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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: 30
AZ CORP COMMISSION
DOCUMENT CONTROL

Arizona Corporation Commission
DOCKETED
MAR 26 2007

DOCKETED BY

STAFF of the Utilities Division,

DOCKET NO. T-04240A-04-0115

Complainant,

vs.

DIAL-AROUND TELECOM, INC.

Respondent.

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. 68076 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 Dial-Around Telecom, Inc. ("Dial-Around" 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 February 18, 2004, Dial-Around filed with the Commission an application for a
2 CC&N to provide competitive facilities-based interexchange telecommunications services within
3 the State of Arizona.

4 4. On August 17, 2005, in Decision No. 68076, the Commission issued a CC&N to
5 Dial-Around conditioned upon timely compliance.

6 5. The Decision ordered that Dial-Around's certificate be conditioned upon the filing
7 of a \$100,000 performance bond within 365 days from the effective date of the decision or 30 days
8 prior to providing service, whichever comes first.

9 6. The Decision ordered that Dial-Around's certificate be conditioned upon the filing
10 of conforming tariffs in accordance with the Decision within 365 days from the date of the
11 decision or 30 days prior to providing service, whichever comes first.

12 7. The Decision further ordered that if Dial-Around failed to meet the timeframe for
13 compliance that the CC&N conditionally granted would become null and void without further
14 Order of the Commission, and no time extensions be granted for compliance.

15 8. On August 17, 2006, Staff contacted the Company regarding the past due
16 compliance items. Staff continued has continued to try to work with the Company but all attempts
17 have gone unsuccessful.

18 9. On August 11, 2006, the Commission's Corporations Division placed the status of
19 the Company 'Not in Good Standing' because of the Company's failure to file the required 2006
20 annual report.

21 10. Staff's investigation has concluded that Dial-Around is currently conducting
22 business but found no evidence of any customer base or the promotion of products in the State of
23 Arizona.

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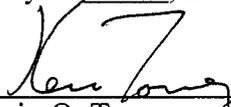
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RECOMMENDATION

11. Staff recommends the Commission rescind Decision No. 68076 and cancel the Certificate of Convenience and Necessity of Dial-Around Telecom, Inc.

RESPECTFULLY SUBMITTED this 26th 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 26th 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 26th day of March, 2007, to:

Mr. Mark Angell
Dial-Around Telecom, Inc.
1075 Rosewood Drive
Grapevine, Texas 76051

Hayri Barutcu
Dial-Around Telecom, Inc.
200 S. Biscayne Blvd., Suite 1850
Miami, Florida 33131

Copies of the foregoing were hand-delivered on this 26th day of March, 2007, to:

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

1 Mr. Ernest G. Johnson
2 Director, Utilities Division
3 Arizona Corporation Commission
4 1200 West Washington
5 Phoenix, Arizona 85007

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BEFORE THE ARIZONA CORPORATION COMMISSION

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

STAFF of the Utilities Division,

Complainant,

vs.

DIAL-AROUND TELECOM, INC.
Respondent.

DOCKET NO. T-04240A-04-0115
DECISION NO. _____
ORDER

Open Meeting
April 11 and 12, 2007
Phoenix, Arizona

BY THE COMMISSION:

FINDINGS OF FACT

1. Respondent Dial-Around Telecom, Inc. (“Dial-Around” or “Company”) is a public service corporation as defined by Article XV of the Arizona Constitution and A.R.S. § 40-282.
2. On February 18, 2004, Dial-Around filed with the Commission an application for a CC&N to provide competitive facilities-based interexchange telecommunications services within the State of Arizona.
3. On August 17, 2005, in Decision No. 68076, the Commission issued a CC&N to Dial-Around conditioned upon timely compliance.
4. The Decision further ordered that if NTERA failed to meet the timeframe for compliance that the CC&N conditionally granted would become null and void without further Order of the Commission, and no time extensions be granted for compliance.

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ORDER

IT IS THEREFORE ORDERED that Decision No. 68076 is hereby rescinded and the Certificate of Convenience and Necessity granted to Dial-Around Telecom, Inc. 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: Dial-Around Telecom, Inc.
2 Docket No. T-04240A-04-0115

3 Mr. Mark Angell
4 Dial-Around Telecom, Inc.
5 1075 Rosewood Drive
6 Grapevine, Texas 76051

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7 Dial-Around Telecom, Inc.
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12 Arizona Corporation Commission
13 1200 West Washington
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13 Mr. Ernest G. Johnson
14 Director, Utilities Division
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16 1200 West Washington
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