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BEFORE THE ARIZONA CORPORATION C

COMMISSIONERS

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

Arizona Corporation Commission
DOCKETED

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IN THE MATTER OF THE APPLICATION OF SUNESYS, LLC, FOR THE CANCELLATION OF ITS CERTIFICATE OF CONVENIENCE AND NECESSITY FOR TELECOMMUNICATIONS SERVICES.

DOCKET NO. T-20456A-08-0452

DECISION NO. 71272

ORDER

Open Meeting
August 25 and 26, 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. Sunesys, LLC ("Sunesys" or "Company") has a Certificate of Convenience and Necessity ("Certificate") to provide facilities-based interexchange, facilities-based local exchange, and private line telecommunications services within Arizona pursuant to Decision No. 70292 (April 24, 2008).

2. On August 29, 2008, the Company filed with the Commission an application for cancellation of its Certificate ("Application"). Sunesys stated that it does not provide, and has never provided service in Arizona and currently has no customers in Arizona.

3. On July 8, 2009, Staff filed its Staff Report recommending approval of Sunesys' Application.

4. The Company requests a waiver from compliance with the terms of Arizona Administrative Code ("A.A.C."), R-14-2-1107 requiring the Company to provide notice to customers of its discontinuation of service, a plan for the refund of deposits, a list of alternate providers, and to publish notice of the application. Sunesys requested a waiver of these provisions because it never

1 provided service to any customers in Arizona, does not intend to provide service in Arizona in the
2 future and has not collected any advances, prepayments and/or deposits.

3 5. Staff concurs with Sunesys' reasoning and recommends that Company compliance
4 with the provisions of A.A.C. R-14-2-1107 should be waived.

5 6. As discussed in Decision No. 67404 (November 2, 2004), it would render
6 A.A.C. R14-2-1107 meaningless and would run afoul of the rule's intent and plain language to
7 exempt a Company from the requirements of the rule because it has no customers due to its
8 discontinuation of service. However, as discussed in that Decision, the intent of the rule is to ensure
9 that existing customers have advance notice of a telecommunications provider's pending plan to
10 discontinue service such that they will be afforded an opportunity to procure service through an
11 alternative provider prior to such discontinuance.

12 7. The Company has never had any Arizona customers and did not collect any advances,
13 prepayments and/or deposits. Under these circumstances, the requirements of A.A.C. R-14-2-1107
14 should be waived.

15 8. The Commission's Consumer Services Section of the Commission's Utilities Division
16 reported that there were no customer complaints, inquiries or opinions against the Company from
17 January 1, 2005 through June 8, 2009.

18 9. The Commission's Corporations Division reported that Sunesys is in good standing.

19 10. Staff recommends approval of Sunesys' Application and cancellation of the
20 Company's Certificate.

21 11. Staff's recommendation is reasonable and should be adopted.

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. The requirements of A.A.C. R14-2-1107 should be waived in this case.

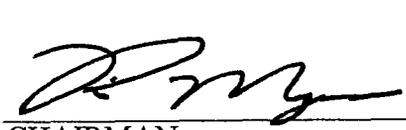
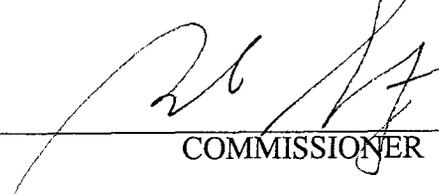
4 6. Staff's recommendation is reasonable and should be adopted.

5 **ORDER**

6 IT IS THEREFORE ORDERED that the Application of Sunesys, LLC, for the cancellation of
7 its Certificate of Convenience and Necessity to provide facilities-based interexchange, facilities-
8 based local exchange, and private line telecommunications services in Arizona is hereby approved,
9 and its Certificate of Convenience and Necessity is hereby cancelled.

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

11 BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

	
CHAIRMAN	COMMISSIONER
	
COMMISSIONER	COMMISSIONER
	
	COMMISSIONER

18 IN WITNESS WHEREOF, I, ERNEST G. JOHNSON
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 2nd day of Sept, 2009.

23 
24 ERNEST G. JOHNSON
25 EXECUTIVE DIRECTOR

26 DISSENT _____

28 DISSENT _____

1 SERVICE LIST FOR: SUNESYS, LLC
2 DOCKET NO.: T-20456A-08-0452

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