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MEMORANDUM
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FROM: Ernest G. Johnson
Director
Er Utilities Division

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AZ CORP COMMISSION
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Arizona Corporation Commission
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JUL - 9 2009

DATE: July 9, 2009

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| DOCKETED BY | <i>MS</i> |
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RE: CURATEL, LLC - REQUEST FOR EXTENSION OF COMPLIANCE DEADLINE
(DOCKET NO. T-20579A-08-0084)

In Decision No. 70983, dated May 5, 2009, the Arizona Corporation Commission ("Commission") approved the application of Curatel, LLC ("Curatel" or "Company") for approval of a Certificate of Convenience and Necessity ("CC&N") to provide competitive resold long distance, resold local exchange, facilities-based long distance and facilities-based local exchange telecommunications services in Arizona.

As part of Decision No. 70983, the Commission ordered the following:

"... Curatel should procure either a performance bond or an irrevocable sight draft letter of credit equal to \$235,000."

"... Curatel should docket proof of the original performance bond or irrevocable sight draft letter of credit with the Commission's Business Office and copies of the performance bond or irrevocable sight draft letter of credit with Docket Control, as a compliance item in this docket, within 30 days of the effective date of a Decision in this matter."

On June 3, 2009, the Company filed a request for extension on the above compliance deadline relating to the performance bond/irrevocable sight draft letter of credit. The application stated that the Company has been pursuing a performance bond but would not be able to meet the 30 day deadline due to administrative delays with the surety company. The Company promised to continue to seek the bond and provide it to the Commission as soon as it was received, but applied for approval of a 30 day extension of time for provision of the bond.

On July 6, 2009, Staff had a conversation with Mr. Mike Hallam, counsel for Curatel, to discuss the request for extension. Mr. Hallam stated that the Company was able to secure the bond and had, in fact, docketed it on July 2, 2009. Staff obtained a copy of the bond which was issued by Platte River Insurance Company on July 2, 2009. Staff confirmed that the bond was executed for Curatel, LLC and in the proper amount of \$235,000.

As the bond has been docketed, the requirement for delivery of the bond has now been met. However, based on the original 30 day deadline set forth in Decision No. 70983, the due date for

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filing the bond was on or about June 5, 2009. This due date was not met and was the subject of the pending request for extension of time through approximately July 5, 2009.

Staff therefore recommends that the Commission retroactively approve the Company's request for extension of time until July 5, 2009.

EGJ:BKB:lh

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DOCKET NO. T-20579A-08-0084

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