

OPEN MEETING ITEM ORIGINAL



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



Executive Director

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ARIZONA CORPORATION COMMISSION

RECEIVED

2007 MAY 21 P 1:21

DATE: May 21, 2007

DOCKET NO: T-03871A-00-0277

AZ CORP COMMISSION
DOCKET CONTROL

TO ALL PARTIES:

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

COGENT COMMUNICATIONS OF ARIZONA, INC.
(CANCEL CC&N)

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:

MAY 31, 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:

JUNE 5, 2007, AND JUNE 6, 2007

For more information, you may contact Docket Control at (602)542-3477 or the Hearing Division at (602)542-4250.

Arizona Corporation Commission
DOCKETED
MAY 21 2007

BRIAN C. McNEIL
EXECUTIVE DIRECTOR

DOCKETED BY

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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

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

IN THE MATTER OF THE CANCELLATION OF
THE CERTIFICATE OF CONVENIENCE AND
NECESSITY OF COGENT COMMUNICATIONS
OF ARIZONA, INC.

DOCKET NO. T-03871A-00-0277

DECISION NO. _____

ORDER

Open Meeting
June 5 and 6, 2007
Phoenix, Arizona

BY THE COMMISSION:

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

FINDINGS OF FACT

1. On November 16, 2000, in Decision No. 63147, the Commission granted to Allied Riser of Arizona, Inc. ("ARA") a Certificate of Convenience and Necessity ("Certificate") authorizing it to provide facilities based telecommunications services, and resold local exchange services.

2. By letter dated July 11, 2002, ARA notified the Commission that is was known legally as Cogent Communications of Arizona, Inc. ("Cogent").

3. On November 22, 2002, the Commission's Utilities Division ("Staff") filed a request that administrative steps be taken to add Cogent as an additional name on this Docket.

4. On February 28, 2007, Staff emailed an inquiry to Cogent. In response, Staff was sent a copy of an Arizona Department of Revenue Certificate of Compliance for Dissolution, Corporate Dissolution, or Withdrawal.

5. On May 1, 2007, Staff filed a Staff Memorandum which states that Cogent never filed a performance bond or submitted its tariffs as ordered in Decision No. 63147.

6. According to Staff, a representative on behalf of Cogent informed Staff that it has

1 ceased to exist and never had telecommunications customers or subscribers in the State of Arizona.

2 7. Staff is recommending that Cogent's Certificate be cancelled without a hearing.

3 **CONCLUSIONS OF LAW**

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

6 2. The Commission has jurisdiction over Cogent and the action recommended by Staff.

7 3. The cancellation of Cogent's Certificate is in the public interest.

8 4. Pursuant to A.R.S. § 40-282, the Commission may cancel Cogent's Certificate without
9 a hearing.

10 5. Staff's recommendation in Findings of Fact No. 7 is reasonable and should be
11 adopted.

12 **ORDER**

13 IT IS THEREFORE ORDERED that the Certificate of Convenience and Necessity to provide
14 facilities based telecommunications services and resold local exchange services of Cogent
15 Communications of Arizona, Inc. is hereby cancelled.

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1 IT IS FURTHER ORDERED that Cogent Communications of Arizona, Inc. is no longer
2 authorized to provide facilities based telecommunications services and resold local exchange services
3 in Arizona.

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

5 BY ORDER OF THE ARIZONA CORPORATION COMMISSION.
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7

8 CHAIRMAN _____ COMMISSIONER

9
10 COMMISSIONER _____ COMMISSIONER _____ COMMISSIONER

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 _____, 2007.

16 _____
17 BRIAN C. McNEIL
18 EXECUTIVE DIRECTOR

19 DISSENT _____

20 DISSENT _____

21 MES:djb

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1 SERVICE LIST FOR:

COGENT COMMUNICATIONS OF ARIZONA, INC.

2 DOCKET NO.:

T-03871A-00-0277

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4 Christopher Kempley, Chief Counsel
Legal Division
5 ARIZONA CORPORATION COMMISSION
1200 West Washington Street
6 Phoenix, AZ 85007

7 Ernest G. Johnson, Director
Utilities Division
8 ARIZONA CORPORATION COMMISSION
1200 West Washington Street
9 Phoenix, AZ 85007

10

11 **COPIES DELIVERED VIA CERTIFIED
MAIL, RETURN RECEIPT REQUESTED**

12 Cogent Communications of Arizona, Inc.
13 (fka Allied Riser of Arizona, Inc.)
101 31st Street N.W.
14 Washington, D.C. 20007

15 Mr. Ried R. Zulager
16 Allied Riser of Arizona, Inc.
1700 Pacific Avenue, Suite 400
17 Dallas, TX 75201

18 Mr. Kirk L. Peterson
19 SKADDEN, ARPS, SLATE, MEAGHER & FLOM
333 West Wacker Drive, Suite 2300
20 Chicago, IL 60606
21 Attorney for Applicant

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