

ORIGINAL

OPEN MEETING ITEM



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COMMISSIONERS
MARC SPITZER - Chairman
WILLIAM A. MUNDELL
JEFF HATCH-MILLER
MIKE GLEASON
KRISTIN K. MAYES



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ARIZONA CORPORATION COMMISSION
2003 NOV -7 A 9:20

AZ CORP COMMISSION
DOCUMENT CONTROL

DATE: November 7, 2003

DOCKET NO: T-03523A-02-0037

TO ALL PARTIES:

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

NET2000 COMMUNICATIONS SERVICES, INC.
(CANCEL CC&N/RESELLER)

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 thirteen (13) copies of the exceptions with the Commission's Docket Control at the address listed below by **4:00 p.m.** on or before:

NOVEMBER 17, 2003

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 2 and 3, 2003

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

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BRIAN C. McNEIL
EXECUTIVE SECRETARY

DOCKETED BY

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 COMMISSIONERS

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

8 IN THE MATTER OF THE APPLICATION OF
9 NET2000 COMMUNICATIONS SERVICES, INC.
10 FOR CANCELLATION OF ITS CERTIFICATE OF
11 CONVENIENCE AND NECESSITY TO PROVIDE
12 COMPETITIVE RESOLD
13 TELECOMMUNICATIONS SERVICES EXCEPT
14 LOCAL EXCHANGE SERVICES.

DOCKET NO. T-03523A-02-0037

DECISION NO. _____

ORDER

15 Open Meeting
16 December 2 and 3, 2003
17 Phoenix, Arizona

18 **BY THE COMMISSION:**

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

21 **FINDINGS OF FACT**

22 1. On October 8, 1998, in Decision No. 61170, the Commission granted to Net2000
23 Group, Inc. ("Net2000" or "Applicant") a Certificate of Convenience and Necessity ("CC&N")
24 authorizing it to provide competitive interLATA/intraLATA resold telecommunications services,
25 except local exchange services, in Arizona.

26 2. On April 28, 1999, Applicant made a tariff filing to change its name to Net2000
27 Communications Services, Inc.

28 3. On January 15, 2002, Net2000 filed in this docket an application requesting that the
Commission cancel its CC&N and any associated tariffs on file with the Commission. The
application stated that Net2000 filed a bankruptcy petition on November 16, 2001, and that pursuant
to orders of the Bankruptcy Court, that it transferred all its assets and customers to Cavalier
Telephone Corporation, after providing the customers with written notice of the transfer in
compliance with Federal Communication Commission ("FCC") rule requirements.

4. On October 21, 2003, the Commission's Utilities Division Staff ("Staff") filed a Staff

1 Report in this matter, recommending that Net2000's CC&N be cancelled.

2 5. Staff states that Net2000 is no longer doing business, does not service any intrastate
3 customers, and no prepayments, deposits, or advances would be at risk by cancellation of Net2000's
4 CC&N. Decision No. 61170 did not authorize Net2000 to collect advance payments or deposits.

5 6. Numerous other carriers in Arizona offer services similar to those that Net2000 is
6 currently certificated to provide.

7 7. No Arizona customers will be affected by the requested cancellation.

8 **CONCLUSIONS OF LAW**

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

11 2. The Commission has jurisdiction over Applicant and the subject matter of the
12 application.

13 3. The cancellation of Applicant's CC&N is in the public interest.

14 4. Staff's recommendations in Findings of Fact No. 4 are reasonable and should be
15 adopted.

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ORDER

IT IS THEREFORE ORDERED that the application of Net2000 Communications Services, Inc. for the cancellation of its Certificate of Convenience and Necessity and associated tariffs is hereby approved.

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 Secretary of the Arizona Corporation Commission, have hereunto, set my hand and caused the official seal of this Commission to be affixed at the Capitol, in the City of Phoenix, this _____ day of _____, 2003.

BRIAN C. McNEIL
Executive Secretary

DISSENT: _____

DISSENT: _____

TW:mlj

1 SERVICE LIST FOR:

NET2000 COMMUNICATIONS SERVICES, INC.

2 DOCKET NO.:

T-03523A-02-0037

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