

ORIGINAL



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BEFORE THE ARIZONA CORPORATION COMMISSION

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- 2
- 3 JEFF HATCH-MILLER
- 4     Chairman
- 5 WILLIAM A. MUNDELL
- 6     Commissioner
- 7 MARC SPITZER
- 8     Commissioner
- 9 MIKE GLEASON
- 10    Commissioner
- 11 KRISTIN K. MAYES
- 12    Commissioner

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 AZ CORP COMMISSION  
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10 In the Matter of the Application of The J. )  
 11 Richard Company dba Live Wire Phone )  
 12 Company for a Certificate of Convenience and )  
 13 Necessity to Provide Resold Long Distance )  
 14 and Facilities-Based and Resold Local )  
 15 Exchange Telecommunications Services )

Docket No. T-04257/04-0335

**REQUEST TO CANCEL  
 FACILITIES-BASED LOCAL  
 EXCHANGE CERTIFICATE AND  
 REQUEST FOR REDUCTION IN  
 PERFORMANCE BOND**

15           In Decision No. 67588, the Arizona Corporation Commission  
 16 (“Commission”) granted the J. Richard Company dba Live Wire Phone Company (“Live  
 17 Wire”) a Certificate of Convenience and Necessity (“Certificate”) to provide resold long  
 18 distance, resold local exchange, and facilities-based local exchange service. Through this  
 19 filing, Live Wire requests that the Commission cancel its authority to provide facilities-  
 20 based local exchange service and concurrently reduce its performance bond requirement  
 21 from \$135,000 to \$35,000. The reasons for this request are set forth below.

**I. BASIS FOR REQUEST.**

22           At this time of filing its Application and at the time the Commission granted  
 23 its Certificate, Live Wire intended to provide the majority of its local exchange service  
 24 using a UNE-P type platform. The use of this platform made it necessary for Live Wire to  
 25 receive facilities-based local exchange authority from the Commission. Over the last year,  
 26

1 however, Live Wire has changed its model and now intends to provide local exchange and  
2 long distance service as a reseller only.<sup>1</sup> As a result, facilities-based authority is no longer  
3 necessary for Live Wire's business.

4 As ordered by the Commission in Decision No. 67588, Live Wire currently  
5 holds a performance bond in the amount of \$135,000. As part of this filing, Live Wire  
6 also requests that its performance bond requirement be reduced from \$135,000 to \$35,000,  
7 which is the amount generally required for providers of resold local exchange and resold  
8 long distance.<sup>2</sup> Because \$100,000 is currently set aside to secure the facilities-based  
9 portion of Live Wire's performance bond, a reduction in its performance bond requirement  
10 will allow Live Wire to utilize these funds to grow its business.

11 **II. COMPLIANCE WITH AAC R14-2-1107.**

12 Live Wire is not seeking to cancel a portion of its Certificate because it is  
13 discontinuing any service. Rather, this request results from a decision by Live Wire to  
14 provide service via a different method. Accordingly, AAC R14-2-1107 should not apply  
15 to this request. However, to the extent that it is determined that AAC R14-2-1107 applies,  
16 Live Wire respectfully requests a waiver of the requirements of that rule. Specifically,  
17 Live Wire requests a waiver from the notice requirements of the rule which, in this case,  
18 would only confuse customers.<sup>3</sup>

19 **III. CONCLUSION.**

20 For the reasons stated above, Live Wire respectfully requests that the  
21 Commission cancel its authority to provide facilities-based local exchange service and  
22 reduce its performance bond requirement from \$135,000 to \$35,000. In addition, Live  
23

24 \_\_\_\_\_  
25 1 All service will be converted to resale prior to any decision in this matter

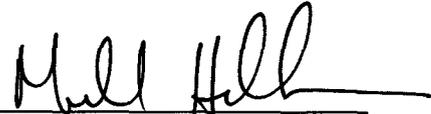
26 2 Live Wire primarily provides pre-paid services. However, the amount of monthly revenue from these pre-paid  
services is currently less than \$10,000, so the \$35,000 performance bond is sufficient to cover these amounts.

3 The transition from UNE-P to resold services is seamless for the customer.

1 Wire respectfully requests expedited treatment for this Application so that it  
2 may access \$100,000 of the funds that currently secure its performance bond.

3 Dated this 4th day of May, 2006.

4 LEWIS and ROCA, LLP

5 

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11 Attorneys for The J. Richard Company  
12 dba Live Wire Phone Company

13 ORIGINAL and ten (13) copies  
14 of the foregoing filed  
15 this 4th day of May, 2006, with:

16 The Arizona Corporation Commission  
17 Utilities Division – Docket Control  
18 1200 W. Washington Street  
19 Phoenix, Arizona 85007

20 COPY of the foregoing filed  
21 this 4th day of May, 2006, to:

22 Lyn Farmer  
23 Chief Administrative Law Judge  
24 Hearing Division  
25 Arizona Corporation Commission  
26 1200 W. Washington Street  
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