

OPEN MEETING ITEM



0000058824

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



ARIZONA CORPORATION COMMISSION

RECEIVED

2003 OCT 21 P 2: 11

DATE: October 21, 2003  
DOCKET NO: T-04167A-03-0682  
TO ALL PARTIES:

AZ CORP COMMISSION  
DOCUMENT CONTROL

Enclosed please find the recommendation of Administrative Law Judge Philip J. Dion III. The recommendation has been filed in the form of an Order on:

TELEGLOBE USA, LLC  
(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 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:

OCTOBER 30, 2003

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 Open Meeting to be held on:

NOVEMBER 4 and 5, 2003

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 Secretary's Office at (602) 542-3931.

BRIAN C. McNEIL  
EXECUTIVE SECRETARY

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 COMMISSIONERS

3 MARC SPITZER, Chairman  
4 WILLIAM A. MUNDELL  
5 JEFF HATCH-MILLER  
6 MIKE GLEASON  
7 KRISTIN K. MAYES

8 IN THE MATTER OF THE APPLICATION OF  
9 TELEGLOBE USA, LLC FOR CANCELLATION  
10 OF ITS CERTIFICATE OF CONVENIENCE AND  
11 NECESSITY.

DOCKET NO. T-04167A-03-0682

DECISION NO. \_\_\_\_\_

ORDER

9 Open Meeting  
10 November 4 and 5, 2003  
11 Phoenix, Arizona

12 **BY THE COMMISSION:**

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

15 FINDINGS OF FACT

16 1. On May 16, 2003, in Decision No. 65929, the Commission granted to Teleglobe USA,  
17 LLC ("Teleglobe" or "Applicant") a Certificate of Convenience and Necessity ("CC&N")  
18 authorizing it to provide competitive intrastate resold telecommunications services, except local  
19 exchange services.

20 2. On September 17, 2003, Applicant filed an application to cancel its CC&N. The  
21 application stated that Applicant has no active customers or subscribers in the State of Arizona and is  
22 no longer providing long distance telecommunications services in the State of Arizona.

23 3. On September 29, 2003, the Commission's Utilities Division Staff ("Staff") filed a  
24 Staff Report in this matter.

25 4. In the Staff Report, Staff verified that Applicant does not service any Arizona  
26 customers, is no longer doing business, and does not service any intrastate customers. In its  
27 application, Teleglobe stated it has not accepted any deposits, advances and/or prepayments from its  
28 customers. Consequently, Staff stated that no prepayments, deposits, or advances would be at risk by  
cancellation of Applicant's CC&N. In addition, Staff stated that there are numerous other carriers

1 offering services similar to Applicant's in Arizona.

2 5. Staff recommended that Teleglobe's application be approved without a hearing.

3 6. Pursuant to Commission rules, the Commission may grant the application without a  
4 hearing.

5 **CONCLUSIONS OF LAW**

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

8 2. The Commission has jurisdiction over Applicant and the subject matter of the  
9 application.

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

11 4. Staff's recommendation in Findings of Fact No. 5 is reasonable and should be  
12 adopted.

13 **ORDER**

14 IT IS THEREFORE ORDERED that the application of Teleglobe USA, LLC for the  
15 cancellation of its Certificate of Convenience and Necessity to provide competitive resold  
16 interexchange telecommunications services is hereby approved.

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1 IT IS FURTHER ORDERED that Teleglobe USA, LLC is no longer authorized to provide  
2 competitive intrastate telecommunications service as a reseller of long distance service in Arizona  
3 and, therefore, is no longer subject to the requirement of Decision No. 65929.

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

5 BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

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7  
8 CHAIRMAN

COMMISSIONER

COMMISSIONER

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10 COMMISSIONER

COMMISSIONER

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12  
13 IN WITNESS WHEREOF, I, BRIAN C. McNEIL, Executive  
14 Secretary of the Arizona Corporation Commission, have  
15 hereunto set my hand and caused the official seal of the  
16 Commission to be affixed at the Capitol, in the City of Phoenix,  
17 this \_\_\_\_ day of \_\_\_\_\_, 2003.

18 \_\_\_\_\_  
19 BRIAN C. McNEIL  
20 EXECUTIVE SECRETARY

21 DISSENT \_\_\_\_\_

22 DISSENT \_\_\_\_\_

23 PD:mj  
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1 SERVICE LIST FOR:

TELEGLOBE USA, LLC

2 DOCKET NO.

T-04167A-03-0682

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