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January 9, 2008
Overnight Delivery

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ARIZONA CORPORATION COMMISSION
DOCKET CONTROL

2600 Maitland Center Pkwy.
Suite 300
Maitland, FL 32751
P.O. Drawer 200
Winter Park, FL
32790-0200
Tel: 407-740-8575
Fax: 407-740-0613
www.tminc.com

Docket Control Center
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007-2927

Arizona Corporation Commission
DOCKETED

JAN 10 2008

RE: Cordia Communications Corp.
Docket No. T-20439A-06-0076

DOCKETED BY 

Docket Control:

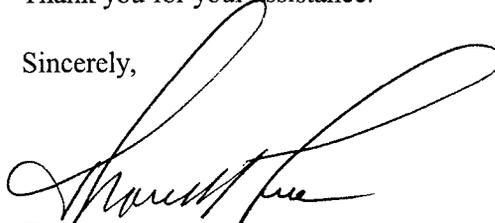
Enclosed for filing are the original and thirteen (13) copies of Staff's 3rd Data Request submitted on behalf of Cordia Communications Corp. in the above referenced docket number.

Please acknowledge receipt of this filing by date stamping the extra copy of this cover letter and returning it in the self - addressed, stamped envelope enclosed for this purpose.

Any questions you may have regarding this filing may be directed to me at (407) 740 - 3001 or via e-mail at tforte@tminc.com.

Thank you for your assistance.

Sincerely,



Thomas M. Forte
Consultant to Cordia Communications Corp.

Enclosures

cc: Maria Abbagnaro - Cordia
file: Cordia - AZ local
tms: AZi0600d

**RESPONSE OF CORDIA COMMUNICATIONS CORP
STAFF'S THIRD DATA REQUEST
T-20439A-06-0076**

1. Please refer to Question A-11 of the Application and Petition for Certificate of Convenience and Necessity ("CC&N") which was signed by Wesly Minella on February 1, 2006. This question asks if the Applicant or any of its officers, directors, partners, or managers has been or are currently involved in any formal or informal complaint proceedings pending before any state or federal regulatory commission, administrative agency or law enforcement agency. The response to this question was "Not Applicable". Staffs investigation has revealed at least 23 instances where the Federal Communications Commission as initiated formal complaint proceedings against Cordia for alleged slamming violations. Staffs investigation also revealed that the Iowa Utilities Board has sanctioned Cordia for slamming violations. Furthermore, the State of New Jersey Public Utilities Board has indicated that they have levied fines against Cordia for slamming violations. Information gathered from the State of California Public Utilities Commission ("CPUC") shows that Cordia withdrew its application for Registration as an Interexchange Carrier after being confronted by the CPUC with allegations that Cordia misrepresented material facts on application 07-05-02 1. Please provide a detailed explanation of all of these findings and why Cordia had not disclosed this on the application for a CC&N.

Response: Cordia Communications Corp's Arizona application was in fact signed by Mr. Minella on February 1, 2006. The application was filed by letter dated February 7, 2006 and stamped received by the Commission on February 8, 2006. The Company is not sure what December 8, 2006 date the Commission is referring to in the first paragraph of the cover letter to this data request. A copy of the stamped received transmittal letter for the original filing is being provided in Attachment I.

As for the 23 instances of FCC complaint, these proceedings are every day slamming complaints. Applicant did not deem these "complaint proceedings" but ordinary course of business daily customer issues. As for non disclosure of IA and CA --- these occurred during 2007, more than 1 year after the application was filed with the Commission. The NJ issues was not a formal proceeding for complaints but a settlement reached between the parties without going through formal or informal process and thus not disclosed.

RESPONSE OF CORDIA COMMUNICATIONS CORP
STAFF'S THIRD DATA REQUEST
T-20439A-06-0076
(Continued)

2. Please refer to Question A-12 of the Application and Petition for Certificate of Convenience and Necessity ("CC&N") which was signed by Wesly Minella on February 1, 2006. This question asks if the Applicant or any of its officers, directors, partners, or managers has been or are currently involved in any civil or criminal investigation, or had judgments entered in any civil matter, judgments levied by any administrative or regulatory agency, or been convicted of any criminal acts within the last ten (10) years. The response to this question was "Not Applicable". Staff investigation revealed that the State of Oregon Civil Enforcement Bureau initiated proceedings that Cordia was allegedly engaged in unlawful trade practices. Please provide details of this case and if it has been resolved. Also provide a list of owners, partners and senior directors who would have had knowledge of this case. In your response, explain why no mention of the Oregon case was indicated in the application for CC&N.

Response: The case in Oregon was not disclosed during the initial February application as it occurred in 2007. The Company filed with the Commission two data request responses, in a timely manner, during 2006. At no time during these data requests was the Company asked to update the application for any relevant changes. A copy of the final documentation in the Oregon case is being provided as Attachment II.

3. The State of Oregon reported that it cancelled Cordia's Certificate of Authority to provide telecommunication services in Oregon in 2007. Please provide details of this cancellation.

Response: Cordia was listed on a July 30, 2007 Staff Report for failure to file some or all of an annual report with the Commission. Cordia responded to the issue and filed all necessary paperwork. At the present time both the Commission and the Company believe that Cordia is still authorized to provide service within Oregon. Attachment III contains a print-out for Cordia from the list of currently authorized telecommunications providers within the state.

4. Please provide business details of any parent company or subsidiaries or affiliates of Cordia.

Response: Cordia is a publically traded company and as such files all relevant information with the Securities and Exchange Commission ("SEC"). Up to date information regarding the company can be at the Investor Relations link at www.cordiacorp.com.

**RESPONSE OF CORDIA COMMUNICATIONS CORP
STAFF'S THIRD DATA REQUEST
T-20439A-06-0076**

ATTACHMENT I

**COMMISSION STAMPED TRANSMITTAL LETTER
(FEBRUARY 8, 2006)**



210 N. Park Ave.
Winter Park, FL
32789

P.O. Drawer 200
Winter Park, FL
32790-0200

Tel: 407-740-8575

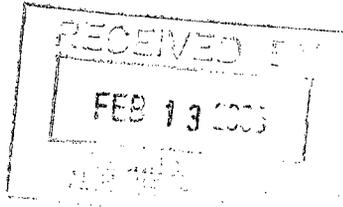
Fax: 407-740-0613

tmi@tminc.com

NEW APPLICATION

February 7, 2006
Via Overnight Delivery

Docket Control Center
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007-2927



RECEIVED

2006 FEB -8 P 2:37

AZ CORP COMMISSION
DOCUMENT CONTROL

T-20439A-06-0076

RE: **Cordia Communications Corp.** - Application and Petition for Certificate of Convenience and Necessity to Provide Intrastate Telecommunications Services

Docket Control:

Enclosed for filing are the original and thirteen (13) copies of the application and proposed Facilities-based Local Exchange Telecommunications Services tariff submitted on behalf of Cordia Communications Corp. The Company respectfully requests the earliest possible effective date for this filing.

Please acknowledge receipt of this filing by date stamping the extra copy of this cover letter and returning it in the self - addressed, stamped envelope enclosed for this purpose.

Any questions you may have regarding this filing may be directed to me at 407-740-3008 or via email to cneeld@tminc.com. Thank you for your assistance.

Sincerely,

Craig Neeld
Consultant to Cordia Communications Corp.

CN/ks

cc: Maria Abbagnaro - Cordia
file: Cordia - AZ local
tms: AZi0600

**RESPONSE OF CORDIA COMMUNICATIONS CORP
STAFF'S THIRD DATA REQUEST
T-20439A-06-0076**

ATTACHMENT II

OREGON ASSURANCE OF VOLUNTARY COMPLIANCE

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ENTERED
AUG 08 2007
Marion County Circuit Court

STATE OF OREGON
Marion County Circuit Courts
AUG 08 2007
FILED

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MARION

IN THE MATTER OF:
CORDIA COMMUNICATIONS CORP.,
Respondent.

Case No. *07C 18520*
ASSURANCE OF VOLUNTARY
COMPLIANCE

1.

CORDIA COMMUNICATIONS CORP. ["Cordia"], does business or has recently done business in Oregon. Cordia is in the business of reselling telephone services, and solicits customers through telephone solicitations. This agreement is between Cordia and the Oregon Department of Justice ["DOJ"], acting pursuant to Oregon Revised Statute [ORS] 646.632(2).

PROCEDURE

2.

This Assurance of Voluntary Compliance [AVC] is a settlement of a disputed matter. It shall not be considered an admission of a violation of law on the part of Cordia for any purpose. The parties agree that no provision of this AVC shall operate as a penalty, forfeiture, or punishment under the Constitution of the United States, under the Constitution of the State of Oregon, or under any other provision of law.

3.

Cordia acknowledges a notice from the State of Oregon, pursuant to ORS 646.632(2).

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4.

Cordia agrees and understands this AVC applies to Cordia, Cordia's principals, officers, directors, agents, employees, representatives, successors, and assigns, jointly and severally, while acting personally or through any corporation or other business entities, whose acts, practices, or policies are directed, formulated, or controlled by Cordia.

5.

Cordia agrees and understands that following acceptance of this AVC by DOJ, DOJ may communicate directly with Cordia for the purpose of executing and enforcing the terms of this agreement, resolving future complaints, and conducting undercover investigations to the extent permitted by law of Cordia; provided, however, that at anytime Cordia may direct DOJ to communicate with Cordia through its legal counsel. Further, neither this Paragraph 5 herein, nor any other language in this AVC is intended by the parties in any manner to be a waiver of Cordia's rights to seek the advice and assistance of legal counsel at anytime, nor should such a waiver be inferred.

6.

Cordia agrees and understands that if this AVC is accepted by DOJ, it will be submitted to the Circuit Court of the State of Oregon for Marion County for approval, and, if approved, will be filed with the Court pursuant to ORS 646.632(2).

7.

Cordia and its legal counsel waive any further notice of submission to and filing with the Court of this AVC. Cordia agrees to accept service of a conformed or certified copy by prepaid first class mail sent to the address of Cordia's legal counsel.

8.

If monies which are ordered to be paid in this AVC are not paid timely, DOJ may convert this AVC to a General Judgment, Money Award under ORS 646.632(2), without notice

///

1 to Cordia or Cordia's legal counsel. Cordia agrees that a copy of the General Judgment, Money
2 Award may be sent to Cordia, via first class mail, to the address of Cordia's legal counsel.

3 9.

4 Cordia understands that, in addition to any other sanctions which may be imposed under
5 this AVC or under the law, violation of any of the terms of this AVC may result in contempt of
6 court proceedings, civil penalties of up to twenty-five thousand dollars [\$25,000.00] for each
7 violation, and such further relief as the Court may deem appropriate. (See, ORS 646.632(4),
8 ORS 646.642(1), and ORS 646.642(2).)

9 10.

10 The parties acknowledge that no other promises, representations, or agreements of any
11 nature have been made or entered into by the parties. The parties further acknowledge that this
12 AVC constitutes a single and entire agreement that is not severable or divisible, except that if
13 any provision herein is found to be legally insufficient or unenforceable, the remaining
14 provisions shall continue in full force and effect. Cordia understands that nothing in this AVC
15 affects and/or discharges any private cause of action pursuant to the Oregon Unlawful Trade
16 Practices Act (ORS 646.605 to ORS 646.656), or otherwise releases any claim or cause of
17 action — private, administrative, or otherwise — not reasonably a part of this AVC and not
18 relating to an event and/or transaction occurring prior to Cordia's execution of this AVC.

19 **REMEDIES**

20 11.

21 Cordia shall continue to obey Oregon's Unlawful Trade Practices Act, ORS 646.605 to
22 ORS 646.656.

23 12.

24 Cordia shall not represent or imply that DOJ acquiesces or approves of Cordia's: past
25 business practices; current efforts to reform its practices; or, any future practices which Cordia
26 may adopt or consider adopting, other than as set forth in Paragraph 15 of this AVC herein

1 below. DOJ's decision to settle this matter or to otherwise unilaterally limit current or future
2 enforcement action does not constitute approval or imply authorization for any past, present, or
3 future business practices, other than as set forth in Paragraph 15 of this AVC herein below.
4 Similarly, Cordia's decision to settle this matter does not constitute an admission or any other
5 form of acknowledgment that it engaged in any unlawful business practices or otherwise
6 violated any Oregon law, rule, or regulation.

7 13.

8 Upon Cordia's execution of this AVC, Cordia shall pay the sum of one thousand dollars
9 [\$1,000.00] to DOJ for deposit into the Consumer Protection and Education Revolving Account
10 established pursuant to ORS 180.095. Said sum shall be used by DOJ for costs and as
11 otherwise provided by law.

12 14.

13 Within ninety [90] days of Cordia's execution of this AVC, Cordia shall provide full
14 credit of all non-usage charges paid/billed after a cancellation request from Oregon consumers
15 accrued in the last twenty-four [24] months, if the Oregon consumer has demanded credit and/or
16 reversal of charges, either through Cordia directly, through DOJ, or through the Oregon Public
17 Utility Commission, if the Oregon consumer has directly cancelled with Cordia and was billed
18 and/or charged for services past any appropriate remaining billing period, and, so long as the
19 Oregon consumer has yet to receive appropriate credit and/or reversal of charges previously
20 from Cordia.

21 15.

22 Effective immediately upon Cordia's execution of this AVC, Cordia agrees to continue
23 to comply with all applicable Oregon telecommunications laws, rules, and/or regulations, and,
24 to adhere to the following in the course of providing services to Oregon consumers:

25 A. To cause to be mailed to any Oregon subscriber, who wishes to discontinue their
26 telephone service from Cordia, written notice, which is the same or substantially

1 similar to the notice attached hereto as EXHIBIT 1, within ten [10] days of
2 notice by any Oregon subscriber to Cordia that the Oregon subscriber wishes to
3 discontinue telephone service from Cordia and/or switch telephone service to a
4 provider other than Cordia; and

5 B. To institute policies and procedures that reasonably ensure Cordia, or any third
6 party representative of Cordia, orally provides information that is the same or
7 substantially similar to that contained in EXHIBIT 1 during any telephone call
8 with an Oregon subscriber where, during the telephone call, the Oregon

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1 subscriber expresses their intent to cancel telephone service from Cordia and/or
2 switch telephone service to a provider other than Cordia.

3 **APPROVAL BY THE COURT**

4 APPROVED FOR FILING and so ORDERED this 9 day of Aug, 2007.

5
6 [Signature]
Circuit Court Judge

7 **RESPONDENT'S SIGNATURE AND ACKNOWLEDGMENT**

8 Respondent has read and understands this agreement and each of its terms. Respondent
9 agrees to each and every term contained in this AVC herein.

10 **Corporate Respondent**

11 I, Wesly Minella, being first duly sworn on oath depose and say
12 that I am the secretary of CORDIA COMMUNICATIONS
13 CORP., and am fully authorized and empowered to sign this Assurance of Voluntary
14 Compliance on behalf of CORDIA COMMUNICATIONS CORP., and bind the same thereto.

14 [Signature]
Signature

15
16 Wesly Minella
Print Name

17
18 secretary
Title

19
20 Address: 4415 Hamilton Ave Suite 408
21
22 White Plains, NY 10601

23 SUBSCRIBED and SWORN to before me this 9 day of Aug, 2007.

24
25 [Signature]
Notary Public
My Commission Expires: _____

MARIA A. ABBAGNARO
Notary Public, State of New York
Registration #01AB6081978
Qualified in Westchester County
Commission Expires Oct. 15, 2010

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ACCEPTANCE OF DOJ

ACCEPTED this 6th day of July, 2007.

HARDY MYERS
Attorney General



Andrew Shull #02454
Assistant Attorney General
andrew.shull@doj.state.or.us

EXHIBIT 1

[Date]

[Customer Name
Customer Address
Account/Telephone Number]

Dear Customer:

You recently spoke with a Customer Service Representative about your desire to discontinue your service with Cordia Communications.

In order to cancel or switch your local or long distance carrier, you must take one of the following actions:

- To cancel your Cordia local service, please contact your new local service provider and inform them that a "loss of line report" must be generated and provided to Cordia.
- To cancel your Cordia long distance service and switch to a different long distance provider, or to just cancel your Cordia long distance service, simply contact your local service provider and let them know that you wish to discontinue your Cordia long distance service. Your local service provider will notify us of your decision. You may also contact your new long distance provider, and they will assist you in signing up for their service.

IMPORTANT: YOU MUST CONTACT YOUR LOCAL SERVICE PROVIDER TO TERMINATE YOUR CORDIA SERVICE. IF YOU DO NOT FOLLOW ONE OF THE ACTIONS ABOVE, YOUR CORDIA SERVICE WILL CONTINUE AND YOU WILL BE SUBJECT TO ANY APPLICABLE CORDIA RATES AND CHARGES.

We appreciate your business and are sorry that you are no longer a Cordia customer.

Sincerely,

Cordia Communications Corp.

Exhibit 1
Page 1 of 1



STATE OF OREGON } ss
County of Marion

The foregoing copy has been compared and is certified by me as a full, true and correct copy of the original on file in my office and in my custody.

In Testimony Whereof, I have hereunto set my hand and affixed the seal of the

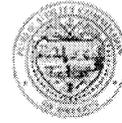
Court on: 8-8-07
TRIAL COURT ADMINISTRATOR

By: [Signature]

**RESPONSE OF CORDIA COMMUNICATIONS CORP
STAFF'S THIRD DATA REQUEST
T-20439A-06-0076**

ATTACHMENT III

**OREGON PUBLIC UTILITY COMMISSION
APPROVED TELECOMMUNICATIONS CARRIER LISTING**



eDockets

Company Information

CORDIA COMMUNICATIONS CORP

ID# 8331

INDUSTRY: TELECOMMUNICATIONS

[Open Dockets](#)

445 HAMILTON AVE STE 408, WHITE PLAINS NY 10601
(914) 948-5550

COMPETITIVE PROVIDER

Certificate GRANTED on **8/22/2007** in docket **CP 1311** Order No. **07-368**

Statewide Local exchange authority.

Statewide Inter Exchange authority: Private Line (point-to-point), Switched (toll)