



BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

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

Arizona Corporation Commission

DOCKETED

APR - 7 2009

DOCKETED BY

IN THE MATTER OF THE APPLICATION OF
GTC TELECOM FOR APPROVAL TO CANCEL
ITS CERTIFICATE OF CONVENIENCE AND
NECESSITY (CC&N) TO PROVIDE
COMPETITIVE RESOLD LOCAL EXCHANGE
TELECOMMUNICATIONS SERVICES AND
RETAIN ITS CC&N TO PROVIDE RESOLD
LONG DISTANCE TELECOMMUNICATIONS
SERVICES.

DOCKET NO. T-03717A-06-0073

DECISION NO. 70948

ORDER

Open Meeting
March 31 and April 1, 2009
Phoenix, Arizona

BY THE COMMISSION:

* * * * *

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

FINDINGS OF FACT

1. On April 3, 2000, in Decision No. 62411, GTC Telecom ("GTC") was granted a Certificate of Convenience and Necessity ("CC&N") to provide competitive resold intrastate toll telecommunications services other than local exchange services in Arizona.

2. On November 20, 2002, in Decision No. 65412, GTC was granted a CC&N to provide competitive resold local exchange telecommunications services in Arizona. In the Decision, GTC's CC&N was conditioned upon GTC's filing with the Commission, within 365 days after the Decision or 30 days before providing service, whichever came first, conforming tariffs and proof of having procured a \$25,000 performance bond. The Decision stated that GTC's failure to do either one within the prescribed timeframe would render GTC's CC&N null and void without further Order of

1 the Commission.

2 3. On February 7, 2006, GTC filed with the Commission an application to cancel its
3 CC&N to provide resold local exchange telecommunications services, granted in Decision No.
4 65412. In its application, GTC stated that it no longer intended to provide resold local exchange
5 telecommunications services in Arizona, never commenced operations as a competitive local
6 exchange provider, and had no local exchange customers in Arizona. GTC expressly requested to
7 keep its CC&N to provide resold long distance services, granted in Decision No. 62411.

8 4. Nothing further was filed in this matter until September 13, 2007, when a Procedural
9 Order was issued requiring the Commission's Utilities Division Staff ("Staff") to file an update, with
10 any appropriate recommendations, by October 4, 2007.

11 5. On November 8, 2007, Staff issued a Letter of Insufficiency and First Set of Data
12 Requests to GTC.

13 6. On January 7, 2008, GTC filed responses to the First Set of Data Requests.

14 7. In its responses to the First Set of Data Requests, GTC stated that it had not published
15 or otherwise provided legal notice of its application for cancellation, that it had never initiated
16 provision of local exchange services in Arizona, that it had never had any local exchange service
17 customers in Arizona, and that it had never filed a performance bond with the Commission.

18 8. On January 27, 2009, Staff filed its Staff Report recommending that GTC's CC&N to
19 provide competitive resold local exchange services be cancelled.

20 9. In the Staff Report, Staff stated that Staff's Compliance Section had contacted GTC in
21 January 2006 to inform GTC that it was out of compliance with Decision No. 65412 because it had
22 not filed an appropriate tariff or proof of a performance bond. According to the Staff Report, GTC
23 explained that it had not made the filings because GTC had decided not to provide competitive resold
24 local exchange service in Arizona and further explained that it had believed its CC&N granted in
25 Decision No. 65412 to be null and void. Staff stated that GTC also indicated that it had never
26 collected advances, deposits, or prepayments from customers in Arizona. Staff stated that it had
27 informed GTC that GTC should file a formal request to cancel its CC&N for resold local exchange
28 services.

1 Necessity to provide competitive resold local exchange telecommunications services in the State of
2 Arizona, granted in Decision No. 65412 (November 20, 2002), is hereby cancelled.

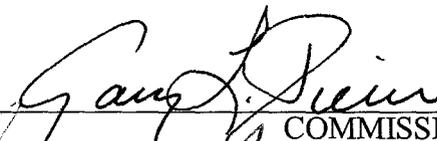
3 IT IS FURTHER ORDERED that GTC Telecom's Certificate of Convenience and Necessity
4 to provide competitive resold long distance telecommunications services in the State of Arizona,
5 granted in Decision No. 62411 (April 3, 2000), is not affected by this Decision.

6 IT IS FURTHER ORDERED that the Utilities Division shall update the compliance status for
7 Docket No. T-03717A-02-0387 consistent with the cancellation of the Certificate of Convenience and
8 Necessity granted to GTC under that Docket.

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

10 BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

11

12  CHAIRMAN  COMMISSIONER

13

14  COMMISSIONER  COMMISSIONER  COMMISSIONER

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17 IN WITNESS WHEREOF, I, MICHAEL P. KEARNS, Interim
18 Executive Director of the Arizona Corporation Commission,
19 have hereunto set my hand and caused the official seal of the
20 Commission to be affixed at the Capitol, in the City of Phoenix,
21 this 7th day of April, 2009.

22 
MICHAEL P. KEARNS
INTERIM EXECUTIVE DIRECTOR

23
24 DISSENT _____

25
26 DISSENT _____

27 SNH:db

28

1 SERVICE LIST FOR: GTC TELECOM

2 DOCKET NO.: T-03717A-06-0073

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