required to file an annual report on or before April 15 of each year.
- B. Despite repeated attempts by the Staff to persuade Respondents to file such reports, Respondents have failed to do so and are thus in violation of Arizona Revised Statutes Section 40-204 and Arizona Administrative Code, R14-2-411.D.4, R14-2-510.G.4, R14-2-610.D.4., R14-2-907.A., R14-2-1011.A., and R14-2-1115.F.
- C. Pursuant to Arizona Revised Statutes Section 40-204, Respondents are in contempt of the Commission for their failure to comply with the aforementioned rules and requirements of the Commission.

VI

The violations of Respondents to the aforementioned rules and requirements, as alleged herein, constitutes grounds to assess a civil penalty against Respondents pursuant to Arizona Revised Statutes Section 40-424 and 40-425, in an amount not less than \$100 nor more than \$5,000 for each violation, and/or revoke respondents certificate of convenience and necessity.

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ORDER

THEREFORE, IT IS ORDERED, that Respondents appear before the Arizona Corporation Commission at a time and place designated by the Commission's Hearing Division and show cause why the Commission should not find Respondents in violation and contempt of Arizona Laws and Commission rules, and show cause why the Commission should not assess against Respondents penalties as provided in Arizona Revised Statutes Sections 40-424 and 40-425, or cancel the respondents certificate of convenience and necessity.

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

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

  
CHAIRMAN

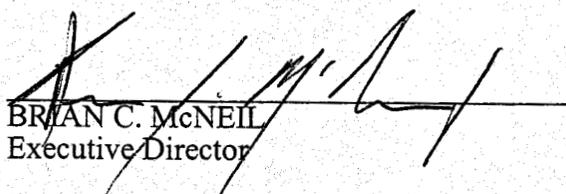
  
COMMISSIONER

  
COMMISSIONER

  
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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 this Commission to be affixed at the Capitol, in the City of Phoenix, this 5<sup>th</sup> day of May, 2006.

  
BRIAN C. McNEIL  
Executive Director

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

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

EGJ:CCK/DMR/sab

- 1 SERVICE LIST FOR: DOCKET NO. C-00000A-06-0195 ET.AL.
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|---|--|
| 2 Amiga Enterprises<br>3852 E. Dulciana Avenue<br>3 Mesa, AZ 85206  | Lake Verde Water Company<br>PO Box 2777<br>Camp Verde, AZ 86322  |
| 4 Monica Borne Haab<br>3500 N Causeway Blvd., Suite 1442<br>5 Metairie, LA 70002<br>Attorney for Comtel Network, LLC                    | Meadow Water Company<br>PO Box 2777<br>Prescott, AZ 86302  |
| 6 Dillon Enterprises<br>7 14490 E Elgin St<br>Gilbert, AZ 85296   | Metrophone Telecommunications, Inc.<br>2020 - 124th Ave. NE C-103<br>Bellevue, WA 98005                                    |
| 8 Mark Nyhus<br>9 4312 92nd Ave NW<br>Gig Harbor, WA 98335<br>10 Attorney for Discount Utilities, LLC                                   | NAS<br>13650 Dulles Technology Drive<br>Herndon, VA 20171  |
| 11 E.spire<br>12 7125 Columbia Gateway Dr., Suite 200<br>Columbia, MD 21046   | Lance J.M. Steinhart<br>1720 Windward Concourse, Suite 250<br>Alpharetta, GA 30005<br>Attorney for Natel, LLC              |
| 13 Lawrence V. Robertson, Jr.<br>MUNGER CHADWICH<br>14 PO Box 1448<br>Tubac, AZ 85646<br>15 Attorney for Empirita Water Company, LLC    | Gayle Riekema<br>3220 Uddenburg Lane, Suite 4<br>Gig Harbor, WA 98335<br>Attorney for Promise-Net International, Ltd.      |
| 16 ETI - Telecommunications<br>9500 Toledo Way<br>17 Irvine, CA 92618   | David O. Klein<br>485 Madison Avenue, 15th Floor<br>New York, NY 10022-5803<br>Attorney for Raptel Communications, LLC     |
| 18 Cara Sheppard<br>1400 16th Street NW<br>19 Washington, DC 20036<br>Attorney for Excell Agent Services, LLC                           | Rillito Water Users Association<br>PO Box 668<br>Rillito, AZ 85654   |
| 20 Lance J.M. Steinhart<br>1720 Windward Concourse, Suite 250<br>21 Alpharetta, GA 30005<br>22 Attorney for ezTel Network Services, LLC | Salome Water Company<br>PO Box 550<br>Salome, AZ 85348   |
| 23 Green Acres Water Company<br>2300 W. 32nd Street<br>24 Yuma, AZ 85364  | Patrick D. Crocker<br>1483 Chain Bridge Road, Suite 300<br>McLean, VA 22101<br>Attorney for Special Accounts Billing Group |
| 25 Ellen Ann G. Sands<br>3500 N Causeway Blvd., Suite 1442<br>26 Metairie, LA 70002<br>Attorney for Group Long Distance, Inc.           | Strawberry Water Company<br>RT. 1, Box 702<br>Strawberry, AZ 85544   |
| 27<br>28  | Sun Leisure Estates Utilities Company, Inc.<br>c/o Crites & Associates<br>PO Box 5681<br>Yuma, AZ 85366                    |

1 Tele-Pro Independent Contractors, LLC  
2 3331 E. Waltann Lane  
3 Phoenix, AZ 85032

Verde West Irrigation  
PO Box 744  
Camp Verde, AZ 86322

3 Trattoria Pina  
4 5541 N. Swan Rd.  
5 Tucson, AZ 85718

Lance J.M. Steinhart  
1720 Windward Concourse, Suite 250  
Alpharetta, GA 30005  
Attorney for Wilshire Connection, LLC

5 Glenn S. Richards  
6 2001 Pennsylvania Ave NW, Suite 400  
7 Washington, DC 20006-1851  
8 Attorney for United States  
9 Telecommunications

David W. Aduddell  
3705 W Memorial  
Oklahoma City, OK 73134  
Attorney for Zenex Long Distance, Inc.

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