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BEFORE THE ARIZONA CORPORATION COMMISSION

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Chairman
- 3 WILLIAM A. MUNDELL  
Commissioner
- 4 JEFF HATCH-MILLER  
Commissioner
- 5 KRISTIN K. MAYES  
Commissioner
- 6 GARY PIERCE  
Commissioner

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AZ CORP COMMISSION  
DOCKET CONTROL

Arizona Corporation Commission

DOCKETED

MAR 21 2008

DOCKETED BY	<i>MM</i>
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STAFF of the Utilities Division,

Complainant,

vs.

TOTAL CALL INTERNATIONAL, INC.

Respondent.

DOCKET NO. T-04004A-01-0259

**STAFF'S MOTION TO WITHDRAW  
COMPLAINT AND ORDER TO  
SHOW CAUSE AND RESPONSE TO  
APPLICANT'S MOTION**

On March 27, 2001, Total Call International, Inc. ("Applicant" "Total Call") filed with the Arizona Corporation Commission ("Commission" "ACC") an application for a Certificate of Convenience and Necessity ("CC&N") to provide competitive intrastate telecommunications services as a long distance reseller within the State of Arizona.

On October 4, 2001, in Decision No. 64065, the Commission issued a CC&N to Total Call conditioned upon timely compliance.

The Company was ordered to file conforming tariffs within 30 days of the effective date of the Decision. The due date to file was November 5, 2001, and the Applicant filed its tariffs on October 17, 2001.

The Applicant was ordered to notify the Compliance Section of the Utilities Division ("Compliance") of the date it will begin or has begun providing service to Arizona customers within 30 days of the effective date of the Commission's Decision. The Applicant notified Compliance on November 20, 2001, that it would begin providing service in January 2002. The

1 Applicant filed a letter on December 20, 2001, indicating that it would begin providing service on  
2 January 20, 2002.

3 The Applicant was to procure a performance bond equal to \$10,000 and file the bond in  
4 Docket Control within 90 days of the effective date of the Decision or 30 days prior to the  
5 provision of service, whichever came first. The due date for this filing was December 20, 2001.  
6 Staff's investigation has concluded that Total Call is currently conducting business in the State of  
7 Arizona.

8 On October 5, 2007, Staff filed a Petition for a Complaint and Order to Show Cause, which  
9 was subsequently issued by the Commission on October 30, 2007.

10 On January 25, 2008, the Applicant filed with Compliance a copy of an Irrevocable Sight  
11 Draft Letter Of Credit ("LOC") in the amount of \$10,000.00. The LOC was intended to substitute  
12 for the bond previously ordered.

13 On January 30, 2008, Applicant filed a motion, pursuant to A.R.S. § 40-252, requesting that  
14 the Commission modify Decision No. 64065 to allow the substitution of the LOC in place of the  
15 bond.

16 It is Staff's position that the LOC provides essentially the same security as the bond would  
17 provide. It is therefore Staff's opinion that if the Commission were to accept the company's LOC  
18 in place of the bond, Arizona customers will be equally well protected by the LOC as by a bond.

19 Staff therefore would have no objection to the Applicant's § 40-252 motion to substitute the  
20 LOC for the bond.

21 Staff further believes that if the Commission were to accept the LOC in place of the bond,  
22 the Order to Show Cause would no longer be necessary.

23 WHEREFORE, Staff respectfully requests that the Order to Show Cause issued to Applicant  
24 be withdrawn.

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1           RESPECTFULLY SUBMITTED this 21<sup>st</sup> day of March, 2008.



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3  
4           Kevin O. Torrey  
5           Attorney, Legal Division  
6           Arizona Corporation Commission  
7           1200 West Washington Street  
8           Phoenix, Arizona 85007  
9           (602) 542-3402

10          Original and thirteen (13) copies  
11          of the foregoing were filed this  
12          21<sup>st</sup> day of March, 2008 with:

13          Docket Control  
14          Arizona Corporation Commission  
15          1200 West Washington  
16          Phoenix, Arizona 85007

17          Copy of the foregoing mailed this  
18          21<sup>st</sup> day of March, 2008 to:

19          Mr. Mark Leafstedt  
20          Total Call International, Inc.  
21          707 Wilshire Boulevard  
22          Los Angeles, California 90017

23          Mr. Patrick D. Crocker  
24          Early, Lennon, Crocker & Bartosiewicz, PLC  
25          900 Comerica Building  
26          Kalamazoo, Michigan 49007-4752

27          Mr. Christopher C. Kempley  
28          Chief Counsel, Legal Division  
29          Arizona Corporation Commission  
30          1200 West Washington  
31          Phoenix, Arizona 85007

32          Mr. Ernest G. Johnson  
33          Director, Utilities Division  
34          Arizona Corporation Commission  
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