

ORIGINAL



MEMORANDUM

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2003 OCT 30 A 8:57

TO: Docket Control
Arizona Corporation Commission

THRU: Matt Rowell *MR*
Chief
Economics and Research

FROM: Ernest G. Johnson *EJ*
Director
Utilities Division

Arizona Corporation Commission
DOCKETED

OCT 30 2003

DOCKETED BY *CAF*

DATE: 10-29-2003

RE: **APPLICATION CANCELLATION - IN THE MATTER OF THE APPLICATION OF VIATEL INC. FOR CANCELLATION OF ITS CERTIFICATE OF CONVENIENCE AND NECESSITY. (DOCKET NO. T-03790A-01-0635)**

Attached is the Staff Report for the above referenced application. Staff is recommending cancellation of the CC&N without a hearing.

Originator: Anthony Gatto

Attachment: Original and Ten Copies

STAFF REPORT
UTILITIES DIVISION
ARIZONA CORPORATION COMMISSION

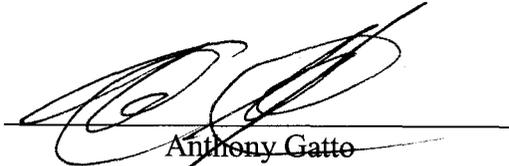
VIATEL INC.

DOCKET NO. T-03790A-01-0635

IN THE MATTER OF THE APPLICATION OF
VIATEL INC. FOR
CANCELLATION OF ITS CERTIFICATE OF CONVENIENCE
AND NECESSITY

STAFF ACKNOWLEDGEMENT

The Staff member designated below contributed elements of this Staff Report.



Anthony Gatto
Public Utility Analyst IV

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Introduction:

On August 3, 2001, Viatel Inc. ("Viatel" or "Applicant") filed with the Commission a letter requesting cancellation of its Certificate of Convenience and Necessity ("Certificate").

Background and Staff Analysis:

Viatel was approved to offer competitive telecommunications services in Arizona as a reseller of interexchange service in Decision No. 62726. Viatel on August 3, 2001 sent a letter to the Commission requesting cancellation of its CC&N within the State of Arizona. Since its registration with the ACC, the Applicant has not exercised its authority to provide telecommunications services in the State of Arizona. Viatel does not service any intrastate customers; and there are no prepayments, deposits, or advances that would be at risk by cancellation of Viatel's CC&N.

Since Viatel does not serve any Arizona customers and there are numerous other carriers offering similar services, Staff believes that granting this application for cancellation is in the public interest.

Recommendations:

Staff recommends cancellation of Viatel's Certificate of Convenience and Necessity.

Staff further recommends that the application be approved without a hearing.



NEW APPLICATION
RECEIVED

2001 AUG -3 A 9:29

May 8, 2001

AZ COMP COMMISSION
DOCUMENT CONTROL

Arizona Corporation Commission
Utilities Division
1200 West Washington
Phoenix, AZ 85007-2996

T-03790A-01-0635

62726

To Whom It May Concern:

Viatel, Inc. ("Viatel") wishes to inform you that it and its U.S. subsidiaries filed for protection under Chapter 11 of the U.S. Bankruptcy Code on May 2, 2001. In conjunction with this filing, Viatel discontinued the provision of all services in the United States and hereby requests withdrawal of its tariff on file with your agency.

VIATEL, INC.
685 Third Avenue
New York, NY
10017
USA
T 212-350-9200
F 212-350-9250
www.viatel.com

Due to the rapid unfolding of events leading up to the Chapter 11 filing, Viatel was unable to provide prior notice to customers or to regulatory agencies. Viatel regrets any inconvenience that the discontinuance of service may have caused its customers. To assist you in responding to any customer inquiries that you may receive, you may direct customers to Viatel's website (www.viatel.com) for information concerning the discontinuance of service and the process of selecting a new long-distance carrier. In addition to any resources you may have, customers seeking new long distance companies also may consult the Yellow Pages of the telephone book under the heading "Telephone Companies," call 1-800-555-1212 to obtain the toll-free number of a specific long distance company, contact their local telephone company for a listing of long distance companies providing service in the area, or go to a consumer website such as www.trac.org that provides information on selecting a new long distance company.

In addition, with respect to toll-free service, Viatel wishes to inform you that it has contacted Database Service Management Inc. (the toll-free database administrator) and authorized DSMI to transfer the toll-free numbers of any Viatel customers to any new provider requested by those customers. If customers wish to switch their toll-free service to a new provider, the new provider should contact DSMI's help desk at 888-767-3300.

If you have any further questions, please contact the undersigned at 212-350-9211.

NRB # Service

Sincerely,

James P. Prenetta, Jr.
Senior Vice President and
General Counsel
Viatel, Inc.