



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

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-04257A-06-0350

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

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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.

22 **I. BASIS FOR REQUEST.**

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

1 however, Live Wire has changed its model and now intends to provide local exchange and
2 long distance service as a reseller only.¹ 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.² 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.³

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
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¹ All service will be converted to resale prior to any decision in this matter

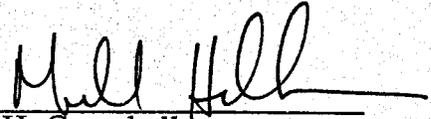
² Live Wire primarily provides pre-paid services. However, the amount of monthly revenue from these pre-paid services is currently less than \$10,000, so the \$35,000 performance bond is sufficient to cover these amounts.

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

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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
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25 Arizona Corporation Commission
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