

OPEN MEETING ITEM



0000064174

ORIGINAL



Executive Director

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

ARIZONA CORPORATION COMMISSION

DATE: DECEMBER 5, 2006

DOCKET NO: T-04207A-05-0637

TO ALL PARTIES:

Enclosed please find the recommendation of Administrative Law Judge Amy Bjelland. The recommendation has been filed in the form of an Order on:

TELEGLOBE AMERICA, INC.
(CANCEL CC&N)

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:

DECEMBER 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:

DECEMBER 19, 2006 and DECEMBER 20, 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.

Arizona Corporation Commission

DOCKETED

DEC - 5 2006

DOCKETED BY [Signature]

[Signature]

BRIAN C. McNEIL
EXECUTIVE DIRECTOR

RECEIVED

2006 DEC -5 P 2:25

AZ CORP COMMISSION
DOCUMENT CONTROL

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

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

IN THE MATTER OF THE APPLICATION OF
TELEGLOBE AMERICA, INC. TO CANCEL
THEIR CERTIFICATE OF CONVENIENCE AND
NECESSITY FOR ALL
TELECOMMUNICATIONS SERVICES.

DOCKET NO. T-04207A-05-0637

DECISION NO. _____

ORDER

Open Meeting
December 19 and 20, 2006
Phoenix, Arizona

BY THE COMMISSION:

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

FINDINGS OF FACT

1. On May 24, 2004, the Commission issued Decision No. 67008 which granted to Teleglobe America, Inc. ("TAI" or "Applicant") a Certificate of Convenience and Necessity ("Certificate") to provide competitive interLATA/intraLATA resold telecommunications services except local exchange services in Arizona.
2. On September 2, 2005, TAI filed an application to cancel its Certificate and tariffs for all telecommunications services in Arizona granted in Decision No. 67008.
3. On September 12, 2005, the Commission's Utilities Division ("Staff") issued a Letter of Insufficiency and First Set of Data Requests to TAI.
4. On September 29, 2005, TAI docketed its response to Staff's Data Requests.
5. On November 16, 2006, Staff filed its Staff Report recommending approval of the application.
6. Staff stated that TAI provided private line service for only two business customers in

1 Arizona, both of which requested that TAI disconnect their service almost three years prior to TAI
2 filing its application in this docket. For one of these customers, TAI's operations center was located
3 in Ohio; for the other, TAI resold service providing a private line connection. TAI does not have any
4 employees in Arizona.

5 7. TAI did not provide telecommunications service to residential customers. TAI does
6 not currently, nor did in the past, provide telecommunications service to any customer in Arizona.
7 TAI indicated to Staff that it did not provide notice to customers in Arizona for this reason. Staff
8 stated that it believes that under these circumstances, TAI should not be required to provide its former
9 customers with notice of service cancellation pursuant to A.A.C. R14-2-1107. TAI did publish notice
10 of its application in *The Arizona Republic*.

11 8. TAI did not collect advances, deposits and/or prepayments from its customers in
12 Arizona.

13 9. Staff stated that the Consumer Services Section of the Utilities Division had no
14 consumer complaints, inquiries, and/or opinions against TAI from January 1, 2003 through May 19,
15 2006. TAI is a corporation in good standing with the Corporations Division of the Commission.

16 10. Staff further stated that there are numerous carriers in Arizona that offer similar
17 services. Staff stated its belief that approval of TAI's request to discontinue service is in the public
18 interest, and recommended approval of TAI's application and cancellation of TAI's tariffs on file
19 with the Commission.

20 11. Applicant was without any customers for several years prior to making this
21 application, and the notice requirement of A.A.C. R14-2-1107(B) should therefore be waived under
22 the unique circumstances of this case. However, this waiver should not be considered precedent for
23 other providers who wish to discontinue service. Absent the unique facts presented in this case, we
24 will strictly enforce the requirements set forth in A.A.C. R14-2-1107.

25 CONCLUSIONS OF LAW

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

28 2. The Commission has jurisdiction over Applicant and the subject matter of the

1 application.

2 3. Cancellation of the Applicant's CC&N is in the public interest.

3 4. Pursuant to A.R.S. § 40-282, the Commission may issue this Decision without a
4 hearing.

5 5. Staff's recommendation is reasonable and should be adopted.

6 **ORDER**

7 IT IS THEREFORE ORDERED that Teleglobe America Inc.'s Application shall be, and
8 hereby is, approved.

9 IT IS FURTHER ORDERED that Teleglobe America, Inc.'s Certificate of Convenience and
10 Necessity shall be, and hereby is, cancelled.

11 IT IS FURTHER ORDERED that Teleglobe America, Inc.'s tariffs on file with the
12 Commission shall be, and hereby are, cancelled.

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

14 BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

15
16
17 CHAIRMAN

COMMISSIONER

18
19 COMMISSIONER

COMMISSIONER

COMMISSIONER

20
21 IN WITNESS WHEREOF, I, BRIAN C. McNEIL, Executive
22 Director of the Arizona Corporation Commission, have
23 hereunto set my hand and caused the official seal of the
24 Commission to be affixed at the Capitol, in the City of Phoenix,
25 this ____ day of _____, 2006.

26
27 BRIAN C. McNEIL
EXECUTIVE DIRECTOR

28 DISSENT _____

DISSENT _____

1 SERVICE LIST FOR: TELEGLOBE AMERICA, INC.

2 DOCKET NO.: T-04207A-05-0637

3 Michael C. Wu
4 TELEGLOBE
5 One Discovery Square
6 12010 Sunset Hills Road
7 Reston, VA 20190

8 Christopher Kempley, Chief Counsel
9 Legal Division
10 ARIZONA CORPORATION COMMISSION
11 1200 West Washington Street
12 Phoenix, Arizona 85007

13 Ernest G. Johnson, Director
14 Utilities Division
15 ARIZONA CORPORATION COMMISSION
16 1200 West Washington Street
17 Phoenix, Arizona 85007

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34