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BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

DOCKETED

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COMMISSIONERS

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

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IN THE MATTER OF THE APPLICATION
OF BCGI COMMUNICATIONS CORP. FOR THE
CANCELLATION OF ITS CERTIFICATE OF
CONVENIENCE AND NECESSITY FOR
TELECOMMUNICATIONS SERVICES.

DOCKET NO. T-03823A-08-0428

DECISION NO. 71626

ORDER

Open Meeting
March 31 and April 1, 2010
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. BCGI Communications Corp. ("BCGI" or "Company") has a Certificate of Convenience and Necessity ("CC&N") to provide competitive intrastate interexchange telecommunications services within Arizona pursuant to Decision No. 62719 (June 30, 2000).

2. On August 12, 2008, the Company filed with the Commission an application for cancellation of its CC&N ("Application"). BCGI stated that it does not provide, and has never provided service in Arizona and currently has no customers in Arizona.

3. On January 29, 2010, the Commission's Utilities Division Staff ("Staff") filed its Staff Report recommending approval of the 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. BCGI requested a waiver of these provisions because it never

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1 provided service to any customers in Arizona and, because it has not had any customers, the
2 Company has not collected any advances, prepayments and/or deposits.

3 5. Staff concurs with BCGI's reasoning and recommends that Company compliance with
4 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 A.A.C.
6 R14-2-1107 meaningless and would run afoul of the rule's intent and plain language to exempt a
7 Company from the requirements of the rule because it has no customers due to its discontinuation of
8 service. However, as discussed in that Decision, the intent of the rule is to ensure that existing
9 customers have advance notice of a telecommunications provider's pending plan to discontinue
10 service such that they will be afforded an opportunity to procure service through an alternative
11 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, 2006, through November 5, 2009. According to Staff, Consumer Services reported that
18 BCGI's license to do business in Arizona was revoked on September 30, 2003, by the Commission's
19 Corporations Division for failure to file annual reports.

20 9. Staff recommends approval of BCGI's Application and cancellation of the Company's
21 CC&N and its A.C.C. Tariff No. 1.

22 10. Staff's recommendation is reasonable and should be adopted.

23 CONCLUSIONS OF LAW

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

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

28 3. The cancellation of the Company's CC&N is in the public interest.

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 BCGI Communications Corp. for the
7 cancellation of its Certificate of Convenience and Necessity to provide competitive intrastate
8 interexchange telecommunications services in Arizona is hereby approved, and its Certificate of
9 Convenience and Necessity and its A.C.C. Tariff No. 1 are hereby cancelled.

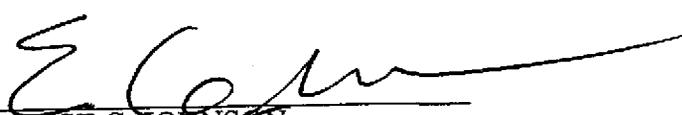
10 IT IS FURTHER ORDERED that this Decision shall become effective immediately.

11 BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

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14 CHAIRMAN COMMISSIONER

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17 COMMISSIONER COMMISSIONER 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 14th day of April, 2010.

23 
24 ERNEST G. JOHNSON
25 EXECUTIVE DIRECTOR

26 DISSENT _____

27
28 DISSENT _____

1 SERVICE LIST FOR: BCGI COMMUNICATIONS CORP.

2 DOCKET NO.: T-03823A-08-0428

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4 John W. MacSweeney
BOSTON COMMUNICATIONS GROUP, INC.
100 Crosby Drive, Suite 210
5 Bedford, MA 01730

6 Janet Alward, Chief Counsel
Legal Division
7 ARIZONA CORPORATION COMMISSION
1200 West Washington Street
8 Phoenix, AZ 85007

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

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