

OPEN MEETING ITEM
ORIGINAL



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COMMISSIONERS
JEFF HATCH-MILLER - Chairman
WILLIAM A. MUNDELL
MIKE GLEASON
KRISTIN K. MAYES
BARRY WONG



ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

DOCKETED

NOV - 6 2006

DATE: NOVEMBER 6, 2006

DOCKET NO: C-00000A-06-0259

TO ALL PARTIES:

DOCKETED BY	hrz
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Enclosed please find the recommendation of Administrative Law Judge Yvette B. Kinsey. The recommendation has been filed in the form of an Opinion and Order on:

COMMISSION INVESTIGATION/VARIOUS UTILITIES
(COMPLAINT/ORDER TO SHOW CAUSE)
(FAILURE TO FILE 2003 ANNUAL REPORTS)

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 ten (10) copies of the exceptions with the Commission's Docket Control at the address listed below by **4:00** p.m. on or before:

NOVEMBER 15, 2006

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 Commission's Working Session and Open Meeting to be held on:

NOVEMBER 21, 2006 and NOVEMBER 22, 2006

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.

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BRIAN C. McNEIL
EXECUTIVE DIRECTOR

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 COMMISSIONERS

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

8 IN THE MATTER OF THE COMMISSION ON ITS
9 OWN MOTION INVESTIGATING THE FAILURE
10 OF NUMEROUS UTILITIES TO FILE ANNUAL
11 REPORTS FOR CALENDAR YEAR 2003.

DOCKET NO. C-00000A-06-0259

DECISION NO. _____

9 OPINION AND ORDER

10 DATE OF PRE-HEARING: September 13, 2006
11 DATE OF HEARING: October 19, 2006
12 PLACE OF HEARING: Phoenix, Arizona
13 ADMINISTRATIVE LAW JUDGE: Yvette B. Kinsey
14 APPEARANCES: Mr. Joseph Haines, Staff Attorney, Legal Division, on
15 behalf of the Utilities Division of the Arizona
16 Corporation Commission.

16 **BY THE COMMISSION:**

17 On May 5, 2006, the Arizona Corporation Commission ("Commission") issued Decision No.
18 68689, a Complaint and Order to Show Cause ("Complaint" or "OSC") against the following named
19 Respondents¹ for failing to file their 2003 Utilities Division Annual Reports ("Annual Reports"):

20	<u>DOCKET NO.</u>	<u>COMPANY</u>
21	T-04135A	All-Star Acquisition Corporation
22	T-04017A	Amiga Enterprises
23	T-02964A	Arizona Payphone Company
24	T-03580A	Asian American Association/Fiesta Tel
25	T-03030A	Atcom, Ltd.
26	T-02015A	Beaver Valley Water Company, Inc.
27	T-03734A	Blackstone Communications Company
28	T-04130A	Business Savings Plan
	T-03546A	Communications Billing, Inc.
	T-03942A	Comtel Network, LLC
	T-03784A	Connect!

28 ¹ The named Respondents shall hereinafter be referred to as the Non-filing Respondents.

1	T-02940A	Dillon Enterprises
	T-03571A	DMJ Communications, Inc.
2	T-03834A	D-Tel Communications
	T-03021A	E.Spire
3	T-03832A	Essential.Com, Inc.
	T-03220A	ETI – Telecommunications
4	T-03836A	Excell Agent Services, LLC
	T-03502A	EZ Talk Communications, LLC
5	T-03833A	EZTEL Network Services, LLC
	W-02497A	Golden Corridor Water Company
6	T-3251A	Group Long Distance, Inc.
	T-03664A	IE Com
7	T-04078A	ITS Network Services
	T-04092A	Kiger Telephone & Telephony, LLC
8	T-3378A	Long Distance Billing
	T-03532A	Max-Tel Communications
9	W-03540A	Meadow Water Company
10	T-03244A	Metrophone Telecommunications, Inc.
	T-03821A	NAS
11	T-03878A	NATEL, LLC
	T-03746A	NOW Communications, Inc.
12	W-04069A	Oatman Water Company, LLC
	T-03618A	Oncor Communications, Inc.
13	T-03629A	One Source Communications
	T-03697A	Onestar Long Distance, Inc.
14	T-02852A	Print Tel Communications
	T-03375A	Public Phone Systems
15	T-03928A	Raptel Communications, LLC
	W-02160A	Red Rock Water Company
16	W-02003A	Rillito Water Users Association
	T-04059A	Rolle's Lynda Vista R.V. Park
17	W-01084A	Salome Water Company
	T-04099A	Southwest Metro Communications, Inc.
18	T-03650A	Special Accounts Billing Group, Inc.
	T-04174A	Squawk Box
19	T-03794A	Startec Global Licensing Company
	W-02386A	Sun Leisure Estates Utilities Company, Inc.
20	T-04029A	Telegenius, Inc.
	T-03473A	Teleglobe USA, Inc.
21	T-03262A	Tele-Pro Independent Contractors, LLC
	T-04148A	Telesphere, Inc.
22	T-03911A	Touch America
	T-02885A	Trattoria Pina
23	T-03840A	UKI Communications, Inc.
	T-03558A	United States Telecommunications, Inc.
24	T-03506A	Univance Telecommunications, Inc.
	T-04012A	Vanion Telecom, Inc.
25	W-02274A	Verde West Irrigation
26		
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28		

1	T-03816A	Webnet Communications, Inc.
2	T-03988A	Wilshire Connection, LLC
3	T-04033A	World Communications Satellite Systems, Inc.
4	T-03165A	Zenex Long Distance

Therein, the Commission ordered a hearing to be conducted at a date and time set by the Hearing Division.

On July 19, 2006, by Procedural Order, a pre-hearing conference was scheduled on the Complaint against the above-named Non-filing Respondents. The Commission's Utilities Division ("Staff") was ordered to file a Memorandum by September 6, 2006 to indicate which, if any, Non-filing Respondents filed their 2003 Annual Reports so they could be dismissed from the proceeding.

On September 6, 2006, Staff filed its Memorandum indicating that as of that date four utilities had filed their 2003 Annual Reports and requested that they be dismissed from the proceeding.

On September 13, 2006, a pre-hearing conference was held at the Commission's offices in Phoenix, Arizona. Staff appeared with counsel. No appearances were entered by any of the Non-filing Respondents.

On October 18, 2006, a full public hearing was held by the Commission at its offices in Phoenix, Arizona before a duly authorized Administrative Law Judge of the Commission. Staff appeared with counsel. No other parties named in the proceeding appeared. At the conclusion of the hearing, the matter was taken under advisement pending submission of a Recommended Opinion and Order to the Commission.

* * * * *

Having considered the entire record herein and being fully advised in the premises, the Commission finds, concludes, and orders that:

FINDINGS OF FACT

1. Pursuant to authority granted by the Commission, the Non-Filing Respondents were authorized to conduct business at various times in Arizona as public utilities.
2. On May 5, 2006, the Commission issued Decision No. 68689, a Complaint against the Non-filing Respondents described above due to their failure to file their 2003 Annual Reports.
3. On September 6, 2006, Staff filed its Memorandum which Staff's witness, Ms. Kim

1 Batista, the Chief of Compliance, testified to at hearing, that Golden Corridor Water Company,
 2 Oatman Water Company, LLC, Rillito Water Users Association and Startec Global Licensing
 3 Company had filed their 2003 Annual Reports and should be dismissed from the proceeding.² Ms.
 4 Batista also recommended that Beaver Valley Water Company and Verde West Irrigation be
 5 dismissed due to ownership issues because no information is available to them to file Annual
 6 Reports.

7 4. Ms. Batista further indicated that a number of utilities have filed applications to
 8 cancel their Certificates and therefore should be dismissed from this proceeding. Those utilities are:
 9 Blackstone Communications Company; DMJ Communications, Inc.; D-Tel Communications; Long
 10 Distance Billing; NAS; Raptel Communications, LLC; Teleglobe USA, Inc., and Trattoria Pina.³
 11 Staff indicates their Certificates will be cancelled by subsequent proceedings.

12 5. Notice of the proceeding was given in the manner prescribed by law.

13 6. A number of the Procedural Orders which contained the notice of the proceeding's
 14 pre-hearing conference and the hearing that were mailed to the Non-filing Respondents' last known
 15 address were returned to the Commission with notations such as "return to sender, no forwarding
 16 order on file", "moved, left no address, unable to forward", and "forwarding order expired". Those
 17 non-filing Respondents included: E.Spire; Oncor Communications, Inc.; Univance
 18 Telecommunications; Now Communications, Inc., StarTec Global Licensing Company;
 19 Communications Billing, Inc., Telesphere, Inc., UKI Communications, Inc.; Max-Tel
 20 Communications, Inc.; Metrophone Telecommunications, Inc.; Zenex Long Distance, Inc.; United
 21 States Telecommunications, Inc.; Connect!; Telegenius, Inc.; Long Distance Billing; One Star Long
 22 Distance, Inc.; One Source Communications; NAS; Special Accounts Billing Group, Inc.; Web Net
 23 Communications, Inc.; Kiger Telephone & Telephony, LLC; ETI-Telecommunications; Group Long
 24 Distance, Inc.; Southwest Metro Communications, Inc.; Rolle's Lynda Vista R.V. Park; Raptel
 25 Communications, LLC; Red Rock Water Company; Comtel Network, LLC; Meadow Water
 26 Company; Excell Agent Services, LLC; Asian American Association/Fiesta Tel; Atcom, LTD; ITS

27 _____
 28 ² These Respondents are hereinafter known as the Late-filed Respondents.

³ These Respondents are hereinafter known as the Cancellation Respondents.

1 Network Services; EZ Talk Communications, LLC; Group Long Distance, Inc.; All-Star Acquisition
2 Corporation; Vanion Telecom, Inc.; IE Com; Print Tel Communications; Dillon Enterprises; Zenex
3 Long Distance, Inc.;

4 7. Ms. Batista testified that the Complaint had been filed because the various utility
5 companies and/or entities described above as the Non-filing Respondents had failed to file their 2003
6 Annual Reports.

7 8. Ms. Batista indicated that the Commission sent out delinquent notices to all of the
8 above-referenced utilities and/or entities to advise them that they had failed to file their 2003 Annual
9 Reports. Following the mailing of the delinquent notices, personal phone calls to each of the utilities
10 along with follow-up phone calls were made in an attempt to secure compliance with the requirement
11 that the utilities file their 2003 Annual Reports. Since there was continued non-compliance, the
12 Complaint was prepared and filed.

13 9. While Staff believes the Non-filing Respondent water utilities are providing service, it
14 does not have any information whether the telecommunications utilities are still providing service.

15 10. Staff is recommending that the Certificates of the Non-filing Respondents which have
16 either failed to file their 2003 Annual Reports and/or failed to advise the Commission of their proper
17 mailing addresses be revoked and the utility and/or entity be penalized.

18 11. Based upon our review of the record, we believe that Staff's recommendations with
19 respect to the Late-filed Respondents and Beaver Valley Water Company and Verde West Irrigation
20 are appropriate and they should be dismissed from the proceeding. With respect to the above-
21 described Non-filing Respondents, their Certificates should be revoked and they should also be
22 assessed financial penalties. However, if any affected Non-filing Respondent files, within 60 days of
23 the effective date of this Decision, its 2003 Annual Report, then the Order of revocation and penalty
24 as to that utility and/or entity should be rendered null and void without further Order by the
25 Commission.

26 12. We further find that Staff's recommendation to dismiss the Cancellation Respondents
27 from this proceeding is reasonable and should be adopted.

28

CONCLUSIONS OF LAW

1
2 1. The above-referenced Non-filing Respondents are public service corporations within
3 the meaning of Article XV of the Arizona Constitution and A.R.S. §§ 40-281, 40-282 and 40-252.

4 2. The Commission has jurisdiction over the Non-filing Respondents and of the subject
5 matter of the Complaint herein.

6 3. The revocation of the Certificates of the remaining Non-filing Respondents as
7 described above would benefit the public interest.

8 4. The Complaint against the Late-filed Respondents, Golden Corridor Water Company,
9 Oatman Water Company, Rillito Water Users Association and Startec Global Licensing Company
10 should be dismissed.

11 5. The Complaint against the Cancellation Respondents Blackstone Communications
12 Company, DMJ Communications, Inc., D-Tel Communications, Long Distance Billing, NAS, Raptel
13 Communications, LLC, Teleglobe USA, Inc., and Trattoria Pina should be dismissed.

14 6. Beaver Valley Water Company and Verde West Irrigation should be dismissed due to
15 ownership issues and because there is no information available for them to file their annual reports..

16 7. Pursuant to A.R.S. § 40-425, the remaining Non-filing Respondents should also each
17 be penalized the sum of \$200 unless, within 60 days of the effective date of this Decision, the
18 remaining Non-filing Respondent files its 2002 Annual Report.

ORDER

19
20 IT IS THEREFORE ORDERED that the Certificates of Convenience and Necessity of the
21 remaining Non-filing Respondents and the authorizations therein be revoked as follows:

DOCKET NO.COMPANY

22		
23		
24	T-04135A	All-Star Acquisition Corporation
25	T-04017A	Amiga Enterprises
26	T-02964A	Arizona Payphone Company
27	T-03580A	Asian American Association/Fiesta Tel
28	T-03030A	Atcom, Ltd.
	T-02015A	Beaver Valley Water Company, Inc.
	T-03734A	Blackstone Communications Company
	T-04130A	Business Savings Plan

1	T-03546A	Communications Billing, Inc.
	T-03942A	Comtel Network, LLC
2	T-03784A	Connect!
	T-02940A	Dillon Enterprises
3	T-03571A	DMJ Communications, Inc.
	T-03834A	D-Tel Communications
4	T-03021A	E.Spire
	T-03832A	Essential.Com, Inc.
5	T-03220A	ETI – Telecommunications
	T-03836A	Excell Agent Services, LLC
6	T-03502A	EZ Talk Communications, LLC
	T-03833A	EZTEL Network Services, LLC
7	W-02497A	Golden Corridor Water Company
	T-3251A	Group Long Distance, Inc.
8	T-03664A	IE Com
9	T-04078A	ITS Network Services
	T-04092A	Kiger Telephone & Telephony, LLC
10	T-3378A	Long Distance Billing
	T-03532A	Max-Tel Communications
11	W-03540A	Meadow Water Company
	T-03244A	Metrophone Telecommunications, Inc.
12	T-03821A	NAS
	T-03878A	NATEL, LLC
14	T-03746A	NOW Communications, Inc.
	W-04069A	Oatman Water Company, LLC
15	T-03618A	Oncor Communications, Inc.
	T-03629A	One Source Communications
16	T-03697A	Onestar Long Distance, Inc.
	T-02852A	Print Tel Communications
17	T-03375A	Public Phone Systems
	T-03928A	Raptel Communications, LLC
18	W-02160A	Red Rock Water Company
	W-02003A	Rillito Water Users Association
19	T-04059A	Rolle's Lynda Vista R.V. Park
	W-01084A	Salome Water Company
20	T-04099A	Southwest Metro Communications, Inc.
	T-03650A	Special Accounts Billing Group, Inc.
22	T-04174A	Squawk Box
	T-03794A	Startec Global Licensing Company
23	W-02386A	Sun Leisure Estates Utilities Company, Inc.
	T-04029A	Telegenius, Inc.
24	T-03473A	Teleglobe USA, Inc.
	T-03262A	Tele-Pro Independent Contractors, LLC
25	T-04148A	Telesphere, Inc.
	T-03911A	Touch America
26	T-02885A	Trattoria Pina
	T-03840A	UKI Communications, Inc.
27	T-03558A	United States Telecommunications, Inc.
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1	T-03506A	Univance Telecommunications, Inc.
	T-04012A	Vanion Telecom, Inc.
2	W-02274A	Verde West Irrigation
	T-03816A	Webnet Communications, Inc.
3	T-03988A	Wilshire Connection, LLC
	T-04033A	World Communications Satellite Systems,
4		Inc.
		Zenex Long Distance

5
6 IT IS FURTHER ORDERED that the Complaint against Beaver Valley Water Company and
7 Verde West Irrigation, the Late-filed Respondents: Golden Corridor Water Company; Oatman Water
8 Compan, LLC; Rillito Water Users Association; StarTec Global Licensing Company are hereby
9 dismissed.

10 IT IS FURTHER ORDERED that the Cancellation Respondents: Blackstone
11 Communications Company; DMJ Communications, Inc.; D-Tel Communications; Long Distance
12 Billing; NAS; Raptel Communications, LLC; Teleglobe USA, Inc.; and Trattoria Pina are hereby
13 dismissed from this proceeding.

14 IT IS FURTHER ORDERED that Staff shall file to have the Certificates of the Cancellation
15 Respondents cancelled, at some future date.

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IT IS FURTHER ORDERED that the above-named Non-filing Respondents shall each be penalized the sum of \$200 unless, within 60 days of the effective date of this Decision, the above-named Non-filing Respondent files its 2002 Utilities Division Annual Report with the Director of the Commission's Utilities Division, then said revocation and financial penalty shall be null and void without further Order by the Commission.

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

BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

CHAIRMAN _____ COMMISSIONER _____

COMMISSIONER _____ COMMISSIONER _____ COMMISSIONER _____

IN WITNESS WHEREOF, I, BRIAN C. McNEIL, Executive Director of the Arizona Corporation Commission, have hereunto set my hand and caused the official seal of the Commission to be affixed at the Capitol, in the City of Phoenix, this ____ day of _____, 2006.

BRIAN C. McNEIL
EXECUTIVE DIRECTOR

DISSENT _____

DISSENT _____

1	SERVICE LIST FOR:	2003 ANNUAL REPORTS
2	DOCKET NO.:	C-00000A-06-0259
3	All-Star Acquisition Corporation	Dillon Enterprises
4	1151 Seven Locks Road	14490 E. Elgin St.
5	Potomac, MD 20854	Gilbert, AZ 85296
6	Amiga Enterprises	DMJ Communications, Inc.
7	3852 E. Dulciana Avenue	1401 Colony Drive
8	Mesa, AZ 85206	Irving, TX 75061
9	Arizona Payphone Company	D-Tel Communications
10	P. O. Box 31002	12313 S. Wilmington Avenue
11	Phoenix, AZ 85046	Compton, CA 90222
12	Asian American Association / Fiesta Tel	E.spire
13	9550 Flair Drive, Ste. 203	7125 Columbia Gateway Drive, Ste. 200
14	El Monte, CA 91731	Columbia, MD 21046
15	Atcom, Ltd.	Essential.com, Inc
16	100 Front Street, Ste. 1370	5 Bragdan Lane, Suite 200
17	West Conshocken, PA 19428	Kennebunk, ME 04043
18	Beaver Valley Water Company, Inc.	ETI - Telecommunications
19	P. O. Box 421	9500 Toledo Way
20	Payson, AZ 85547	Irvine, CA 92618
21	Blackstone Communications Company	Excell Agent Services, L.L.C.
22	11600 NW 34th Street	1919 W. Fairmont, Ste. 10
23	Miami, FL 33178	Tempe, AZ 85282
24	Business Savings Plan	EZ Talk Communications, L.L.C.
25	18200 Von Karman Ave., 10th Floor	4727 South Main
26	Irvine, CA 92612	Stafford, TX 77477
27	Communications Billing, Inc.	Eztel Network Services, L.L.C.
28	20033 Detroit Rd. Annex Ste. 202	P. O. Box 1006
	Rocky River, OH 44116	Indianola, MS 38751
	Comtel Network, LLC	Golden Corridor Water Company
	5413 N. Fruit Ave.	2886 E. Mopar Drive
	Fresno, CA 93711	Casa Grande, AZ 85222
	Connect!	Group Long Distance, Inc.
	3535 West 7th Street, Suite 1	9500 Toledo Way
	Fort Worth, TX 76107	Irvine, CA 92618

1	IE Com 2912 Lakeside Dr. Oklahoma City, OK 73120	One Source Communications 3920 E. Heather Ct. Gilbert, AZ 852340
3	ITS Network Services 575 E. Locust Ave., Suite 201 Fresno, CA 93720	OneStar Long Distance, Inc. 7100 Eagle Crest Blvd. Suite B Evansville, IN 47715
5	Kiger Telephone & Telephony, LLC 999 18th Street, Ste. 1825 Denver, CO 80202	Print Tel Communications 2301 W. Dakota #1 Tucson, AZ 85746
8	Long Distance Billing P. O. Box 898 Tustin, CA 92781	Public Phone Systems 757 W. Warner Rd. Tempe, AZ 85284
9	Max-Tel Communications, Inc. 105 N. Wickham P. O. Box 280 Alvord, TX 76225	Raptel Communications, LLC 111 South Broadway, Suite 301 Rochester, MN 55904
12	Meadow Water Company P. O. Box 3937 Prescott, AZ 86302	Red Rock Water Company 311 A Chestnut St. San Francisco, CA 94133
14	Metrophone Telecommunications, Inc. 2020 - 124th Ave. NE C-103 Bellevue, WA 98005	Rillito Water Users Ass'n P. O. Box 668 Rillito, AZ 85654
17	NAS 13650 Dulles Technology Drive Herndon, VA 20171	Rolle's Lynda Vista R.V. Park 15942 Quartz Street Westminster, CA 92683
19	Natel, LLC 1720 Windward Concourse, Ste. 250 Alpharetta, GA 30005	Salome Water Company P.O. Box 550 Salome, AZ 85348
21	Now Communications, Inc. 2000 Newport Place NW, Suite 900 Lawrenceville, GA 30043	Southwest Metro Communications Inc. 1850 McCulloch Blvd., Ste. C1-B Lake Havasu City, AZ 86403
24	Oatman Water Company, L.L.C. 9184 N. 81st Street Phoenix, AZ 85258	Special Accounts Billing Group, Inc. 1483 Chain Bridge Road, Suite 300 McLean, VA 22101
26	Oncor Communications, Inc.. 3530 Forest Lane, Suite 200 Dallas, TX 75234	Squawk Box 3330 N. 35th Ave., Suite 4 Phoenix, AZ 85017
28		

1	Startec Global Licensing Company 1151 Seven Locks Road Potomac, MD 20854	Webnet Communications, Inc. PO Box 11075 Champaign, IL 61826
3	Sun Leisure Estates Utilities Company, Inc. Crites & Associates P.O. Box 5681 Yuma, AZ 85366	Wilshire Connection, LLC 633 West Street, 56th Floor Los Angeles, CA 90071
6	Telegenius, Inc. 2901 Ridgelake Drive, Ste. 212 Metairie, LA 70002	World Communications Satellite Systems, Inc. 4301 Brittany Trail Dr. Champaign, IL 61822
8	Teleglobe USA Inc. 11495 Commerce Park Drive Reston, VA 20191	Zenex Long Distance, Inc. 201 Robert S. Kerr Suite 500 Oklahoma City, OK 73102
11	Tele-Pro Independent Contractors, LLC 3331 E. Waltann Lane Phoenix, AZ 85032	Christopher Kempsey, Chief Counsel Legal Division ARIZONA CORPORATION COMMISSION 1200 West Washington Street Phoenix, AZ 85007
13	Telesphere, Inc. 2745 N. Dallas Parkway, Ste. 410 Plano, TX 75093	Ernest G. Johnson, Director Utilities Division ARIZONA CORPORATION COMMISSION 1200 West Washington Phoenix, AZ 85007
15	Trattoria Pina 5541 N. Swan Rd. Tucson, AZ 85718	
17	Uki Communications, Inc. 2 North Twentieth Street, Ste 200 Birmingham, AL 35203	
20	United States Telecommunications, Inc. 5251 110th Avenue North, Ste 118 Clearwater, FL 33760	
22	Univance Telecommunications, Inc. 7101 S. Fulton St., Ste 200 Englewood, CO 80112	
24	Vanion Telecom, Inc. 2 North Cascade, Ste 900 Colorado Springs, CO 80903	
27	Verde West Irrigation PO Box 744 Camp Verde, AZ 86322	