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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

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

2009 MAY 27 P 2:46

AZ CORP COMMISSION
DOCKET CONTROL

Arizona Corporation Commission

DOCKETED

MAY 27 2009

DOCKETED BY [Signature]

IN THE MATTER OF THE JOINT APPLICATION
OF ACCERIS MANAGEMENT AND
ACQUISTION LLC AND COGNIGEN
NETWORKS, INC. FOR APPROVAL OF A
TRANSFER OF ASSETS.

DOCKET NO. T-20376A-06-0795
DOCKET NO. T-04258A-06-0795

PROCEDURAL ORDER

BY THE COMMISSION:

On December 20, 2006, Acceris Management and Acquisition, LLC dba Acceris Communications dba WorldxChange ("Acceris"), jointly with and Cognigen Networks, Inc. ("Cognigen") Filed an application with the Arizona Corporation Commission ("Commission") indicating Cognigen's intent to transfer its telecommunications customer base to Acceris ("Application").

On May 11, 2007, the Commission's Utilities Division ("Staff") filed a Letter of Insufficiency and First Set of Data Requests.

On May 22, 2007, Applicants filed a response to Staff's Letter and Data Requests.

On January 14, 2009, Staff filed its Staff Report. In its Staff Report, Staff recommended approval of the transfer, and recommended that a hearing not be held on the application.

The Application indicates that Cognigen intends to discontinue service to certain of its customers in order to transfer their accounts to Acceris. However, neither the Application nor the Staff Report indicate that Cognigen has complied with A.A.C. R14-2-1107, which mandates specific requirements for any telecommunications company providing competitive local exchange or interexchange service on a resold or facilities-based basis that intends to discontinue service or to abandon all or a portion of its service area.

On February 26, 2009, a procedural order was issued in this docket indicating that the

1 Application would be processed following the docketing of an Affidavit of Compliance indicating
2 full compliance with the requirements of A.A.C. R14-2-1107.

3 On May 14, 2009, in a separate docket, (Docket No. T-20376A-05-0478) Staff filed an
4 Update in which Staff stated that Acceris has been dissolved and is no longer doing business in any
5 jurisdiction. In that Update, Staff recommended administrative closure of Docket No. T-20376A-05-
6 0478.

7 In light of the information provided to the Commission by Staff's May 14, 2009 filing in
8 Docket No. T-20376A-05-0478, Staff should make an appropriate filing in this docket indicating any
9 changes to the recommendations in its January 14, 2009 Staff Report.

10 IT IS THEREFORE ORDERED that in light of the information provided by Staff's May 14,
11 2009 filing in Docket No. T-20376A-05-0478, Staff shall, on or before June 12, 2009, make an
12 appropriate filing in this docket indicating any changes to the recommendations in its January 14,
13 2009 Staff Report.

14 IT IS FURTHER ORDERED that the Administrative Law Judge may rescind, alter, amend,
15 or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling
16 at hearing.

17 DATED this 27th day of May, 2009.

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22 TEENA WOLFE
23 ADMINISTRATIVE LAW JUDGE
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1 Copies of the foregoing mailed/delivered
2 this 27th day of May, 2009 to:

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18 By: 
19 Debra Broyles
20 Secretary to Teena Wolfe

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