

OPEN MEETING ITEM



0000073729

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

**ORIGINAL**



ARIZONA CORPORATION COMMISSION

22

DATE: JUNE 6, 2007

DOCKET NO: T-03556A-05-0907

TO ALL PARTIES:

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

BUY-TEL COMMUNICATIONS, 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:

JUNE 7, 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 26, 2007, AND JUNE 27, 2007

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

BRIAN C. McNEIL  
EXECUTIVE DIRECTOR

RECEIVED  
2007 JUN -6 P 12: 53  
AZ CORP COMMISSION  
DOCKET CONTROL

Arizona Corporation Commission  
**DOCKETED**  
JUN -6 2007

DOCKETED BY nr

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 COMMISSIONERS

3 MIKE GLEASON, Chairman  
4 WILLIAM A. MUNDELL  
5 JEFF HATCH-MILLER  
6 KRISTIN K. MAYES  
7 GARY PIERCE

8 IN THE MATTER OF THE APPLICATION OF  
9 BUY-TEL COMMUNICATIONS, INC. FOR THE  
10 CANCELLATION OF ITS CERTIFICATE OF  
11 CONVENIENCE AND NECESSITY.

DOCKET NO. T-03556A-05-0907

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

**ORDER**

9 Open Meeting  
10 June 26 and 27, 2007  
11 Phoenix, Arizona

12 **BY THE COMMISSION:**

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

15 **FINDINGS OF FACT**

16 1. On April 21, 1999, in Decision No. 61651, the Commission granted to Buy-Tel  
17 Communications, Inc. ("Applicant") a Certificate of Convenience and Necessity ("Certificate")  
18 authorizing it to provide competitive resold local exchange services.

19 2. On December 22, 2005, Applicant filed with the Commission an application to cancel  
20 its Certificate. The application stated that Applicant has ceased operations and has no  
21 telecommunication customers or subscribers in the State of Arizona.

22 3. On May 23, 2007, the Commission's Utilities Division Staff ("Staff") filed a Staff  
23 Report in this matter.

24 4. In the Staff Report, Staff verified that Applicant does not service any Arizona  
25 customers and is no longer doing business in Arizona. Staff stated that Applicant is not holding any  
26 prepayments, deposits, or advances and no customers in Arizona would be at risk by cancellation of  
27 Applicant's Certificate. In addition, Staff stated that there are numerous other carriers offering  
28 services similar to Applicant's in Arizona.

5. Staff recommended that Applicant's application be approved without a hearing.

**CONCLUSIONS OF LAW**

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

2. The Commission has jurisdiction over Applicant and the subject matter of the application.

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

4. Pursuant to A.R.S. § 40-282, the Commission may grant the application without a hearing.

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

**ORDER**

IT IS THEREFORE ORDERED that the application of Buy-Tel Communications, Inc. for the cancellation of its Certificate of Convenience and Necessity to provide competitive resold local exchange services is hereby approved.

IT IS FURTHER ORDERED that Buy-Tel Communications, Inc. is no longer authorized to provide resold local exchange services in Arizona.

18 ...  
19 ...  
20 ...  
21 ...  
22 ...  
23 ...  
24 ...  
25 ...  
26 ...  
27 ...

1 IT IS FURTHER ORDERED that the tariffs of Buy-Tel Communications, Inc. on file with  
2 the Commission are hereby cancelled.

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

4 BY ORDER OF THE ARIZONA CORPORATION COMMISSION.  
5  
6

7 CHAIRMAN

COMMISSIONER

9 COMMISSIONER

COMMISSIONER

COMMISSIONER

10 IN WITNESS WHEREOF, I, BRIAN C. McNEIL, Executive  
11 Director of the Arizona Corporation Commission, have  
12 hereunto set my hand and caused the official seal of the  
13 Commission to be affixed at the Capitol, in the City of Phoenix,  
14 this \_\_\_\_ day of \_\_\_\_\_, 2007.

15 \_\_\_\_\_  
BRIAN C. McNEIL  
EXECUTIVE DIRECTOR

16 DISSENT \_\_\_\_\_

17 DISSENT \_\_\_\_\_

18 MES:db  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1 SERVICE LIST FOR: BUY-TEL COMMUNICATIONS, INC.

2 DOCKET NO.: T-03556A-05-0907

3  
4 Mary Beth Austin  
BUY-TEL COMMUNICATIONS, INC.  
P. O. Box 136578  
5 Fort Worth, TX 76136-0578

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

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

12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28