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MEMORANDUM

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FROM: Steven M. Olea
Director
Utilities Division

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Arizona Corporation Commission

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SEP 18 2009

AZ CORP COMMISSION
DOCKET CONTROL

DATE: September 18, 2009



RE: **UPDATE - IN THE MATTER OF THE APPLICATION OF NORTH COUNTY COMMUNICATIONS CORPORATION, FOR APPROVAL OF A TRANSFER OF CONTROL OF FACILITIES-BASED AND RESOLD LOCAL EXCHANGE AND INTER/INTRALATA TELECOMMUNICATIONS (DOCKET NO. T-03335A-07-0410)**

On July 3, 2007, North County Communications Corporation ("North County") filed an Application for approval to transfer its Certificate of Convenience and Necessity ("CC&N") to provide facilities-based and resold local exchange and inter/intraLATA telecommunications services within the State of Arizona to North County Communications of Arizona ("North County Arizona").

According to the Application, North County was incorporated under the laws of California on September 26, 1990. Staff has confirmed, as noted in the Application, that North County received its CC&N on December 14, 1999 in Decision No. 62128.

The Application further states that North County Arizona is a California Corporation with its principal business office located at the same address as North County. North County Arizona was organized on October 12, 2006 as indicated by the copy of its Certificate of Formation in Exhibit 1 of the Application. North County Arizona received authority to transact business in Arizona as evidence by the copy of its Foreign Business Authorization, (Exhibit 2 of the Application).

The Application also states that on June 8, 2007, the telecommunications license assets of North County were transferred to North County Arizona. North County was operating in Arizona before June 8, 2007. In support of the proposed transfer of ownership, North County Arizona will become owner of the telecommunications license assets and have authority to provide facilities-based and resold local exchange and inter/intraLATA services.

On December 4, 2007, Staff discussed the Application with and sent an e-mail to Richard Newman, Attorney of Klein Zelman Rothermel LLP, Legal Counsel to North County. The e-mail provided instructions to North County on the method to change the Application to provide a name change. On December 13, 2007, Staff received and docketed a tariff entitled North County Communications Corporation of Arizona. Staff reviewed the tariff and determined that it did not

represent the North County's tariff currently on file with the Commission. Staff informed Louise (last name not provided) of Klein Zelman Rothermel LLP that Staff needed a letter amending the Application and that the tariff submitted on December 13, 2007, does not reflect North County's current tariff on file with the Commission.

On June 17, 2008, Staff received a letter and a copy of the proposed name changed tariff from Richard Newman. The letter requested that the docket be amended from a transfer to a name change matter.

On August 14, 2009, the Hearing Division of the Commission issued a Procedural Order requesting Staff to provide an update on this docket. The Procedural Order also instructed Staff to include any appropriate recommendations.

On August 19, 2009 Staff contacted North County's Legal Counsel regarding a perceived ambiguity in the intent of the Application. North County's Legal Counsel informed Staff on September 8, 2009, that North County plans to amend its Application.

Staff will review the amended Application, submit data requests as needed, and prepare a Staff Report in the future. Therefore, Staff recommends that this matter not be closed.

SMO:JFB:kdh

Originator: John F. Bostwick

Attachment: Original and Thirteen Copies

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