

ORIGINAL



MEMORANDUM

Arizona Corporation Commission

305M

DOCKETED

SEP 29 2006

TO: Docket Control

FROM: Ernest G. Johnson
Director
Utilities Division

EA for EGJ

DOCKETED BY

DATE: September 29, 2006

RE: UPDATE - IN THE MATTER OF THE APPLICATION OF VIVO-AZ FOR APPROVAL TO CANCEL ALL CERTIFICATES OF CONVENIENCE AND NECESSITY (DOCKET NO. T-03973A-05-0591)

On August 15, 2005, Vivo Communications-AZ, LLC ("Vivo") filed an application with the Arizona Corporation Commission ("Commission") for cancellation of its Certificate of Convenience and Necessity ("CC&N"). In Decision No. 63923, Vivo-AZ was granted a CC&N to provide competitive facilities-based and resold local exchange, interexchange and exchange access services in Arizona.

On July 26, 2005, Vivo filed a letter in which Robert Timothy Sefton requested that the Commission cancel Vivo's CC&Ns to provide telecommunications services. In the letter Vivo stated that it does not have any customers or hold any customer deposits. On August 29, 2005, Staff filed a letter of insufficiency and first set of data requests. As of September 22, 2006, Vivo had not responded to the August 29, 2005 letter.

On August 29, 2006, the Hearing Division issued a Procedural Order in which Staff was required to make a filing updating the Commission on the status of the matter and indicate whether the matter should be administratively closed.

Staff contacted Vivo by telephone on September 26, 2006. Mr. Robert Timothy Sefton, the President of Vivo, stated that Vivo was not able to start its business in Arizona and that it had not served any customers. Mr. Sefton indicated that Vivo would not be providing service in Arizona.

According to the Consumer Services Section, there have been no complaints/inquiries for Vivo-AZ. Therefore, Staff recommends that Vivo's request that the Commission cancel its CC&Ns to provide telecommunications services be approved.

EGJ:WMS:mfs

Originator: Wilfred Shand, Jr.

AZ CORP COMMISSION
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2006 SEP 29 P 3:42

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DOCKET NO.: T-03973A-05-0591

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