



BEFORE THE ARIZONA CORPORATION CO

COMMISSIONERS

Arizona Corporation Commission
DOCKETED

JAN 26 2010

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

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IN THE MATTER OF THE AMENDED APPLICATION OF CVC CLEC, LLC, FOR APPROVAL OF A CERTIFICATE OF CONVENIENCE AND NECESSITY TO PROVIDE RESOLD LOCAL EXCHANGE AND FACILITIES-BASED LOCAL EXCHANGE TELECOMMUNICATIONS SERVICES.

DOCKET NO. T-20646A-09-0005

DECISION NO. 71477

ORDER EXTENDING TIME DEADLINE CONTAINED IN DECISION NO. 71329

Open Meeting
January 12 and 13, 2010
Phoenix, Arizona

BY THE COMMISSION:

* * * * *

Having considered the entire record herein and being fully advised in the premises, the Commission finds, concludes, and orders that:

FINDINGS OF FACT

1. On October 30, 2009, the Arizona Corporation Commission ("Commission") issued Decision No. 71329 which approved the application of CVC CLEC, LLC ("Company" or "Applicant") for a Certificate of Convenience and Necessity ("Certificate") to provide competitive resold local exchange and facilities-based long distance telecommunications services in Arizona.

2. The Commission's approval was conditioned upon the Company procuring and filing a copy of the following documents in a timely fashion:

- that the Company should procure either a performance bond or an irrevocable sight draft letter of credit equal to \$125,000; and
- that the Company should docket proof of the original performance bond or irrevocable sight draft letter of credit with the Commission's Business Office and 13 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. The performance bond or irrevocable sight draft letter of credit must remain in effect until further order of the Commission.

3. The Company's due date for its compliance filing of the document and copies was on November 30, 2009.

4. On November 25, 2009, the Company filed a Motion to Extend Time ("Motion") for 30 days in order to file the above-referenced documentation, until December 30, 2009.

5. The Company's Motion stated that, in organizing the letter of credit, the bank addressed several questions about the proper language for the letter of credit. The Company indicates that they answered all of the bank's questions when they were apprised of them, but stated that they were uncertain that the filing could be made by the November 30, 2009 due date, and requested the 30-day extension of the filing deadline.

6. On December 18, 2009, the Commission's Utilities Division ("Staff") filed its response which recommended approval of the Company's Motion for a total of 60 days indicating that the delay experienced by the Company had been verified during a telephone conversation between Staff and the Company's attorney.

7. Staff is recommending approval of the Company's request for a total extension of 60 days, until January 30, 2010.

8. We believe that the Company's Motion for an extension of time to comply with Decision No. 71329 is reasonable and should be granted as recommended by Staff.

CONCLUSIONS OF LAW

1. The Company is a public service corporation within the meaning of Article XV of the Arizona Constitution and A.R.S. §§ 40-281, 40-282 and 40-285.

2. The Commission has jurisdiction over the Company and the subject matter of the Motion.

3. The Company's request for an extension of time should be granted.

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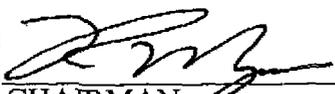
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ORDER

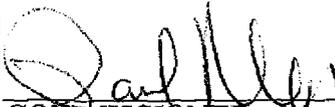
IT IS THEREFORE ORDERED that the compliance requirement that CVC CLEC, LLC file a copy of either a performance bond or an irrevocable sight draft letter of credit equal to \$125,000 as required by Decision No. 71329 shall be extended to January 30, 2010.

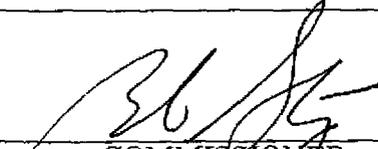
IT IS FURTHER ORDERED that this Decision shall become effective immediately.

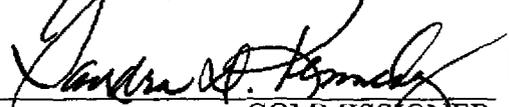
BY ORDER OF THE ARIZONA CORPORATION COMMISSION.


CHAIRMAN


COMMISSIONER


COMMISSIONER


COMMISSIONER


COMMISSIONER

IN WITNESS WHEREOF, I, ERNEST G. JOHNSON, Executive Director of the Arizona Corporation Commission, have hereunto set my hand and caused the official seal of the Commission to be affixed at the Capitol, in the City of Phoenix, this 24th day of January, 2010.


ERNEST G. JOHNSON
EXECUTIVE DIRECTOR

DISSENT _____

DISSENT _____

MES:db

1 SERVICE LIST FOR: CVC CLEC, LLC

2 DOCKET NO.: T-20646A-09-0005

3 Michael T. Hallam
4 LEWIS & ROCA, LLP
40 North Central Avenue, Suite 1900
5 Phoenix, AZ 85004

6 Mark Foster, Esq.
MARK FOSTER, ATTORNEY-AT-LAW
7 702 Rio Grande Street
Austin, TX 78701

8 Janice Alward, Chief Counsel
9 Legal Division
ARIZONA CORPORATION COMMISSION
10 1200 West Washington Street
Phoenix, AZ 85007

11 Steven M. Olea, Director
12 Utilities Division
ARIZONA CORPORATION COMMISSION
13 1200 West Washington Street
Phoenix, AZ 85007

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