

OPEN MEETING ITEM
ORIGINAL



COMMISSIONERS
JEFF HATCH-MILLER - Chairman
WILLIAM A. MUNDELL
MIKE GLEASON
KRISTIN K. MAYES
GARY PIERCE



ARIZONA CORPORATION COMMISSION

22

DATE: FEBRUARY 22, 2007
DOCKET NO: T-03761A-04-0710 ET AL.
TO ALL PARTIES:

Arizona Corporation Commission
DOCKETED
FEB 22 2007

DOCKETED BY
NR

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

TELIGENT SERVICES, INC.'S
(TRANSFER/CC&N CANCELLATION)

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:

MARCH 5, 2007

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:

MARCH 13, 2007 AND MARCH 14, 2007

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.

BRIAN C. McNEIL
EXECUTIVE DIRECTOR

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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 GARY PIERCE

8 IN THE MATTER OF TELIGENT SERVICES,
9 INC.'S NOTIFICATION OF A PROPOSED
10 TRANSACTION WHEREBY TELIGENT
11 SERVICES, INC. WILL TRANSFER ITS LONG
12 DISTANCE CUSTOMER BASE AND
13 ASSOCIATED CUSTOMER ACCOUNT
14 INFORMATION TO STARTEC GLOBAL
15 LICENSING COMPANY.

DOCKET NO. T-03761A-04-0710
DOCKET NO. T-03794A-04-0710

DECISION NO. _____

ORDER

11 Open Meeting
12 March 13 and 14, 2007
13 Phoenix, Arizona

14 **BY THE COMMISSION:**

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

FINDINGS OF FACT

17 1. On February 16, 2001, the Commission issued Decision No. 63370 which granted to
18 Teligent Services, Inc. ("TSI" or "Applicant") a Certificate of Convenience and Necessity
19 ("Certificate" or "CC&N") to provide competitive interLATA/intraLATA resold telecommunications
20 services except local exchange services in Arizona.

21 2. On September 30, 2004, Startec Global Licensing Company ("Startec") and Teligent
22 (collectively, the "Parties") filed a Joint Notification of Proposed Transfer of Long Distance
23 Customer Accounts ("Notification"), which indicated that Teligent intended to transfer its long
24 distance customer base and associated customer account information to Startec. The Notification
25 indicated that the transfer of Teligent's CC&N is not contemplated and not required given Startec's
26 authority to provide resold interexchange telecommunications services in Arizona pursuant to
27 Decision No. 63370 (February 16, 2001).
28

1 3. On October 29, 2004, the Commission's Utilities Division Staff ("Staff") filed its Staff
2 Report, which recommended approval of the customer base transfer and a waiver of A.A.C. R14-2-
3 1904 and R14-2-1905.

4 4. By Procedural Order dated December 7, 2004, Staff was ordered to submit an
5 Addendum to its Staff Report, setting forth its position with regard to (1) the statutory authority or
6 Commission rule, if any, pursuant to which Commission approval of the transfer of a customer base
7 is required; and (2) the extent to which A.A.C. R14-2-1107 applies to the transfer of a customer base.

8 5. On December 27, 2004, Staff filed an Addendum to its October 29, 2004 Staff Report,
9 which indicated that: (1) the transfer of a customer base does not require Commission approval as a
10 transfer of assets; (2) a waiver of A.A.C. R14-2-1904 and 1905 is necessary to effectuate the transfer
11 of a customer base and should be approved in this matter; and (3) the transfer of a customer base does
12 not qualify as a discontinuance of service or abandonment of a service area such that A.A.C. R14-2-
13 1107 does not apply.

14 6. On February 23, 2005, TSI filed in this docket notification of its voluntary surrender
15 of its CC&N to provide local and long distance telecommunications services in the State of Arizona
16 given the cessation of Arizona operations subsequent to the transfer of its long distance customer
17 base to Startec.

18 7. By Procedural order issued March 23, 2005, Staff was ordered to submit a response to
19 Teligent's February 23, 2005 filing.

20 8. On April 6, 2005, Staff issued a memorandum indicating that Teligent should publish
21 notification of its surrender of its CC&N.

22 9. On July 20, 2005, Teligent filed proof of publication of its application to cancel its
23 CC&N.

24 10. On October 3, 2006, by Procedural Order, Staff was directed to make a filing updating
25 the Commission on the Status of this matter.

26 11. On October 31, 2006, Staff filed an update regarding Teligent stating that Teligent has
27 complied with the provisions of A.A.C. R14-2-21107(B), which requires that legal notice of its
28 application to surrender its CC&N be published in all counties affected by the application.

1 IT IS FURTHER ORDERED that Teligent Services, Inc.'s tariffs on file with the
2 Commission shall be, and hereby are, cancelled.

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

4 BY ORDER OF THE ARIZONA CORPORATION COMMISSION.
5
6

7 CHAIRMAN _____ COMMISSIONER _____
8

9 COMMISSIONER _____ COMMISSIONER _____ COMMISSIONER _____
10

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

16 _____
17 BRIAN C. McNEIL
18 EXECUTIVE DIRECTOR

19 DISSENT _____
20

21 DISSENT _____
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1 SERVICE LIST FOR:

TELIGENT SERVICES, INC.'S

2 DOCKET NOS.:

T-03761A-04-0710 AND T-03794A-04-0710

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