



0000073740

**BEFORE THE ARIZONA CORPORATION C**

COMMISSIONERS

Arizona Corporation Commission

**DOCKETED**

JUN -6 2007

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

DOCKETED BY NR

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. 69643

**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.

16 ...  
17 ...  
18 ...  
19 ...  
20 ...  
21 ...  
22 ...  
23 ...  
24 ...  
25 ...  
26 ...  
27 ...  
28 ...

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.

6  
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 10<sup>th</sup> day of June, 2007.

16   
BRIAN C. McNEIL  
EXECUTIVE DIRECTOR

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

18 DISSENT \_\_\_\_\_

19 MES:djb

20  
21  
22  
23  
24  
25  
26  
27  
28

1 SERVICE LIST FOR: COGENT COMMUNICATIONS OF ARIZONA, INC.

2 DOCKET NO.: T-03871A-00-0277

3

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

9 Ernest G. Johnson, Director  
10 Utilities Division  
11 ARIZONA CORPORATION COMMISSION  
12 1200 West Washington Street  
13 Phoenix, AZ 85007

14

15 **COPIES DELIVERED VIA CERTIFIED  
16 MAIL, RETURN RECEIPT REQUESTED**

17

18 Cogent Communications of Arizona, Inc.  
19 (fka Allied Riser of Arizona, Inc.)  
20 101 31<sup>st</sup> Street N.W.  
21 Washington, D.C. 20007

22

23 Mr. Ried R. Zulager  
24 Allied Riser of Arizona, Inc.  
25 1700 Pacific Avenue, Suite 400  
26 Dallas, TX 75201

27

28 Mr. Kirk L. Peterson  
29 SKADDEN, ARPS, SLATE, MEAGHER & FLOM  
30 333 West Wacker Drive, Suite 2300  
31 Chicago, IL 60606  
32 Attorney for Applicant

33

34

35

36

37

38

39

40