

**ORIGINAL**



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MEMORANDUM

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TO: Docket Control

FROM: Ernest G. Johnson *EA for EGJ*  
Director  
Utilities Division

THRU: Wilfred Shand, Jr.  
Manager, Telecommunications and Energy Section  
Utilities Division

DATE: May 22, 2007

RE: **STAFF REPORT - IN THE MATTER OF THE APPLICATION OF BUY-TEL COMMUNICATIONS, INC. FOR APPROVAL TO CANCEL THEIR CERTIFICATE OF CONVENIENCE AND NECESSITY TO PROVIDE RESOLD LOCAL TELEPHONE SERVICE (DOCKET NO. T-03556A-05-0907)**

Arizona Corporation Commission  
**DOCKETED**  
MAY 23 2007

DOCKETED BY	
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Attached is the Staff Report of the above Application to cancel the Certificate of Convenience and Necessity ("CC&N") held by Buy-Tel Communications, Inc. Staff recommends cancellation of the CC&N.

EJG:JFB:red

Originator: John F. Bostwick

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STAFF REPORT  
UTILITIES DIVISION  
ARIZONA CORPORATION COMMISSION

BUY-TEL COMMUNICATIONS, INC.  
DOCKET NO. T-03556A-05-0907

IN THE MATTER OF THE APPLICATION OF BUY-TEL COMMUNICATIONS, INC.  
FOR APPROVAL TO CANCEL THEIR CERTIFICATE OF CONVENIENCE AND NECESSITY  
TO PROVIDE RESOLD LOCAL TELEPHONE SERVICE

MAY 22, 2007

## STAFF ACKNOWLEDGMENT

The Staff Report for Buy-Tel Communications, Inc., Docket No. T-03556A-05-0907, was the responsibility of the Staff member listed below. John F. Bostwick was responsible for the review and analysis of Buy-Tel Communications, Inc.'s Application to cancel its Certificate of Convenience and Necessity.

  
\_\_\_\_\_  
John F. Bostwick  
Administrative Services Officer II

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## **Introduction**

On December 22, 2005, Buy-Tel Communications, Inc. ("Buy-Tel" or "Company") submitted an Application for approval to cancel its Certificate of Convenience and Necessity ("CC&N") and tariff to provide resold local telephone service in Arizona. According to Buy-Tel's Application, the Company disconnected its last customer in January 2005 and ceased serving customers in February 2005. The Company also stated that it has no outstanding obligations to any individuals.

## **Background**

On April 21, 1999, the Commission, in Decision No. 61651, originally granted a CC&N to Buy-Tel to provide competitive resold local exchange service in Arizona.

## **Staff's Analysis**

According to Buy-Tel's Application, the Company does not have a subscriber base and the cancellation of its CC&N would not impact any customers Arizona. The Company further stated that there was no need for it to provide "...customer notice and other similar obligations outlined in R14-2-1107 of the Arizona Administrative Code". Since the Company's customers had been disconnected from service 11 months before Buy-Tel filed its Application to cancel its CC&N in Arizona, Staff believes that Buy-Tel would not be required to provide its former customers with notice of service cancellation under Arizona Administrative Code R14-2-1107.

In its Application, Buy-Tel stated "...that it is in good standing with the Arizona Corporation Commission having no delinquent reports or assessments". The Consumer Services Section of the Utilities Division states that there were no consumer complaints, inquiries, and/or opinions against Buy-Tel from January 1, 2003 through December 14, 2006.

On August 29, 2006, Staff sent its first set of data requests by certified mail to Buy-Tel. On September 3, 2006, Staff's data request was returned unopened and marked "Return to Sender, Attempted - Not Known, Unable to Forward".

According to the Compliance and Enforcement Section of the Utilities Division, Buy-Tel did not file a 2005 Annual Report. Aside from not filing its 2005 Annual Report, the Company does not have any delinquencies.

Since there are numerous carriers in Arizona that offer similar services as Buy-Tel, Staff believes that approval of Buy-Tel's request to discontinue service is in the public interest.

**Recommendations**

Staff recommends approval of Buy-Tel's Application to cancel its CC&N to provide resold local telephone service in Arizona. Upon cancellation of its CC&Ns, Buy-Tel will no longer be authorized to provide competitive resold local exchange services in Arizona and therefore, will no longer be subject to the requirements of Decision No. 61651. In addition, Staff further recommends the cancellation of Buy-Tel's tariffs on file with the Commission.