

WILLIAM A. MUNDELL
CHAIRMAN
JIM IRVIN
COMMISSIONER
MARC SPITZER
COMMISSIONER



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BRIAN C. McNEIL
EXECUTIVE SECRETARY

ARIZONA CORPORATION COMMISSION JUL 30 A 10:24

ARIZONA CORPORATION
DOCKET CONTROL

DATE: July 30, 2002
DOCKET NO: T-03484A-01-0562
TO ALL PARTIES:

Enclosed please find the recommendation of Administrative Law Judge Teena Wolfe. The recommendation has been filed in the form of an Order on:

EFFICY GROUP, INC.
(CC&N CANCELLATION)

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 ten (10) copies of the exceptions with the Commission's Docket Control at the address listed below by **4:00 p.m.** on or before:

AUGUST 8, 2002

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 Working Session and Open Meeting to be held on:

AUGUST 20 AND 21, 2002

For more information, you may contact Docket Control at (602)542-3477 or the Hearing Division at (602)542-4250.

Arizona Corporation Commission

DOCKETED

JUL 30 2002

DOCKETED BY	<i>RAM</i>
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BRIAN C. McNEIL
EXECUTIVE SECRETARY

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 WILLIAM A. MUNDELL
CHAIRMAN
3 JIM IRVIN
COMMISSIONER
4 MARC SPITZER
COMMISSIONER
5

6 IN THE MATTER OF THE APPLICATION OF
EFFICY GROUP, INC., FOR THE
7 CANCELLATION OF ITS CERTIFICATE OF
CONVENIENCE AND NECESSITY.

DOCKET NO. T-03484A-01-0562

DECISION NO. _____

8 **ORDER**

9 Open Meeting
August 20 and 21, 2002
10 Phoenix, Arizona

11 **BY THE COMMISSION:**

12 Having considered the entire record herein and being fully advised in the premises, the
13 Commission finds, concludes, and orders that:

14 **FINDINGS OF FACT**

15 1. On October 8, 1998, in Decision No. 61167, the Arizona Corporation Commission
16 (“Commission”) granted to Efficy Group, Inc. (“Efficy” or “Applicant”) a Certificate of Convenience
17 and Necessity (“CC&N”) authorizing it to provide competitive interLATA/intraLATA resold
18 telecommunications services except local exchange services.

19 2. On July 13, 2001, a letter from Efficy requesting that the Commission cancel its
20 CC&N was filed in this docket.

21 3. Efficy’s letter states that it sold its assets to Access Point, Inc., a Delaware
22 corporation, on August 22, 2000.

23 4. Because Efficy was not providing service to Arizona customers, Efficy’s assets were
24 not necessary or useful in the performance of its duties to the public in Arizona.

25 5. On December 7, 2001, the Commission’s Utilities Division Staff (“Staff”) filed a Staff
26 Report in this matter.

27 6. In the Staff Report, Staff states that Efficy is no longer doing business in Arizona.
28 Staff also states that Efficy does not service any intrastate customers. Staff states that no

1 prepayments, deposits, or advances would be at risk by cancellation of Efficy's CC&N. In addition,
2 Staff states that since Efficy does not serve any Arizona customers and there are numerous other
3 carriers offering services similar to Efficy's in Arizona, that granting this application for cancellation
4 is in the public interest.

5 7. Staff recommends that Efficy's application be approved without a hearing.

6 8. Pursuant to Commission rules, the Commission may grant the application without a
7 hearing.

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, 40-282 and 40-285.

11 2. The Commission has jurisdiction over Applicant and the subject matter of the
12 application.

13 3. The cancellation of Applicant's CC&N is in the public interest.

14 4. Staff's recommendation in Findings of Fact No. 7 is reasonable and should be
15 adopted.

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ORDER

IT IS THEREFORE ORDERED that the application of Efficcy Group Inc. for the cancellation of its Certificate of Convenience and Necessity is hereby approved.

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

BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

CHAIRMAN

COMMISSIONER

COMMISSIONER

IN WITNESS WHEREOF, I, BRIAN C. McNEIL, Executive Secretary 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 _____, 2002.

BRIAN C. McNEIL
EXECUTIVE SECRETARY

DISSENT _____
TW:dap

1 SERVICE LIST FOR: EFFICY GROUP, INC.

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3 DOCKET NO.: T-03984A-01-0562

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