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BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

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KRISTIN K. MAYES, Chairman
GARY PIERCE
PAUL NEWMAN
SANDRA D. KENNEDY
BOB STUMP

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AZ CORP COMMISSION
DOCKET CONTROL

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STAFF of the Utilities Division,

DOCKET NO. T-04172A-03-0153

Complainant,

vs.

TEL LOGIC dba QUALITY TELEPHONE

**STAFF'S MOTION TO DISMISS
COMPLAINT**

Respondent.

On December 9, 2003, the Arizona Corporation Commission ("Commission") issued Decision No. 66611, which directed Tel Logic ("Company") to file with the Commission's Compliance Section a performance bond in the amount of \$25,000 within 365 days of the order granting the company's Certificate of Convenience and Necessity ("CC&N"), or 30 days prior to beginning service.

Both time frames passed without Tel Logic having filed the bond.

On September 29, 2008, Commission Utilities Division Staff ("Staff") filed a Complaint requesting that the Commission find Tel Logic out of compliance with Decision No. 66611 and that the Company be ordered to appear before the Commission and explain the failure to comply.

On October 23, 2008, the Commission Issued Decision No. 70566, which directed the company to appear and show cause why it should not be found not in compliance with Decision No. 66611.

On January 26, 2009, the Commission Hearing Division issued a Procedural Order setting a procedural conference for February 12, 2009 and directing the Company to file a response to the Complaint on or before February 5, 2009.

The Company failed to timely file its response and did not appear at the February 12 procedural conference.

1 On February 13, 2009, the Hearing Division issued a Procedural Order noting the
2 Company's failure to respond and setting an evidentiary hearing on the matter for April 16, 2009
3 at which the Company would provide evidence as to why the Company should not be subject to
4 sanctions, including penalties and fines. The Company was further directed to file a response to
5 the Complaint on or before March 2, 2009.

6 The Company again failed to respond.

7 On March 13, 2009, Staff filed its Staff Report in this matter outlining the numerous
8 attempts Staff had made to contact the Company and to resolve the outstanding compliance issue.
9 Staff recommended at that time that the Commission revoke Tel Logic's CC&N and issue
10 sanctions against the Company.

11 On April 8, 2009, the company submitted the Compliance Section a bond in the amount of
12 \$25,000.

13 Staff has reviewed the filing and hereby provides its recommendations.

14 WHEREFORE, Staff respectfully requests that the Commission accept the bond and
15 dismiss the Order to Show Cause issued in this matter.

16 RESPECTFULLY SUBMITTED this 10th day of April, 2009.

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

23
24 Original and Thirteen (13) copies
25 of the foregoing were filed this
10th day of April, 2009 with:

26 Docket Control
27 Arizona Corporation Commission
1200 West Washington Street
28 Phoenix, Arizona 85007

1 Copy of the foregoing mailed this
2 10th day of April, 2009 to;

3 Frank McGovern, Senior Manager
4 Tel Logic dba Quality Telephone
5 600 North Pearl Street, Suite 104
6 Dallas, Texas 75201

7 **Via First Class mail and**
8 **Certified Mail / Return Receipt Requested**

9 Tel Logic dba Quality Telephone
10 Post Office Box 7310
11 Dallas, Texas 75209-0310

12 **Via First Class mail and**
13 **Certified Mail / Return Receipt Requested**

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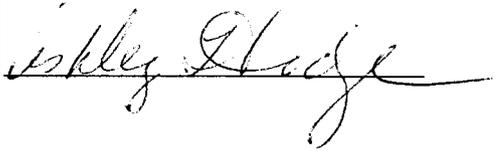
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A handwritten signature in cursive script, appearing to read "Ishtey Dodge", is written across the middle of the page. The signature is written in black ink and is positioned over the vertical line that separates the two columns of text.