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BEFORE THE ARIZONA CORPORATION C

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COMMISSIONERS

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2007 OCT -4 P 1:52
AZ CORP COMMISSION
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Arizona Corporation Commission
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OCT 04 2007

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IN THE MATTER OF THE APPLICATION OF
TOTAL CALL INTERNATIONAL, INC. FOR A
CERTIFICATE OF CONVENIENCE AND
NECESSITY TO PROVIDE COMPETITIVE
RESOLD INTEREXCHANGE
TELECOMMUNICATIONS SERVICES.

DOCKET NO. T-04004A-01-0259

STAFF'S RESPONSE TO MOTION
FOR WAIVER OF ACC R14-2-
1105.D

On August 29, 2007, Total Call International, Inc. ("TCI") filed a Motion before the Arizona Corporation Commission ("ACC" or "Commission") requesting a waiver of Commission Rule R14-2-1105.D in conjunction with its application in the instant matter. Staff hereby enters its response. Staff recommends denial of the motion.

On March 27, 2001, TCI filed with the Commission an application for a Certificate of Convenience and Necessity ("CC&N") to provide competitive resold interexchange telecommunications services within the State of Arizona. Commission Utilities Division Staff ("Staff") recommended approval of the application, subject to certain conditions. Staff's analysis indicated that TCI lacked adequate resources to be allowed to charge customers prepayments, advances, and/or deposits unless it posted a surety bond to cover such payments. Staff recommended a bond in the amount of \$10,000.

On September 17, 2001, Administrative Law Judge Philip J. Dion III issued his Recommended Opinion and Order ("ROO"), in which Staff's bond recommendation was adopted. TCI failed to submit exceptions to the ROO and the Commission, in ACC Decision 64065, adopted the ROO in its entirety. In Decision 64065, second ordering paragraph, the Commission ordered TCI to procure the bond as Staff recommended. TCI did not ask for rehearing, nor did it file an appeal of

1 the Decision.

2 On August 29, 2007, TCI filed a motion, asking the Commission to waive the bond
3 requirement of Decision 64065. Staff has not received any updated financial information which
4 would lead it to believe that TCI's financial status is different now from what it was at the time Staff
5 conducted its initial analysis in 2001. Therefore, Staff has no reason to believe the need for a
6 performance bond is any less today than it was during the time of the initial application. TCI has not
7 taken the necessary steps, as ordered in Decision 64065, to protect its customers. Staff objects to the
8 requested relief.

9 Contemporaneously with this response, Staff is filing a Complaint and Petition for an Order to
10 Show Cause.

11 WHEREFORE, Staff respectfully requests that the request for waiver be denied.

12 RESPECTFULLY SUBMITTED this 4th day of October, 2007.

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By 
Kevin O. Torrey
Attorney, Legal Division
1200 West Washington
Phoenix, Arizona 85007
(602) 542-3402

18 Original and 13 copies of the foregoing
19 filed this 4th day of October, 2007, with:

20 Docket Control
21 Arizona Corporation Commission
1200 West Washington
Phoenix, Arizona 85007

22 Copy of the foregoing mailed this
23 4th day of October, 2007, to:

24 Mr. Mark Leafstedt
25 Total Call International, Inc.
707 Wilshire Boulevard
Los Angeles, California 90017

26 Patrick D. Crocker, Esq.
27 Early, Lennon, Crocker & Bartosiewicz, PLC
900 Comerica Building
28 Kalamazoo, Michigan 49007-4752

