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Arizona Corporation Commission

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STAFF REPORT  
UTILITIES DIVISION

ARIZONA CORPORATION COMMISSION

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Application for a Certificate of Convenience and Necessity to  
 Provide Resold Local Exchange Service  
 and for Determination that Services of the Applicant are Competitive

ARIZONA CORPORATION COMMISSION  
DOCUMENT CONTROL

**Applicant:** SanTrac Technologies, Inc.  
**Docket No.:** T-04126A-02-0583

On August 1, 2002, SanTrac Technologies, Inc. ("Applicant") filed an application for a Certificate of Convenience and Necessity ("CC&N") to provide resold local exchange services in the State of Arizona.

Staff reviews such applications and makes a recommendation to the Arizona Corporation Commission ("Commission") that the application be approved or denied. In arriving at its recommendation, Staff assesses the following criteria: a) sufficiency of the application, b) technical and managerial capability of the Applicant, c) financial capability, d) proposed tariff, e) complaint history of the Applicant, and f) whether the Applicant's proposed rates will be competitive, just, and reasonable.

**REVIEW OF APPLICANT INFORMATION**

- The necessary information has been filed to process this application, and the Applicant has authority to transact business in the State of Arizona.
- The Applicant has published legal notice of the application in where service will be provided. On March 6, 2003, Applicant filed an Affidavit of Publication from the Arizona Republic that complies with the Commission's notice requirements.

**REVIEW OF TECHNICAL AND MANAGERIAL INFORMATION**

- The Applicant is currently providing service in Arizona.
- The Applicant is currently providing service in other states.
- The Applicant is a switchless reseller.

This is a start-up company. The Applicant has two employees with a combined experience of twelve (12) years in the telecommunications service industry. The applicant submitted information detailing the technical competency and educational background of its employees. Based on this information, Staff has concluded that the

Applicant has sufficient technical and managerial capabilities to provide resold local exchange service.

### REVIEW OF FINANCIAL INFORMATION

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- The Applicant is required to have a performance bond to provide resold local exchange service in the State of Arizona.**

The Applicant did provide unaudited consolidated financial statements for the twelve (12) months ending December 31, 2002. These financial statements list assets of \$6,945; equity of \$7,307; and a net income of \$7,319. The Applicant did not provide notes related to the financial statements.

Since monthly service charges for resold local exchange service are paid in advance, Staff believes that an advance, deposit, and/or prepayment received from the Applicant's customers should be protected by the procurement of a performance bond. Further, measures should be taken to ensure that the Applicant will not discontinue service to its customers without first complying with Arizona Administrative Code ("AAC") R14-2-1107.

To that end, Staff recommends that the Applicant procure a performance bond equal to \$25,000. The minimum bond amount of \$25,000 should be increased if at any time it would be insufficient to cover advances, deposits, and/or prepayments collected from the Applicant's customers. The bond amount should be increased in increments of \$12,500. This increase should occur when the total amount of the advances, deposits, and prepayments is within \$2,500 of the bond amount. If the Applicant desires to discontinue service, it must file an application with the Commission pursuant to AAC R14-2-1107. Additionally, the Applicant must notify each of its customers and the Commission 60 days prior to filing an application to discontinue service. Failure to meet this requirement should result in forfeiture of the Applicant's performance bond. Staff further recommends that proof of the above mentioned performance bond be docketed within 365 days of the effective date of an Order in this matter or 30 days prior to the provision of service, whichever comes first, and must remain in effect until further order of the Commission.

### REVIEW OF PROPOSED TARIFF AND FAIR VALUE DETERMINATION

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- The Applicant has filed a proposed tariff with the Commission.**
- The Applicant has filed sufficient information with the Commission to make a fair value determination.**

The rates proposed by this filing are for competitive services. In general, rates for competitive services are not set according to rate of return regulation. Staff obtained information from the company and has determined that its fair value rate base is \$3869.28. Accordingly, the company's fair value rate base is too small to be useful in a fair value analysis. In addition, the rates to be ultimately charged by the company will be heavily influenced by the market.

Therefore, while Staff considered the fair value rate base information submitted by the company, it did not accord that information substantial weight in its analysis.

### **REVIEW OF COMPLAINT INFORMATION**

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**Complaints against the Applicant (if any) are not sufficient to deny the application to provide resold local exchange service in the State of Arizona**

The applicant indicated that none of its officers, directors or partners have been involved in any civil or criminal investigations or formal or informal complaint proceedings before any regulatory or law enforcement agency. The applicant also indicated that none of its officers, directors or partners have been convicted of any criminal acts in the past ten (10) years. Consumer Services reports no complaint history within Arizona.

### **COMPETITIVE SERVICES' RATES AND CHARGES**

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**The Applicant's proposed rates will be competitive, just, and reasonable.**

The Applicant is a reseller of services it purchases from other telecommunications companies. It is not a monopoly provider of service nor does it control a significant portion of the telecommunications market. The Applicant cannot adversely affect the local exchange market by restricting output or raising market prices. In addition, the entities from which the Applicant buys bulk services are technically and financially capable of providing alternative services at comparable rates, terms, and conditions. Staff has concluded that the Applicant has no market power and that the reasonableness of its rates will be evaluated in a market with numerous competitors. In light of the competitive market in which the Applicant will be providing its services, Staff believes the Applicant's proposed tariffs for its competitive services will be just and reasonable.

The Commission provides pricing flexibility by allowing competitive telecommunication service companies to price their services at or below the maximum rates contained in their tariffs as long as the pricing of those services complies with AAC R14-2-1109. The Commission's rules require the Applicant to file a tariff for each competitive service that states the maximum rate as well as the effective (actual) price that will be charged for the service. Staff recommends that the Applicant's competitive services be priced at the rates proposed by the Applicant in its most recently filed tariffs. In the event that the Applicant states only one rate in its tariff for a competitive service, Staff recommends that the rate stated be the effective (actual) price to be charged for the service as well as the service's maximum rate. Any changes to the Applicant's effective price for a service must comply with AAC R14-2-1109.

AAC R14-2-1109(A) provides that minimum rates for the Applicant's competitive services must not be below the Applicant's total service long run incremental costs of providing the services. The Applicant's maximum rates should be the maximum rates proposed by the Applicant in its most recent tariffs on file with the Commission.

Any future changes to the maximum rates in the Applicant's tariffs must comply with AAC R14-2-1110.

### **STAFF RECOMMENDATIONS**

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Staff has reviewed the Applicant's application for a Certificate of Convenience and Necessity to offer resold local exchange services and its petition to classify its local exchange services as competitive. Based on its evaluation of the Applicant's technical and financial capabilities to provide resold local exchange services, Staff recommends approval of the application. In addition, Staff further recommends that:

1. The Applicant should be ordered to comply with all Commission rules, orders, and other requirements relevant to the provision of intrastate telecommunications service;
2. The Applicant should be ordered to maintain its accounts and records as required by the Commission;
3. The Applicant should be ordered to file with the Commission all financial and other reports that the Commission may require, and in a form and at such times as the Commission may designate;
4. The Applicant should be ordered to maintain on file with the Commission all current tariffs and rates, and any service standards that the Commission may require;
5. The Applicant should be ordered to comply with the Commission's rules and modify its tariffs to conform to these rules if it is determined that there is a conflict between the Applicant's tariffs and the Commission's rules;
6. The Applicant should be ordered to cooperate with Commission investigations including, but not limited to customer complaints;
7. The Applicant should be ordered to participate in and contribute to a universal service fund, as required by the Commission;
8. The Applicant should be ordered to notify the Commission immediately upon changes to the Applicant's address or telephone number;
9. The Applicant's local exchange service offerings should be classified as competitive pursuant to AAC R14-2-1108;
10. The maximum rates for these services should be the maximum rates proposed by the Applicant in its tariffs. The minimum rates for the Applicant's competitive services should be the Applicant's total service long run incremental costs of providing those services as set forth in AAC R14-2-1109;
11. In the event that the Applicant states only one rate in its proposed tariff for a competitive service, the rate stated should be the effective (actual) price to be charged for the service as well as the service's maximum rate;

12. The rates proposed by this filing are for competitive services. In general, rates for competitive services are not set according to rate of return regulation. Staff obtained information from the company and has determined that its fair value rate base is \$3869.28. Accordingly, the company's fair value rate base is too small to be useful in a fair value analysis. In addition, the rate to be ultimately charged by the company will be heavily influenced by the market. Therefore, while Staff considered the fair value rate base information submitted by the company, the fair value information provided should not be given substantial weight in this analysis; and
13. The Applicant should be ordered to file an application with the Commission pursuant to AAC R14-2-1107, if the Applicant desires to discontinue service. The Applicant should be required to notify each of its customers and the Commission 60 days prior to filing an application to discontinue service; and any failure to do so should result in forfeiture of the Applicant's performance bond.

Staff recommends that the Applicant be ordered to comply with the following. If its does not do so, the Applicant's CC&N shall be null and void without further order of the Commission and no time extensions shall be granted.

1. The Applicant shall file conforming tariffs within 365 days from the date of an Order in this matter or 30 days prior to providing service, whichever comes first, and in accordance with the Decision; and
2. The Applicant shall:
  - a. procure a performance bond equal to \$25,000. The minimum bond amount of \$25,000 should be increased if at any time it would be insufficient to cover advances, deposits, and/or prepayments collected from the Applicant's customers. The bond amount should be increased in increments of \$12,500. This increase should occur when the total amount of the advances, deposits, and prepayments is within \$2,500 of the bond amount; and
  - b. docket proof of the performance bond within 365 days of the effective date of an Order in this matter or 30 days prior to the provision of service, whichever comes first, and must remain in effect until further order of the Commission.

This application may be approved without a hearing pursuant to A.R.S. § 40-282.

for Ernest G. Johnson  
Ernest G. Johnson  
Director  
Utilities Division

Date: 9/3/03

Originator: Adam Lebrecht

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