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BEFORE THE ARIZONA CORPORATION COMMISSION

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

2007 MAR 26 P 4:27  
AZ CORP COMMISSION  
DOCUMENT CONTROL

Arizona Corporation Commission  
**DOCKETED**  
MAR 26 2007

DOCKETED BY	nr
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STAFF of the Utilities Division,

Complainant,

vs.

RED RIVER NETWORKS, LLC

Respondent.

DOCKET NO. T-04296A-04-0897

**COMPLAINT**  
(Motion to Rescind Decision  
and cancel CC&N)

Staff of the Utilities Division ("Staff") of the Arizona Corporation Commission ("Commission"), pursuant to Arizona Revised Statutes (A.R.S.) § 40-246, hereby comes before the Commission to allege the following Complaint requesting a rescission of Commission Decision No. 67813 and a cancellation of Respondent's Certificate of Convenience and Necessity ("CC&N").

**JURISDICTION**

1. The Commission has jurisdiction to hear complaints against public service corporations pursuant to A.R.S. § 40-246. The Commission has jurisdiction to supervise and regulate public service corporations pursuant to Article XV of the Arizona Constitution and Title 40 of the Arizona Revised Statutes.

**FACTUAL BACKGROUND**

2. Respondent Red River Networks, LLC ("Red River" or "Company") is a public service corporation as defined by Article XV of the Arizona Constitution and A.R.S. § 40-282.

...

1           3.       On December 15, 2004, Red River filed with the Commission an application for a  
2 CC&N to provide competitive resold interexchange telecommunications services within the State  
3 of Arizona.

4           4.       On May 5, 2005, in Decision No. 67813, the Commission issued a CC&N to Red  
5 River conditioned upon timely compliance.

6           5.       The Decision ordered that Red River's certificate be conditioned upon the filing of  
7 conforming tariffs within 365 days from the date of an Order granting the certificate or 30 days  
8 prior to providing service, whichever comes first.

9           6.       The Decision further ordered that if Red River failed to meet the timeframe for  
10 compliance that the CC&N conditionally granted would become null and void without further  
11 Order of the Commission.

12          7.       On May 12, 2006, Staff contacted the Company regarding the past due compliance  
13 item. The Company did not respond to Staff's call or notice.

14          8.       On July 27, 2006, Staff once again contacted Red River regarding the past due  
15 compliance item. The Company again did not respond to Staff's call or notice.

16          9.       In September 2006, Staff contacted Mr. Woody Bannister with the Company who  
17 stated they were working on the compliance items. Staff never received the compliance items and  
18 has been unable to contact or speak directly with the Company since.

19          10.      Arizona Administrative Code ("A.A.C.") R14-2-411(D)(4) requires all utilities to  
20 submit an annual report on or before the 15<sup>th</sup> day of April for the preceding calendar year. Red  
21 River has failed to submit an annual report for calendar year 2005. The failure to file annual  
22 reports for calendar year 2005 constitutes a violation of A.A.C. R14-2-411(D)(4).

23          11.      On April 5, 2006, the Commission's Corporations Division placed the status of the  
24 Company 'Not in Good Standing' because of the resignation of the Company's statutory agent.

25          12.      Staff's investigation has found that Red Rivers' assets have been acquired by NOS  
26 Communications, Inc. It is unclear as to whether Red River Networks, LLC is serving any  
27 customers in Arizona.

28      ...

**RECOMMENDATION**

13. Staff recommends the Commission rescind Decision No. 67813 and cancel the Certificate of Convenience and Necessity of Red River Networks, LLC.

RESPECTFULLY SUBMITTED this 26<sup>th</sup> day of March, 2007.



Kevin O. Torrey  
Attorney, Legal Division  
Arizona Corporation Commission  
1200 West Washington Street  
Phoenix, Arizona 85007  
(602) 542-6031

The Original and thirteen (13) copies of the foregoing were filed this 26<sup>th</sup> day of March, 2007, with:

Docket Control  
Arizona Corporation Commission  
1200 W. Washington St.  
Phoenix, AZ 85007

Copies of the foregoing were mailed by *Certified Mail Requesting Return Receipt* on this 26<sup>th</sup> day of March, 2007, to:

Mr. Woody Bannister  
Red River Networks, LLC  
Post Office Box 2617  
Edmond, Oklahoma 73083

Ms. Rowena Hardin  
NOS Communications, Inc.  
4380 Boulder Highway  
Las Vegas, Nevada 89121

Copies of the foregoing were hand-delivered this 26<sup>th</sup> day of March, 2007, to:

1 Mr. Christopher C. Kempley  
Chief Counsel, Legal Division  
2 Arizona Corporation Commission  
1200 West Washington  
3 Phoenix, Arizona 85007

4 Mr. Ernest G. Johnson  
5 Director, Utilities Division  
Arizona Corporation Commission  
6 1200 West Washington  
7 Phoenix, Arizona 85007

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9 *Roseann Boris*

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1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 MIKE GLEASON  
Chairman

3 WILLIAM A. MUNDELL  
Commissioner

4 JEFF HATCH-MILLER  
Commissioner

5 KRISTIN K. MAYES  
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6 GARY PIERCE  
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7  
8 STAFF of the Utilities Division,  
9  
10 Complainant,  
11 vs.  
12 RED RIVER NETWORKS, LLC  
Respondent.

DOCKET NO. T-04296A-04-0897

DECISION NO. \_\_\_\_\_

ORDER

14  
15 Open Meeting  
16 April 11 and 12, 2007  
Phoenix, Arizona

17 BY THE COMMISSION:

18 FINDINGS OF FACT

- 19 1. Respondent Red River Networks, LLC ("Red River" or "Company") is a public  
20 service corporation as defined by Article XV of the Arizona Constitution and A.R.S. § 40-282.
- 21 2. On December 15, 2004, Red River filed with the Commission an application for a  
22 CCN to provide competitive resold interexchange telecommunications services within the State of  
23 Arizona.
- 24 3. On May 5, 2005, in Decision No. 67813, the Commission issued a Certificate of  
25 Convenience and Necessity ("CC&N") to Red River conditioned upon timely compliance.
- 26 4. The Decision ordered that Red River's certificate be conditioned upon the filing of  
27 conforming tariffs within 365 days from the date of an Order granting the certificate or 30 days  
28 prior to providing service, whichever comes first.



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ORDER

IT IS THEREFORE ORDERED that Decision No. 67813 is hereby rescinded and the Certificate of Convenience and Necessity granted to Red River Networks, LLC is revoked.

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

**BY THE 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 this Commission to be affixed at the Capitol, in the City of Phoenix, this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
BRIAN C. McNEIL  
Executive Director

DISSENT: \_\_\_\_\_

DISSENT: \_\_\_\_\_

EGJ:KDB:lhml

1 SERVICE LIST FOR: Red River Networks, LLC  
2 DOCKET NO. T-04296A-04-0897

3 Mr. Woody Bannister  
4 Red River Networks, LLC  
5 Post Office Box 2617  
6 Edmond, Oklahoma 73083  
7 **Via First Class mail and  
8 Certified Mail  
9 Return Receipt Requested**

8 Ms. Rowena Hardin  
9 NOS Communications, Inc.  
10 4380 Boulder Highway  
11 Las Vegas, Nevada 89121  
12 **Via First Class mail and  
13 Certified Mail  
14 Return Receipt Requested**

12 Mr. Christopher C. Kempley  
13 Chief Counsel, Legal Division  
14 Arizona Corporation Commission  
15 1200 West Washington  
16 Phoenix, Arizona 85007

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