

OPEN MEETING ITEM  
**ORIGINAL**



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



**ARIZONA CORPORATION COMMISSION**

22

DATE: JANUARY 23, 2008  
DOCKET NO: T-04005A-06-0503  
TO ALL PARTIES:

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

QUICK TEL, 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:

FEBRUARY 1, 2008

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:

FEBRUARY 12, 2008 and FEBRUARY 13, 2008

For more information, you may contact Docket Control at (602)542-3477 or the Hearing Division at (602)542-4250. For information about the Open Meeting, contact the Executive Director's Office at (602) 542-3931.

BRIAN C. McNEIL  
EXECUTIVE DIRECTOR

Arizona Corporation Commission  
**DOCKETED**  
JAN 23 2008

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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 QUICK TEL, INC. FOR THE CANCELLATION  
10 OF THE CERTIFICATE OF CONVENIENCE  
11 AND NECESSITY.

DOCKET NO. T-04005A-06-0503

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

ORDER

12 Open Meeting  
13 February 12 and 13, 2008  
14 Phoenix, Arizona

15 **BY THE COMMISSION:**

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

18 FINDINGS OF FACT

19 1. Quick Tel, Inc. ("Company") has a Certificate of Convenience and Necessity  
20 ("Certificate") to provide competitive resold interexchange telecommunications services in the State  
21 of Arizona pursuant to Decision No. 64719 (April 17, 2002) ("Decision").

22 2. On August 7, 2006, the Company filed with the Commission an application  
23 ("Application") for cancellation of its Certificate. The Company indicated that it is not doing business  
24 in Arizona.

25 3. On August 23, 2006, the Commission's Utilities Division Staff ("Staff") filed its  
26 Letter of Insufficiency and First Set of Data Requests ("Data Requests"). The Company received the  
27 Data Requests on September 5, 2006, but did not respond.

28 4. On December 7, 2007, Staff filed its Staff Report recommending cancellation of the  
Company's Certificate.

5. According to the Staff Report, Staff contacted the Company's Operation Manager,  
Claire McNeil, by telephone regarding the Data Requests. Ms. McNeil stated to Staff that since the

1 Company had no customers in Arizona, it felt a response to the Data Requests was not necessary.

2 6. According to the Staff Report, during the conversation Ms. McNeil stated that the  
3 Company's initial goal was to acquire certificates in every state, however, it never had any customers  
4 in Arizona, and now has no intention of seeking customers here.

5 7. On August 31, 2007, Staff spoke with Sam Bell, the owner of the Company. Mr. Bell  
6 confirmed Ms. McNeil's statements. He noted that the Company now sells prepaid calling cards to a  
7 distributor in Maryland.

8 8. The Commission's Consumer Services Section of the Commission's Utilities Division  
9 reported that there were no customer complaints, inquiries or opinions against the Company from  
10 January 1, 2003 through September 5, 2007.

11 9. The Consumer Services Section also stated that the Commission's Corporation  
12 Division found no records for the Company.

13 10. According to the Compliance and Enforcement Section of the Utilities Division, the  
14 Company did not obtain a performance bond nor file conforming tariffs as ordered in the Decision.

15 11. Because the Company has never had customers in Arizona and never collected any  
16 advanced payments, deposits and/or prepayments, the provisions of A.A.C. R14-2-1107(A)(2)-(4),  
17 and (B) requiring, provision to customers of a list of alternate providers, a plan for refund, and notice  
18 of the cancellation to customers are hereby waived.

19 12. Staff also recommends the closure of Docket No. T-04005A-01-0285 upon  
20 cancellation of the Company's Certificate.

21 13. Given the foregoing, Staff's recommendations are reasonable.

### 22 CONCLUSIONS OF LAW

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

25 2. The Commission has jurisdiction over the Company and the subject matter of the  
26 application.

27 3. The cancellation of the Company's Certificate is in the public interest.  
28

1 4. Pursuant to A.R.S. § 40-282, the Commission may issue decisions regarding  
2 Certificates of Convenience and Necessity for certain telecommunication services without a hearing.

3 5. Staff's recommendations are reasonable and should be adopted.

4 **ORDER**

5 IT IS THEREFORE ORDERED that the application of Quick Tel, Inc. for the cancellation of  
6 its Certificate of Convenience and Necessity to provide competitive resold interexchange  
7 telecommunications services in the State of Arizona pursuant to Decision No. 64719 shall be, and is  
8 hereby, approved, and the Certificate of Convenience and Necessity is cancelled.

9 IT IS FURTHER ORDERED that Docket No. T-04005A-01-0285 is hereby closed.

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

11 BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

12  
13  
14 CHAIRMAN

COMMISSIONER

15  
16  
17 COMMISSIONER

COMMISSIONER

COMMISSIONER

18 IN WITNESS WHEREOF, I, DEAN S. MILLER, Interim  
19 Executive Director of the Arizona Corporation Commission,  
20 have hereunto set my hand and caused the official seal of the  
21 Commission to be affixed at the Capitol, in the City of Phoenix,  
22 this \_\_\_\_ day of \_\_\_\_\_, 2008.

23 \_\_\_\_\_  
24 DEAN S. MILLER  
25 INTERIM EXECUTIVE DIRECTOR

26 DISSENT \_\_\_\_\_

27  
28 DISSENT \_\_\_\_\_

1 SERVICE LIST FOR: QUICK TEL, INC.

2 DOCKET NO.: T-04005A-06-0503

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4 Claire McNeil  
5 Operation Manager  
6 QUICK TEL, INC.  
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