

ORIGINAL

SUNESYS



0000110442

Direct Dial: 267.927.2071
E-mail: gragnoli@sunesys.com

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ARIZONA CORPORATION COMMISSION
DOCKET CONTROL

VIA FEDERAL EXPRESS

April 21, 2010

Arizona Corporation Commission
Attn: Business Office – Utilities Division
1200 West Washington Street
Phoenix, AZ 85007

Re: Sunesys, LLC – Docket No. T-20456A-08-0452
Cancellation of CCN / Decision No. 71272
REQUEST FOR RELEASE OF BOND

Dear Sir or Madam:

We are writing to request a release of Performance Bond No. [REDACTED]. A copy of this bond is attached for your reference.

Also attached is a copy of the Docket which approves cancellation of the Sunesys Certificate of Convenience and Necessity for Telecommunications Services.

If you should have any questions, please contact me at (267) 927 – 2071.

I very much appreciate your help with this matter.

Sincerely,

Gena Ragnoli
Paralegal

Cc: Arizona Corporations Commission – Docket Control (w/encl)

Arizona Corporation Commission
DOCKETED

APR 28 2010

DOCKETED BY

SUNESYS, LLC
185 Titus Avenue, Warrington, PA 18976
Phone: 267.927.2000 Fax: 267.927.2099

PERFORMANCE BOND

(Miscellaneous, not Construction)

BOND NO.

KNOW ALL MEN BY THESE PRESENTS, That we, Sunesys, LLC, as Principal, (hereinafter called "Principal"), Federal Insurance Company, a Indiana corporation, as Surety (hereinafter called "Surety"), are held and firmly bound unto Arizona Corporation Commission, as Oblige, in the full and just sum of Two Hundred Thousand and 00/100 U.S. Dollars (\$200,000.00) to be paid to the said Oblige or its successors or assigns for which payment, well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS the Principal has entered into an Opinion and Order granting to Oblige a certificate of public convenience and necessity to provide facilities based long distance, facilities based local exchange, and private line telecommunications service within the State of Arizona, in reference to docket number T-20456A-06-0566 as is more specifically set forth in said Opinion and Order, to which reference is hereby made.

NOW, THEREFORE, THE CONDITION OF THE OBLIGATION IS SUCH, that if the Principal shall well and truly perform and carry out the covenants, terms and conditions of said Opinion and Order, then this obligation to be void; otherwise to remain in full force and effect.

Signed this 19th day of May, 2008.

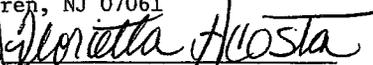
SUNESYS, LLC

(Principal)

By: 

[Surety]

Federal Insurance Company
15 Mountain View Road
Warren, NJ 07061

By: 
Florietta Acosta, Attorney-In-Fact



Chubb
Surety

POWER
OF
ATTORNEY

Federal Insurance Company
Vigilant Insurance Company
Pacific Indemnity Company

Attn: Surety Department
15 Mountain View Road
Warren, NJ 07059

Know All by These Presents, That FEDERAL INSURANCE COMPANY, an Indiana corporation, VIGILANT INSURANCE COMPANY, a New York corporation, and PACIFIC INDEMNITY COMPANY, a Wisconsin corporation, do each hereby constitute and appoint joint Gloria C. Blackburn of Dallas, Texas and Florietta Acosta, Donald E. Appleby, Dilynn Guern, Susan J. Lattarulo, Kristen McCormick, Kevin W. McMahon, Frank C. Penn, J.R. Richards, James S. Rosulek and Lisa T. Solove of Denver, Colorado

each as their true and lawful Attorney- in- Fact to execute under such designation in their names and to affix their corporate seals to and deliver for and on their behalf as surety thereon or otherwise, bonds and undertakings and other writings obligatory in the nature thereof (other than bail bonds) given or executed in the course of business, and any instruments amending or altering the same, and consents to the modification or alteration of any instrument referred to in said bonds or obligations.

In Witness Whereof, said FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY have each executed and attested these presents and affixed their corporate seals on this 26th day of October, 2005

Kenneth C. Wendel, Assistant Secretary

John P. Smith, Vice President

STATE OF NEW JERSEY
ss.
County of Somerset

On this 26th day of October, 2005 before me, a Notary Public of New Jersey, personally came Kenneth C. Wendel, to me known to be Assistant Secretary of FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY, the companies which executed the foregoing Power of Attorney, and the said Kenneth C. Wendel, being by me duly sworn, did depose and say that he is Assistant Secretary of FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY and knows the corporate seals thereof, that the seals affixed to the foregoing Power of Attorney are such corporate seals and were thereto affixed by authority of the By- Laws of said Companies; and that he signed said Power of Attorney as Assistant Secretary of said Companies by like authority; and that he is acquainted with John P. Smith, and knows him to be Vice President of said Companies; and that the signature of John P. Smith, subscribed to said Power of Attorney is in the genuine handwriting of John P. Smith, and was thereto subscribed by authority of said By- Laws and in deponent's presence.

Notarial Seal



STEPHEN B. BRADT
Notary Public, State of New Jersey
No. 2321097
Commission Expires Oct. 25, 2009

Notary Public

CERTIFICATION

Extract from the By- Laws of FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY:

"All powers of attorney for and on behalf of the Company may and shall be executed in the name and on behalf of the Company, either by the Chairman or the President or a Vice President or an Assistant Vice President, jointly with the Secretary or an Assistant Secretary, under their respective designations. The signature of such officers may be engraved, printed or lithographed. The signature of each of the following officers: Chairman, President, any Vice President, any Assistant Vice President, any Secretary, any Assistant Secretary and the seal of the Company may be affixed by facsimile to any power of attorney or to any certificate relating thereto appointing Assistant Secretaries or Attorneys- in- Fact for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, and any such power of attorney or certificate bearing such facsimile signature or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by such facsimile signature and facsimile seal shall be valid and binding upon the Company with respect to any bond or undertaking to which it is attached."

I, Kenneth C. Wendel, Assistant Secretary of FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY (the "Companies") do hereby certify that

- (i) the foregoing extract of the By- Laws of the Companies is true and correct,
- (ii) the Companies are duly licensed and authorized to transact surety business in all 50 of the United States of America and the District of Columbia and are authorized by the U.S. Treasury Department; further, Federal and Vigilant are licensed in Puerto Rico and the U.S. Virgin Islands, and Federal is licensed in American Samoa, Guam, and each of the Provinces of Canada except Prince Edward Island; and
- (iii) the foregoing Power of Attorney is true, correct and in full force and effect.

Given under my hand and seals of said Companies at Warren, NJ this 19th day of May, 2008



Kenneth C. Wendel, Assistant Secretary

IN THE EVENT YOU WISH TO NOTIFY US OF A CLAIM, VERIFY THE AUTHENTICITY OF THIS BOND OR NOTIFY US OF ANY OTHER MATTER, PLEASE CONTACT US AT ADDRESS LISTED ABOVE, OR BY Telephone (908) 903- 3493 Fax (908) 903- 3656 e-mail: surety@chubb.com

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BEFORE THE ARIZONA CORPORATION

COMMISSIONERS

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

Arizona Corporation Commission
DOCKETED

SEP - 3 2009

DOCKETED BY NR

IN THE MATTER OF THE APPLICATION
OF SUNESYS, LLC, FOR THE CANCELLATION
OF ITS CERTIFICATE OF CONVENIENCE AND
NECESSITY FOR TELECOMMUNICATIONS
SERVICES.

DOCKET NO. T-20456A-08-0452

DECISION NO. 71272

ORDER

Open Meeting
August 25 and 26, 2009
Phoenix, Arizona

BY THE COMMISSION:

Having considered the entire record herein and being fully advised in the premises, the Arizona Corporation Commission ("Commission") finds, concludes, and orders that:

FINDINGS OF FACT

1. Sunesys, LLC ("Sunesys" or "Company") has a Certificate of Convenience and Necessity ("Certificate") to provide facilities-based interexchange, facilities-based local exchange, and private line telecommunications services within Arizona pursuant to Decision No. 70292 (April 24, 2008).

2. On August 29, 2008, the Company filed with the Commission an application for cancellation of its Certificate ("Application"). Sunesys stated that it does not provide, and has never provided service in Arizona and currently has no customers in Arizona.

3. On July 8, 2009, Staff filed its Staff Report recommending approval of Sunesys' Application.

4. The Company requests a waiver from compliance with the terms of Arizona Administrative Code ("A.A.C."), R-14-2-1107 requiring the Company to provide notice to customers of its discontinuation of service, a plan for the refund of deposits, a list of alternate providers, and to publish notice of the application. Sunesys requested a waiver of these provisions because it never

1 provided service to any customers in Arizona, does not intend to provide service in Arizona in the
2 future and has not collected any advances, prepayments and/or deposits.

3 5. Staff concurs with Sunesys' reasoning and recommends that Company compliance
4 with the provisions of A.A.C. R-14-2-1107 should be waived.

5 6. As discussed in Decision No. 67404 (November 2, 2004), it would render
6 A.A.C. R14-2-1107 meaningless and would run afoul of the rule's intent and plain language to
7 exempt a Company from the requirements of the rule because it has no customers due to its
8 discontinuation of service. However, as discussed in that Decision, the intent of the rule is to ensure
9 that existing customers have advance notice of a telecommunications provider's pending plan to
10 discontinue service such that they will be afforded an opportunity to procure service through an
11 alternative provider prior to such discontinuance.

12 7. The Company has never had any Arizona customers and did not collect any advances,
13 prepayments and/or deposits. Under these circumstances, the requirements of A.A.C. R-14-2-1107
14 should be waived.

15 8. The Commission's Consumer Services Section of the Commission's Utilities Division
16 reported that there were no customer complaints, inquiries or opinions against the Company from
17 January 1, 2005 through June 8, 2009.

18 9. The Commission's Corporations Division reported that Sunesys is in good standing.

19 10. Staff recommends approval of Sunesys' Application and cancellation of the
20 Company's Certificate.

21 11. Staff's recommendation is reasonable and should be adopted.

22 CONCLUSIONS OF LAW

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

25 2. The Commission has jurisdiction over the Company and the subject matter of the
26 Application.

27 3. The cancellation of the Company's Certificate is in the public interest.
28

1 4. Pursuant to A.R.S. § 40-282, the Commission may issue decisions regarding
2 Certificates of Convenience and Necessity for certain telecommunication services without a hearing.

3 5. The requirements of A.A.C. R14-2-1107 should be waived in this case.

4 6. Staff's recommendation is reasonable and should be adopted.

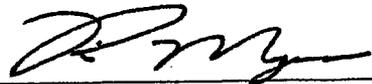
5 **ORDER**

6 IT IS THEREFORE ORDERED that the Application of Sunesys, LLC, for the cancellation of
7 its Certificate of Convenience and Necessity to provide facilities-based interexchange, facilities-
8 based local exchange, and private line telecommunications services in Arizona is hereby approved,
9 and its Certificate of Convenience and Necessity is hereby cancelled.

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

11 BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

12

13  _____

14 CHAIRMAN  _____

15 COMMISSIONER

16  _____

17 COMMISSIONER  _____

18 COMMISSIONER  _____

19 COMMISSIONER

18 IN WITNESS WHEREOF, I, ERNEST G. JOHNSON
19 Executive Director of the Arizona Corporation Commission,
20 have hereunto set my hand and caused the official seal of the
21 Commission to be affixed at the Capitol, in the City of Phoenix,
22 this 2nd day of Sept., 2009.

23  _____
24 ERNEST G. JOHNSON
25 EXECUTIVE DIRECTOR

26 DISSENT _____

28 DISSENT _____