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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

Arizona Corporation Commission

DOCKETED

2004 JAN 26 A 9:36

- MARC SPITZER, Chairman
- WILLIAM A. MUNDELL
- JEFF HATCH-MILLER
- MIKE GLEASON
- KRISTIN K. MAYES

JAN 26 2004

AZ CORP COMMISSION DOCUMENT CONTROL

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IN THE MATTER OF THE APPLICATION OF OCMC, INC. TO OBTAIN A CERTIFICATE OF CONVENIENCE AND NECESSITY FROM ONE CALL COMMUNICATIONS, INC. DBA OPTICOM TO PROVIDE TELECOMMUNICATIONS SERVICES AS A PROVIDER OF RESOLD INTEREXCHANGE SERVICES AND ALTERNATIVE OPERATOR SERVICES WITHIN THE STATE OF ARIZONA.

DOCKET NO. T-04103A-02-0274  
T-02565A-02-0274

PROCEDURAL ORDER

**BY THE COMMISSION:**

On April 9, 2002, OCMC, Inc. ("OCMC") filed with the Arizona Corporation Commission ("Commission") an application for a Certificate of Convenience and Necessity ("Certificate") to provide resold interexchange services and alternative operator services in the State of Arizona ("Application").

On September 20, 2002, the Commission's Utilities Division ("Staff") filed its Staff Report.

On September 24, 2002, Staff filed a Motion for Stay of Proceedings. In the Motion, Staff stated that the Federal Communications Commission ("FCC") issued a "Notice of Apparent Liability for Forfeiture" ("NAL"). Staff was unaware of this proceeding and requested that this proceeding be stayed so that Staff could conduct further discovery regarding the NAL. No objections to Staff's Motion were filed.

By Procedural Order dated October 15, 2002, Staff's Motion for Stay was granted and the time clock provisions of A.A.C. R14-2-510(E) were stayed to permit Staff additional time to conduct further discover.

On Janaury 8, 2004, OCMC filed a Motion to Lift Stay and Notice of Substitution of Counsel. In the Motion, OCMC states that it entered into a Consent Decree with the FCC, which resolves all issues relating to the NAL and terminates the FCC's investigation. Additionally, OCMC's Motion indicates that the FCC has consented to its acquisition of the assets of One Call Communications, Inc.

1 No objections to OCMC's Motion were filed.

2 IT IS THEREFORE ORDERED that OCMC's Motion to Lift Stay is granted.

3 IT IS FURTHER ORDERED that Staff shall submit an Amended Staff Report by **February**  
4 **25, 2004**, which provides its recommendation with regard to: (1) approval of OCMC's Application  
5 in light of the information submitted in conjunction with OCMC's Motion; (2) whether the transfer of  
6 assets from One Call Communications, Inc. to OCMC is subject to the provisions of A.R.S. § 40-285;  
7 and (3) if the transfer is subject to that statutory provision, whether the transfer should receive  
8 retroactive approval.

9 Dated this 21<sup>st</sup> day of January, 2004.

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11   
12 AMANDA POPE  
13 ADMINISTRATIVE LAW JUDGE

14 Copies of the foregoing mailed/delivered  
15 this 26 day of January, 2004 to:

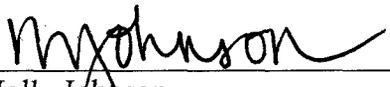
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