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MEMORANDUM
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TO: Docket Control 2009 JUL 16 P 12: 32
FROM: Ernest G. Johnson *EA for EGJ*
Director ARIZONA CORPORATION COMMISSION
Utilities Division DOCKET CONTROL

DATE: July 16, 2009

RE: IN THE MATTER OF THE APPLICATION OF TEL WEST COMMUNICATIONS L.L.C. FOR APPROVAL TO CANCEL THEIR CERTIFICATE OF CONVENIENCE AND NECESSITY FOR TELECOMMUNICATION SERVICES. (DOCKET NO. T-03592A-08-0414)

IN THE MATTER OF THE APPLICATION OF TEL WEST COMMUNICATIONS L.L.C. FOR APPROVAL TO CANCEL THEIR CERTIFICATE OF CONVENIENCE AND NECESSITY (DOCKET NO. T-03592A-09-0246)

On July 7, 2008, Staff received an email from Tel West Communications L.L.C. ("Tel West") in which Tel West states that it, "... has determined, and by this letter notifies you, that the telecommunications services provided by Tel West in the State of Arizona may be terminated thirty (30) days after the date of end user notification. It is our intention to not physically disconnect our end users but to work with each customer individually to assist them in converting their existing service(s) to new providers." Tel West further stated: "At this time, we are requesting approval of the attached Customer Notifications and Timeline as a non-dominant carrier of both business and non-business end users." Tel West was granted a Certificate of Convenience and Necessity ("CC&N") to provide local exchange telecommunications service as a reseller in Decision No. 61674, dated July 10, 1998.

After unsuccessful attempts to persuade Tel West to docket an application to cancel its CC&N, Staff filed the email request on August 5, 2008. The item was assigned Docket No. T-03592A-08-0414. On May 19, 2009, Tel West filed an application to cancel its CC&N to provide local and long distance service in Arizona. The item was assigned Docket No. T-03592A-09-0246.

On May 28, 2009, Staff filed a Memorandum that recommended that the application filed in Docket No. T-03592A-09-0246 be filed in Docket No. T-03592A-08-0414 and that Docket No. T-03592A-09-0246 be closed. In the alternative, Staff recommended that the matters be consolidated. On June 18, 2009, Docket Nos. T-03592A-08-0414 and T-03592A-09-0246 were consolidated by Procedural Order.

Arizona Corporation Commission
DOCKETED

JUL 16 2009

DOCKETED BY *[Signature]*

On June 5, 2009, Staff requested and received the following clarifications from Tel West via email:

1. Tel West mistakenly requested cancellation of its local and long distance CC&N. Tel West was granted only a CC&N to provide resold local exchange service by the Commission.
2. Tel West headquarters moved its headquarters from Seattle, Washington to Austin, Texas.

With its May 19, 2009 application, Tel West filed an affidavit stating that Tel West has no customers in Arizona and holds no customer deposits. Since Tel West does not have any customers to notice and Arizona customers will not be impacted by the withdrawal of Tel West's CC&N, Staff recommends that the notice requirements of A.A.C. R14-2-1107 be waived.

Staff recommends approval of Tel West's applicant to cancel its CC&N. Upon cancellation of its CC&N, Tel West will no longer be authorized to provide resold long distance telecommunications services in Arizona. Therefore, Tel West will no longer be subject to the requirements of Decision No. 61674. In addition, Staff recommends withdrawal of Tel West's tariffs on file with the Commission.

EGJ:AFF:red

Originator: Armando Fimbres

Attachment: Original and Thirteen Copies

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DOCKET NOS. T-03592A-08-0414, T-03592A-09-0246

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