WILLIAM A. MUNDELL
CHAIRMAN
JIM IRVIN
COMMISSIONER
MARC SPITZER
COMMISSIONER

ORIGINAL

0000070360

ARIZONA CORPORATION COMMISSION

RECEIVED

2001 NOV 21 A 10: 35

AZ CORP COMMISSION
DOCUMENT CONTROL

November 21, 2001

Arizona Corporation Commission
DOCKETED

NOV 21 2001

DOCKETED BY

Lance J.M. Steinhart, P.C.
Attorney At Law
6455 East Johns Crossing
Suite 285
Duluth, Georgia 30097

RE: Staff's Letter of Sufficiency and First Set of Data Requests to NTERA, INC.
Docket No. T-04063A-01-0875

Dear Mr. Steinhart:

On November 2, 2001, NTERA, INC. filed an application for a CC&N to provide resold long distance telecommunication services in the State of Arizona. The application is not sufficient. This data request list the information Staff needs to complete its analysis of your application. Please treat this, as Staff's first set of data requests to NTERA, INC. in the above-referenced matter.

For purposes of this data request set, the words "NTERA, INC.", "Applicant", "the Company", "you", and "your" refer to NTERA, INC. and any representative, including every person and/or entity acting with, under the control of, or on behalf of NTERA, INC. For each answer, please identify by name, title, and address each person providing information that forms the basis for the response provided.

These data requests are continuing, and your answers or any documents supplied in response to these data requests should be supplemented with any additional information or documents that come to your attention after you have provided your initial responses.

Please provide Docket Control with the information being requested within **60 days** of the date of this letter. Mail an original plus 10 copies to Docket Control, Arizona Corporation Commission, 1200 W. Washington Street, Phoenix, AZ 85007-2927. If no response is received, Staff will recommend that the application be terminated. If the application is terminated, the Applicant cannot provide the same telecommunications services in Arizona for which it is currently applying, until such time as a new application is filed with and approved by the Commission.

Remember that information submitted for a CC&N will be made a part of the public record (including financial statements). Any information designated as confidential will not be accepted by Docket Control. If you have any questions, please contact me at (602) 542-0856. Thank you for your prompt response to this request.

Respectfully,

John Bostwick

John Bostwick
CC&N Specialist

Enclosures

STAFF'S FIRST SET OF DATA REQUESTS TO
NTERA, INC.
DOCKET NO. T-04063A-01-0875

Please make sure each numbered item and each part of the item is answered completely. If it is not, Staff will resubmit the numbered item(s) and/or part(s) of the item in a following data request. In order for Staff to continue with its review of this application, the following information must be submitted:

1. You indicated that you want to provide the following:

   __X__ Resold long distance services (answer items 1 - 14 and items 15 – 23)
   __X__ Resold local exchange services (answer items 1 - 14 and items 24 - 34)
   __X__ Facilities-based long-distance services (answer items 1 - 14 and items 35 - 46)
   __X__ Facilities-based local exchange services, voice and/or data (answer items 1 - 14 and items 47 - 66)

2. Provide the telephone number (including area code) of the Applicant.

   Provide facsimile number (including area code) of the Applicant.

   Provide the e-mail address of the Applicant.

   Provide the Web address (if one is available for customer access) of the Applicant.

   (Note; You are required to inform the Commission of any changes pertaining to the Applicant, dba name, management contact, Attorney and/or Consultant, or the Company's complaint contact person.)

3. Please identify the type of legal entity the Applicant is:

   Sole Proprietorship __

   Partnership please indicate type: __ limited, __ general,
   please indicate domicile: __ Arizona, __ Foreign

   Limited Liability Company: __
   please indicate domicile: __ Arizona, __ Foreign

   Corporation please indicate type: __ "S", __ "C", __ Non-profit, __
   please indicate domicile: __ Arizona, __ Foreign

STAFF'S FIRST SET OF DATA REQUESTS TO
NTERA, INC.
DOCKET NO. T-04063A-01-0875

(Note: According to A.R.S.§ 40-282 A., "If an Applicant for a Certificate of Convenience and Necessity is a corporation, a certified copy of its Articles of Incorporation shall be filed in the office of the commission before any Certificate of Convenience and Necessity may issue.")

Other, specify _____

4. You provided us with a copy of your proposed tariffs as Attachment "B".

   Indicate by reference to page number(s) the proposed rates and charges for each service to be provided.

   Indicate by reference to page number(s) the tariff (maximum) rate as well as the price to be charged.

   (Note: If no maximum rates are indicated, then the current prices on file will be considered current and maximum rates.)

   Indicate by reference to page number(s) the terms and conditions that will apply to provision of the service(s) by your Company.

   Indicate by reference to page number(s) the deposits, advances, and/or prepayments that will apply to provision of the service(s) by your Company.

   (Note: Price list rate changes that result in rates that are lower than the tariff rate are effective upon concurrent notice to the Commission (see Rule R14-2-1109 (B) (2)). See Rule R14-2-1110 for procedures to make price list changes that result in rates that are higher than the tariff rate.)

5. Please indicate if your customers will be able to access alternative toll service providers or resellers via 1+101XXXX access.

6. Please indicate if your Company has financial statements for the two most recent years.

   If "no", explain why and give the date your Company began operations.

7. Please provide financial information as Attachment "C".

   Provide us with a copy of your Company's balance sheet in Attachment "C".

STAFF'S FIRST SET OF DATA REQUESTS TO
NTERA, INC.
DOCKET NO. T-04063A-01-0875

Provide us with a copy of your Company's income statement in Attachment "C".

Provide us with a copy of your Company's audit report (if audited) in Attachment "C".

Provide all related notes to these financial statements for the two most recent years that your Company has been in business in Attachment "C".

8. Please provide retained earnings account information on the balance sheet or on a separate sheet in Attachment "C".

9. You have indicated that your Company is a subsidiary.

   Provide a copy of your Parent Company's financial statements, in addition to your Company's financial statements, in Attachment "C".
   Repeat items 6, 7 and 8 for your Parent Company. Make sure answers furnished by your Parent Company satisfy each item and request for information.

10. Please indicate if your customers will be required (or have the option) to pay advances, prepayments, or deposits for any of your products or services.

    If "yes", provide an explanation of how and when these customer advances, prepayments, or deposits will be applied or reference the terms and conditions section of your Company's tariffs (by reference to page number(s)) with this explanation. If this information is not explained in the tariff, provide it on a separate sheet.

    If "no",

    (Note: Commission considers prepaid calling cards de facto prepayments.)

    If at a later date, your Company decides it wants to offer or require customer advances, prepayments, or deposits, it may be required to submit updated financial statements as part of the tariff amendment process.

11. Please state the proposed fee that will be charged for returned checks.

12. Please clarify and indicate by reference to page number(s) in your tariff your Company's deposit policy.

    (Note: Pursuant to A.A.C. R14-2-503 (B), the amount of a deposit required by the utility shall not exceed 2 times that residential customer's estimated

average monthly bill or the average monthly bill for the customer class for that customer which ever is greater. Nonresidential customer deposits shall not exceed 2 ½ times that customer's estimated maximum monthly bill. The term "deposit" refers to all deposits, advance payments, and prepayment.)

13. Please submit copies of affidavits of publications that the Company has, as required, published legal notice of the application in all counties where services will be provided. Prior to the issuance of a CC&N, the Applicant is to complete and submit the following:

    A correspondence letter. Refer to the Sample Correspondence Letter in the Legal Notice Material;

    Affidavits of publication form. Refer to the Sample Proof of Publication and an Affidavit of Publication in the Legal Notice Material; and

    The actual copy of your Company's published Legal Notice as noted in the Legal Notice Material.

    (Note: Use the Sample Legal Notice For Resold Telecommunications Services to provide resold long distance and/or resold local exchange telecommunications services. Use the Sample Legal Notice For Facilities-Based Telecommunications Services to provide facilities-based and resold local exchange, long distance and access exchange telecommunications services. All material for preparing and filing Legal Notice in the newspapers is available at the end of item number 66).

14. Based on the review of the financial information submitted, Staff will determine whether or not the Applicant lacks sufficient financial resources.

    If Staff determines the Applicant lacks sufficient financial resources, the Applicant must do one of the following:

    1. Staff recommends that the Applicant procure a performance bond equal to $10,000. The minimum bond amount of $10,000 should be increased if at any time it would be insufficient to cover prepayments or deposits collected from the Applicant's customers. Staff further recommends that proof of the above mentioned performance bond be docketed within 90 days of the effective date of an order in this matter or 30 days prior to the provision of service, which ever comes first. If the Applicant is currently providing service, then please docket the performance bond within **60 days** of the date of this letter.

STAFF'S FIRST SET OF DATA REQUESTS TO
NTERA, INC.
DOCKET NO. T-04063A-01-0875

(Note: The minimum bond amount for each type of telecommunication services is as follows: resold long distance $10,000; resold local exchange $25,000; facilities-based long distance $100,000; and facilities-based local exchange, including access service, $100,000. The amount of performance bond for multiple services is an aggregate of the minimum bond amount for each type of telecommunications services requested by the Applicant.)

OR

2. The Applicant must file a letter stating that it does not currently, and will not in the future, charge its customers for any prepayments, advances, or deposits. If the Applicant is currently collecting prepayments, advances, or deposits, the Applicant must refund those charges to customers to avoid maintaining the above mentioned performance bond. If in the future, the Applicant desires to charge prepayments, advances, or deposits, it must file information with the Commission that demonstrates the Applicant's financial viability. Staff will review the information and forward its recommendation to the Commission for a Decision.

STAFF'S FIRST SET OF DATA REQUESTS TO
NTERA, INC.
DOCKET NO. T-04063A-01-0875

---

15. Please indicate if your Company is currently reselling long distance telecommunications services in Arizona.

    If "yes", please provide the date or approximate date you began reselling long distance telecommunications services in Arizona.

    Identify the types of long distance telecommunications services you resell.

    Identify whether operator services are provided or resold.

    Identify whether operator services are provided or resold to traffic aggregators (as defined in A.A.C. Rule R14-2-1001 (3)).

    (Note: Commission rule requires that a separate CC&N, issued under Article 10, be obtained in order to provide operator services to traffic aggregators.)

    Identify the number of customers in Arizona for each type of resold long distance telecommunications service.

    Identify the total number of long distance intrastate minutes resold in the latest 12-month period for which data is available.

    If "no", please indicate the date when your Company plans to begin reselling long distance telecommunications services in Arizona.

16. Please list the states in which you have applied for authority to offer resold long distance telecommunications services.

17. Please indicate the resold long distance telecommunications services you applied for in each state.

18. Please list the states in which you have been approved to offer resold long distance telecommunications services similar to those you intend to resell in Arizona.

19. Please list the states in which you currently offer resold long distance telecommunications services similar to those you intend to resell in Arizona.

20. Please list and give a detailed explanation of complaints you have received (if any) regarding resold long distance exchange telecommunications services offered in other states.

STAFF'S FIRST SET OF DATA REQUESTS TO
NTERA, INC.
DOCKET NO. T-04063A-01-0875

State what actions were taken to remedy these complaints and to prevent them from occurring again.

21. Please indicate if your Company is a switchless reseller of long distance telecommunications services

    If "yes", provide the name of the company or companies whose long distance telecommunications services you resell.

    If "no"' include Attachment "E".

    (Note: Attachment "E" needs to provide the following information: A diagram of the Applicant's basic call network used to complete Arizona intrastate resold long distance telecommunications traffic. This diagram should show how a typical call is routed in both its originating and terminating ends (i.e. show the access network and call completion network). Also, include on the diagram the carrier(s) used for each major network component and indicate if the carrier is facilities-based or not. If the carrier is not facilities-based indicate who owns the facilities (within the State of Arizona) that are used to originate and terminate the Applicant's intrastate resold long distance telecommunications traffic (i.e. provide a list of the Arizona facilities-based long distance carriers whose facilities are used to complete the Applicant's intrastate traffic.)

22. Please list the companies with which you have signed resale agreements for long distance, along with the states in which they were approved.

23. Please provide us with a copy of the resale agreement or contract between your Company and the applicable local exchange service provider. All applications for resold long distance telecommunications services must include a resale agreement or contract as Attachment "F".

STAFF'S FIRST SET OF DATA REQUESTS TO
NTERA, INC.
DOCKET NO. T-04063A-01-0875

---

24. Please indicate if your Company is currently reselling local exchange telecommunications services in Arizona.

    If "yes", please provide the date or approximate date you began reselling local exchange telecommunications services in Arizona.

    Identify the types of local exchange telecommunications services you resell.

    Identify whether operator services are provided or resold.

    Identify whether operator services are provided or resold to traffic aggregators (as defined in A.A.C. Rule R14-2-1001 (3)).

    (Note: Commission rule requires that a separate CC&N, issued under Article 10, be obtained in order to provide operator services to traffic aggregators.)

    Identify the number of customers in Arizona for each type of resold local exchange telecommunications service.

    Identify the total number of local exchange intrastate minutes resold in the latest 12-month period for which data is available.

    If "no", please indicate the date when your Company plans to begin reselling local exchange telecommunications services in Arizona.

25. Please list the states in which you have applied for authority to offer resold local exchange telecommunications services.

26. Please indicate the resold local exchange telecommunications services you applied for in each state.

27. Please list the states in which you have been approved to offer resold local exchange telecommunications services similar to those you intend to resell in Arizona.

28. Please list the states in which you currently offer resold local exchange telecommunications services similar to those you intend to resell in Arizona.

29. Please provide a list of the states in which you have sought authority to resell local exchange telecommunications services and either granted the authority with major changes and conditions, or had your application denied.

For each state listed, provide a copy of the Commission's decision modifying or denying your application for authority to provide resold local exchange telecommunications services.

30. Please indicate if the Company has been granted authority to provide or resell local exchange telecommunications services in any state where subsequently the authority was revoked.

    If "yes", provide copies of the State Regulatory Commission's decision revoking its authority.

31. Please list and give a detailed explanation of complaints you have received (if any) regarding resold local exchange telecommunications services offered in other states.

    State what actions were taken to remedy these complaints and to prevent them from occurring again.

32. Please indicate if your Company is a switchless reseller of local exchange telecommunications services

    If "yes", provide the name of the company or companies whose local exchange telecommunications services you resell.

    If "no"' include Attachment "E".

    (Note: Attachment "E" needs to provide the following information: A diagram of the Applicant's basic call network used to complete Arizona intrastate resold local exchange telecommunications traffic. This diagram should show how a typical call is routed in both its originating and terminating ends (i.e. show the access network and call completion network). Also, include on the diagram the carrier(s) used for each major network component and indicate if the carrier is facilities-based or not. If the carrier is not facilities-based indicate who owns the facilities (within the State of Arizona) that are used to originate and terminate the Applicant's intrastate resold local exchange telecommunications traffic (i.e. provide a list of the Arizona facilities-based long distance carriers whose facilities are used to complete the Applicant's intrastate traffic.)

33. Please list the companies with which you have signed resale agreements for local exchange, along with the states in which they were approved.

STAFF'S FIRST SET OF DATA REQUESTS TO
NTERA, INC.
DOCKET NO. T-04063A-01-0875

---

34. Please provide us with a copy of the resale agreement or contract between your Company and the applicable local exchange service provider. All applications for resold local exchange telecommunications services must include a resale agreement or contract as Attachment "F".

STAFF'S FIRST SET OF DATA REQUESTS TO
NTERA, INC.
DOCKET NO. T-04063A-01-0875

---

35. Please indicate if your Company is currently selling facilities-based long distance telecommunications services in Arizona. This item applies to Applicant requesting a geographic expansion of their CC&N.

    If "yes", please provide the date or approximate date you began selling facilities-based long distance telecommunications services in Arizona.

    Identify the types of facilities-based long distance telecommunications services you sell.

    Identify whether operator services are provided or sold.

    Identify whether operator services are provided or sold to traffic aggregators (as defined in A.A.C. Rule R14-2-1001 (3)).

    (Note: Commission rule requires that a separate CC&N, issued under Article 10, be obtained in order to provide operator services to traffic aggregators.)

    Identify the number of customers in Arizona for each type of facilities-based long distance telecommunications service.

    Identify the total number of facilities-based long distance intrastate minutes sold in the latest 12-month period for which data is available.

    If "no", please indicate the date when your Company plans to begin selling facilities-based long distance telecommunications services in Arizona.

36. Please list the states in which you have applied for authority to offer facilities-based long distance telecommunications services.

37. Please indicate the facilities-based long distance telecommunications services you applied for in each state.

38. Please list the states in which you have been approved to offer facilities-based long distance telecommunications services similar to those you intend to sell in Arizona.

39. Please list the states in which you currently offer facilities-based long distance telecommunications services similar to those you intend to sell in Arizona.

40. Please provide a list of the states in which you have sought authority to sell facilities-based long distance telecommunications services and either granted the

---

authority with major changes and conditions, or had your application denied.

For each state listed, provide a copy of the Commission's decision modifying or denying your application for authority to provide facilities-based long distance telecommunications services.

41. Please indicate if the Company has been granted authority to provide or sell facilities-based long distance telecommunications services in any state where subsequently the authority was revoked.

    If "yes", provide copies of the State Regulatory Commission's decision revoking its authority.

42. Please list and give a detailed explanation of complaints you have received (if any) regarding facilities-based long distance telecommunications services offered in other states.

    State what actions were taken to remedy these complaints and to prevent them from occurring again.

43. Please indicate if your Company is a switchless seller of facilities-based long distance telecommunications services

    If "yes", provide the name of the company or companies whose facilities-based long distance telecommunications services you sell.

    If "no" include Attachment "G".

    (Note: Attachment "G" needs to provide the following information: A diagram of the Applicant's basic call network used to complete Arizona intrastate facilities-based long distance telecommunications traffic. This diagram should show how a typical call is routed in both its originating and terminating ends (i.e. show the access network and call completion network). Also, include on the diagram the carrier(s) used for each major network component and indicate if the carrier is facilities-based or not. If the carrier is not facilities-based indicate who owns the facilities (within the State of Arizona) that are used to originate and terminate the Applicant's intrastate telecommunications traffic (i.e. provide a list of the Arizona facilities-based long distance carriers whose facilities are used to complete the Applicant's intrastate traffic.)

STAFF'S FIRST SET OF DATA REQUESTS TO
NTERA, INC.
DOCKET NO. T-04063A-01-0875

---

44. Please indicate that your Company intends to abide by all the Commission decisions and policies regarding Caller ID and other Custom Local Area Signaling Services ("CLASS").

    (Note: In its decision related to USWC's proposal to offer Caller ID and other CLASS features in the State, the Commission addressed a number of issues regarding the appropriateness of offering these services and under what circumstances it would approve the proposals to offer them. The Commission concluded that Caller ID could be offered provided that per call and line blocking, with the capability to toggle between blocking and unblocking the transmission of the phone number, should be provided as options to which customers could subscribe with no charge. The Commission also approved a Last Call Return service that will not return calls to telephone numbers that have the privacy indicator activated, which indicates that the number has been blocked. The Commission further required that USWC engage in education programs when introducing or providing the service(s). Staff does not believe that it is necessary for the Applicant to engage in the education program that was ordered for USWC as long as customers in the areas where the Applicant intends to serve have already been provided with educational material and aware that they can have their numbers blocked on each call or at all times with line blocking.)

45. Please indicate by reference to page number(s) in your Company's tariff that there is no Call Blocking charge.

46. Please furnish, for facilities-based long distance telecommunications services your Company intends to provide, a petition for competitive classification by describing the conditions within the relevant market that demonstrate that the telecommunications service is competitive, providing, at the minimum the following information:

    A description of the general economic conditions that exit which make the relevant market for the service one that is competitive;

    The number of alternative providers of the service;

    The estimated market share held by each alternative provider of the service;

    The names and addresses of any alternative providers of the service that are also affiliates of the telecommunications company, as defined in R14-2-801;

    The ability of alternative providers to make functionally equivalent or substitute

services readily available at competitive rates, terms, and conditions; and

Other indicators of market power, which may include growth and shifts in market share, ease of entry and exit, and any affiliation between and among alternative providers of services.

STAFF'S FIRST SET OF DATA REQUESTS TO
NTERA, INC.
DOCKET NO. T-04063A-01-0875

---

47. Please indicate if your Company is currently selling facilities-based local exchange telecommunications services in Arizona. This applies to Applicant requesting a geographic expansion of their CC&N.

    If "yes", please provide the date or approximate date you began selling facilities-based local exchange telecommunications services in Arizona.

    Identify the types of facilities-based local exchange telecommunications services you resell.

    Identify whether operator services are provided or sold.

    Identify whether operator services are provided or sold to traffic aggregators (as defined in A.A.C. Rule R14-2-1001 (3)).

    (Note: Commission rule requires that a separate CC&N, issued under Article 10, be obtained in order to provide operator services to traffic aggregators.)

    Identify the number of customers in Arizona for each type of facilities-based local exchange telecommunications service.

    Identify the total number of facilities-based local exchange intrastate minutes sold in the latest 12-month period for which data is available.

    If "no", please indicate the date when your Company plans to begin selling facilities-based local exchange telecommunications services in Arizona.

48. Please list the states in which you have applied for authority to offer facilities-based local exchange telecommunications services.

49. Please indicate the facilities-based local exchange telecommunications services you applied for in each state.

50. Please list the states in which you have been approved to offer facilities-based local exchange telecommunications services similar to those you intend to sell in Arizona.

51. Please list the states in which you currently offer facilities-based local exchange telecommunications services similar to those you intend to sell in Arizona.

STAFF'S FIRST SET OF DATA REQUESTS TO
NTERA, INC.
DOCKET NO. T-04063A-01-0875

---

52. Please provide a list of the states in which you have sought authority to sell facilities-based long distance telecommunications services and either granted the authority with major changes and conditions, or had grant your application for those services denied.

    For each state listed, provide a copy of the Commission's decision modifying or denying your application for authority to provide facilities-based local exchange telecommunications services.

53. Please indicate if the Company has been granted authority to provide or sell facilities-based local exchange telecommunications services in any state where subsequently the authority was revoked.

    If "yes", provide copies of the State Regulatory Commission's decision revoking its authority.

54. Please list and give a detailed explanation of complaints you have received (if any) regarding facilities-based local exchange telecommunications services offered in other states.

    State what actions were taken to remedy these complaints and to prevent them from occurring again.

55. Please indicate if your Company is a switchless seller of facilities-based local exchange telecommunications services

    If "yes", provide the name of the company or companies whose facilities-based local exchange telecommunications services you sell.

    If "no"" include Attachment "H".

    (Note: Attachment "H" needs to provide the following information: A diagram of the Applicant's basic call network used to complete Arizona intrastate facilities-based local exchange telecommunications traffic. This diagram should show how a typical call is routed in both its originating and terminating ends (i.e. show the access network and call completion network). Also, include on the diagram the carrier(s) used for each major network component and indicate if the carrier is facilities-based or not. If the carrier is not facilities-based indicate who owns the facilities (within the State of Arizona) that are used to originate and terminate the Applicant's intrastate telecommunications traffic (i.e. provide a list of the Arizona facilities-based

long distance carriers whose facilities are used to complete the Applicant's intrastate traffic).

56. Please provide a detailed description of the interconnection agreement(s) your Company has with other facilities-based local exchange carriers to ensure your network is properly connected to other facilities-based local exchange company networks. Unless the Company provides services solely through the use of it own facilities, the Company needs to procure an interconnection agreement that is consistent with established guidelines before being allowed to offer facilities-based local exchange service.

    (Note: The Commission approved the parameters under which interconnection between the Applicant and other providers will take place (Decision No. 59761, dated July 22,1996, in Docket No. RT-00000F-96-0001.) The 1996 Telecommunications Act set forth general guidelines for interconnection).

57. Please indicate how your Company plans to have its customers' telephone numbers included in the incumbent's Directories and Directory Assistance databases before it begins to provide local exchange service. Since callers should be able to determine the telephone numbers belonging to customers of alternative local exchange companies, such as the Applicant; please make sure your plan answers the following questions:

    Indicate the need for one or more Directory Assistance database administrators.

    If there is one Directory Assistance database administrator, what should the rates be to include customers' telephone numbers in the directories?

    Indicate the specific items that should be included in the Directory Assistance database.

58. Please provide a detailed description of how your Company will administer the portability of telephone numbers.

    (Note: Local exchange competition may not be vigorous if customers, especially business customers, must change their telephone numbers to obtain the service offerings of a competitive local exchange carrier.)

    If your service area will include rate centers in one of the top 100 Metropolitan Statistical Areas, please confirm that your switches will be equipped with Local Number Portability ("LNP").

    Indicate in your description the permanent LNP arrangements made with other local exchange carriers ("LECs"), the Number Portability Administrative Center ("NPAC") or

other industry agency that are consistent with federal laws, federal rules and state orders or rules.

59. Please indicate that your Company intends to abide by the quality of service standards that were approved by the Commission for USWC in Docket No. T-01051B-93-0183 (Decision No. 59421).

    (Note: Penalties that were developed in this docket were initiated because USWC's level of service was not satisfactory. Staff does not recommend that those penalties apply to the Applicant. In the competitive market that the Applicant wishes to enter, the Applicant generally will have no market power and will be forced to provide a satisfactory level of service or risk losing customers. Therefore, Staff believes that it is unnecessary to apply those penalties to the applicant at this time.)

60. Please indicate that your Company will provide all customers with 911 and E911 service, where available and will coordinate with incumbent local exchange carriers ("ILECs") and emergency service providers to provide the service.

    (Note: Staff believes that the Applicant should be required to work cooperatively with local governments, public safety agencies, telephone companies, the National Emergency Number Association, and all other concerned parties to establish a systematic process in the development of a universal emergency service telephone number system. Staff recommends that the Applicant be required to certify, through the 911 service provider in the area in which it intends to provide local exchange service, that all issues associated with the provision of 911 service have been resolved with the emergency service providers before it begins to provide facilities-based local exchange service.)

61. Please indicate that your Company intends to abide by all the Commission decisions and policies regarding Caller ID and other Custom Local Area Signaling Services ("CLASS").

    (Note: In its decision related to U S West Corporation's ("USWC's") proposal to offer Caller ID and other CLASS features in the State, the Commission addressed a number of issues regarding the appropriateness of offering these services and under what circumstances it would approve the proposals to offer them. The Commission concluded that Caller ID could be offered provided that per call and line blocking, with the capability to toggle between blocking and unblocking the transmission of the phone number, should be provided as options to which customers could subscribe with no charge. The Commission also approved a Last Call Return service that will not return calls to telephone numbers that have the privacy indicator activated, which indicates that the number has been blocked. The Commission further required that

USWC engage in education programs when introducing or providing the service(s). Staff does not believe that it is necessary for the Applicant to engage in the education program that was ordered for USWC as long as customers in the areas where the Applicant intends to serve have already been provided with educational material and aware that they can have their numbers blocked on each call or at all times with line blocking.)

62. Please indicate by reference to page number(s) in your Company's tariff that there is no Call Blocking charge.

63. Please provide your Operating Company Number ("OCN").

64. Please indicate the rate centers you plan on requesting initial codes for.

    Please provide the number of codes you plan on requesting in each rate center.

65. Please furnish, for facilities-based local exchange telecommunications services your Company intends to provide, a petition for competitive classification by describing the conditions within the relevant market that demonstrate that the facilities-based local exchange telecommunications service is competitive, providing, at the minimum the following information:

    A description of the general economic conditions that exit which make the relevant market for the service one that is competitive;

    The number of alternative providers of the service;

    The estimated market share held by each alternative provider of the service;

    The names and addresses of any alternative providers of the service that are also affiliates of the telecommunications company, as defined in R14-2-801;

    The ability of alternative providers to make functionally equivalent or substitute services readily available at competitive rates, terms, and conditions; and

    Other indicators of market power, which may include growth and shifts in market share, ease of entry and exit, and any affiliation between and among alternative providers of services.

66. Please indicate that your Company's switch is "fully equal access capable" (i.e. would provide equal access to facilities-based long distance companies).

STAFF'S FIRST SET OF DATA REQUESTS TO
NTERA, INC.
DOCKET NO. T-04063A-01-0875

(Note: The Commission requires facilities-based local exchange companies to provide 2-Primary Interexchange Carriers ("2-PIC") equal access. The 2-PIC equal access allows customers to choose different carriers for interLATA and intraLATA toll service and would allow customers to originate intraLATA calls using the preferred carrier on a 1+ basis.)

NEWSPAPER INFORMATION

You may contact John Fearing, Executive Director of the Arizona Newspaper Association, at (602) 261-7655 for information on the newspapers, which publish in each county and for a rate quote.

The Arizona Republic is the only newspaper, which is considered to have a statewide distribution.

The Arizona Business Gazette is only sufficient for Maricopa County.

SAMPLE CORRESPONDENCE LETTER

To: Docket Control Center
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007-2927

Re: (Enter Docket Number)
Application of (Enter Applicant's Name) for a
Certificate of Convenience and Necessity

Dear Sir or Madam:

Submitted herewith for filing, on behalf of (Enter Applicant's Name) are an original and ten (10) copies of a notarized affidavit attesting that (Enter Applicant's Name) has filed the required public notice of its Application for a Certificate of Convenience and Necessity in *The Arizona Republic* newspaper on (Enter Month, Date and Year).

Enclosed is an additional; copy of its transmittal letter and affidavit. Please stamp the additional copy and return it to us in the enclosed stamped, self-addressed envelope as an acknowledgement of receipt.

Please direct any questions regarding this matter to the undersigned.

Respectfully submitted,

(Signature of Applicant or Applicant's Representative)
(Name of Signer)
(Signer's Position/Title)
(Attorney for (Applicant's Name))

SAMPLE LEGAL NOTICE FOR FACILITIES-BASED AND RESOLD LOCAL EXCHANGE AND LONG DISTANCE TELECOMMUNICATIONS SERVICES

NOTICE OF APPLICATION FOR A CERTIFICATE OF CONVENIENCE AND NECESSITY TO PROVIDE COMPETITIVE FACILITIES-BASED AND RESOLD LOCAL EXCHANGE, INTEREXCHANGE AND EXCHANGE ACCESS, TELECOMMUNICATIONS SERVICES BY (ENTER APPLICANT'S NAME)

(Enter Applicant's Name) ("Applicant") has filed with the Arizona Corporation Commission ("Commission") an application for a Certificate of Convenience and Necessity ("Certificate") to provide competitive facilities-based and resold local exchange, interexchange and exchange access telecommunications services in the State of Arizona. Applicant will be required by the Commission to provide this service under the rates and charges and terms and conditions established by the Commission.

The application, report of the Commission's Utilities Division Staff, and any written exceptions to the staff report prepared by the applicant are available for inspection during regular business hours at the offices of the Commission located at 1200 West Washington Street, Phoenix, Arizona 85007, and at Applicant, (Enter Applicant's Address).

Under appropriate circumstances, interested parties may intervene in the proceedings and participate as a party. You may have the right to intervene in the proceeding, or may make a statement for the record. Intervention shall be in the accordance with A.A.C. R 14-3-105, except that all motions to intervene must be filed on or within twenty (20) days of the date of this notice. Persons desiring to intervene must file a written motion to intervene with the Commission and send such motion to the Company or its counsel and to all parties of the record, and which at the minimum shall contain the following:

1. The name, address and telephone number of the proposed intervenor and of any party upon whom service of documents is to be made if different than the intervenor.

2. A short statement of the proposed intervenor's interest in the proceeding (e.g. a customer of the company, a shareholder of the company, a competitor, etc.).

3. A statement certifying that a copy of the motion to intervene has been mailed to the Company or its counsel and to all parties of record in the case.

A.A.C. R14-3-105 shall govern the granting of motions to intervene. The granting of intervention, among other things, entitles a party to present sworn evidence at

the hearing and to cross-examine other witnesses. However, failure to intervene will not preclude any interested person or entity from appearing at the hearing and making a statement on their own behalf.

If you have any comments mail them to:

The Arizona Corporation Commission
Attention Docket Control Center
Re: (Enter Applicant's Name)
(Enter Docket Number)
1200 West Washington Street
Phoenix, Arizona 85007

All written comments should be received on or within twenty (20) days of the date of this notice.

If you have any questions about this application, or want information on intervention, you may contact the Consumer Services Section of the Commission at 1200 West Washington, Phoenix, Arizona 85007 or call 1-800-222-7000.

The Commission does not discriminate on the basis of disability in admission to its public meetings. Persons with a disability may request reasonable accommodations such as sign language interpreter, as well as request this document in an alternative format, by contacting Shelley Hood, ADA Coordinator, voice phone number (602) 542-3931, E-Mail shood@cc.state.az.us. Requests should be made as early as possible to allow time to arrange the accommodation.

SAMPLE PROOF OF PUBLICATION

BEFORE THE ARIZONA CORPORATION COMMISSION

WILLIAM A. MUNDELL
CHAIRMAN
JAMES M. IRVIN
COMMISSIONER
MARC SPITZER
COMMISSIONER

IN THE MATTER OF THE APPLICATION AND PETITION OF (ENTER COMPANY NAME) FOR A CERTIFICATE OF CONVENIENCE AND NECESSITY TO PROVIDE COMPETITIVE INTRASTATE TELECOMMUNICATIONS SERVICES

DOCKET NO. _____

NOTICE OF FILING OF AFFIDAVITS OF PUBLICATIONS

(Enter Company Name) hereby submits copies of the affidavits of publication for (Enter Newspaper Name) in verification that (Enter Company Name) public notice in this matter was published in each of these newspapers on the date specified.

RESPECTFULLY SUBMITTED this _____day of, _____, 2001.

(Enter Company Name)
(Signature)_____
(Name)_____
(Title/Company)_____
(Address)_____

THIS FORM IS TO BE COMPLETED BY THE COMPANY. ATTACH THE AFFIDAVITS OF PUBLICATION FROM THE NEWSPAPERS TO THIS FORM. FILE THE ORIGIONAL AND TEN COPIES OF THIS FORM AND ITS ATTACHMENTS EITH THE COMMISSION'S DOCKET CONTROL CENTER.

NOTICE OF APPLICATION FOR A CERTIFICATE OF CONVENIENCE AND NECESSITY TO PROVIDE COMPETITIVE INTRASTATE TELECOMMUNICATIONS SERVICES AS A LONG DISTANCE RESELLER BY GLOBAL CREST COMMUNICATION, INC.

*

GLOBAL CREST COMMUNICATION, INC. ('Applicant') has filed with the Arizona Corporation Commission ('Commission') as application for a Certificate of Convenience and Necessity ('Certificate') to provide competitive intrastate telecommunications services as a long distance reseller in the State of Arizona. Applicant will be required by the Commission to provide this service under the rates and charges and terms and conditions established by the Commission.

*

A.R.S. § 40-282 provides that the Commission may act on an application for a Certificate to provide resold telecommunications services without a hearing, or with a hearing, if one is requested by any party. Applicant or any other party must request a hearing within twenty-one (21) days from publication of this notice, or the Commission will rule on the application without a hearing.

*

The application, report of the Commission's Utilities Division Staff, and any written exceptions to the Staff Report prepared by the applicant are available for inspection during regular business hours at the offices of the Commission located at 1200 West Washington Street, Phoenix, Arizona 85007, and at GLOBAL CREST COMMUNICATIONS, INC., 12550 Biscayne Blvd., #703, North Miami, FL 33181.

*

Under appropriate circumstances, interested parties may intervene in the proceedings and participate as a party. Intervention shall be in accordance with A.A.C. R14-3-105, except that all motions to intervene must be filed within twenty-one (21) days from the date of publication of this notice. You may have the right to intervene in the proceeding, or you may make a statement for the record. If you have any comments, mail them to:

*

The Arizona Corporation Commission Attention: Docket Control re: GLOBAL CREST COMMUNICATIONS, INC., T-04024A-01-0461 1200 West Washington Street Phoenix, Arizona 85007

*

All comments should be received within twenty-one (21) days from the date of publication of this notice.

*

If you have any questions about this application or have any objections to its approval, you may contact the Consumer Services Section of the Commission at 1200 West Washington Street, Phoenix, Arizona 85007 or call 1-800-222-7000.

*

The Commission does not discriminate on the basis of disability in admission to its public meetings. Persons with a disability may request reasonable accommodations such as a sign language interpreter, as well as request this document in an alternative format, by contacting Shelly Hood, ADA Coordinator, voice phone number 602/542-0838, E-Mail shood@cc.state.az.us. Requests should be made as early as possible to allow time to arrange the accommodation.

01509- July 3, 2001

AFFIDAVIT OF PUBLICATION

THE ARIZONA REPUBLIC

STATE OF ARIZONA
COUNTY OF MARICOPA } SS.

TOM BIANCO, being first duly sworn, upon oath deposes and says: That he is the legal advertising manager of the Arizona Business Gazette, a newspaper of general circulation in the county of Maricopa, State of Arizona, published at Phoenix, Arizona, by Phoenix Newspapers Inc., which also publishes The Arizona Republic, and that the copy hereto attached is a true copy of the advertisement published in the said paper on the dates as indicated.

The Arizona Republic

July 3, 2001

Sworn to before me this
11 TH day of
July A.D. 2001

OFFICIAL SEAL
GLORIA SALDIVAR
NOTARY PUBLIC-ARIZONA
MARICOPA COUNTY
My Comm. Expires Dec. 1, 2003

Notary Public