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BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

DOCKETED

SEP 28 2010

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 JLS MARKETING DBA JLS FOR APPROVAL  
 OF CANCELLATION OF ITS CERTIFICATE OF  
 CONVENIENCE AND NECESSITY FOR  
 RESOLD LONG DISTANCE  
 TELECOMMUNICATIONS SERVICES.

DOCKET NO. T-04140A-08-0435

DECISION NO. 71909

ORDER

Open Meeting  
 September 21 and 22, 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. JLS Marketing d/b/a JLS ("JLS" or "Company") has a Certificate of Convenience and Necessity ("Certificate") to provide resold long distance telecommunications services in Arizona pursuant to Decision No. 65988 (June 17, 2003).

2. On August 20, 2008, the Company filed with the Commission an application for cancellation of its Certificate ("Application"). JLS stated that it no longer intends to provide service in Arizona and currently has no customers in Arizona.

3. On June 23, 2009, the Commission's Utilities Division Staff ("Staff") sent its First Set of Data Requests to JLS.

4. According to Staff, on September 29, 2009, JLS sent to Staff its responses to the Data Requests to Staff via email.

5. On July 21, 2010, Staff filed its Staff Report recommending approval of JLS' Application.

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1           6.       According to JLS, it ceased service to its last customer on September 1, 2005, three  
2 years prior to filing the Application. The Company also stated that it does not have employees or  
3 facilities in Arizona.

4           7.       Staff verified with the Company that it did not collect advances, deposits and/or  
5 prepayments from its former customers.

6           8.       The Commission's Consumer Services Section of the Commission's Utilities Division  
7 reported that there were no customer complaints, inquiries or opinions against the Company from  
8 January 1, 2005 through October 2, 2009, and Staff noted that the Company is in good standing with  
9 the Commission's Corporations Division.

10          9.       The Company did not comply with the terms of Arizona Administrative Code  
11 ("A.A.C.") R-14-2-1107, requiring the Company to provide notice to customers of its discontinuation  
12 of service, a plan for the refund of deposits, a list of alternate providers, and to publish notice of the  
13 application. Staff states, "JLS does not need to comply with the requirements of A.A.C. R14-02-  
14 1107 because JLS does not have any customers in Arizona."<sup>1</sup>

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

22          11.      The Company has no Arizona customers and did not collect any advances, deposits  
23 and/or prepayments. Under these circumstances, the requirements of A.A.C. R-14-2-1107 should be  
24 waived.

25          12.      Staff recommends approval of JLS' Application and cancellation of the Company's  
26 Certificate.

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28 <sup>1</sup> Staff Report dated July 21, 2010, page 1.

1 13. Staff's recommendations are reasonable and should be adopted.

2 **CONCLUSIONS OF LAW**

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

5 2. The Commission has jurisdiction over the Company and the subject matter of the  
6 Application.

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

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

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

11 6. Staff's recommendations are reasonable and should be adopted.

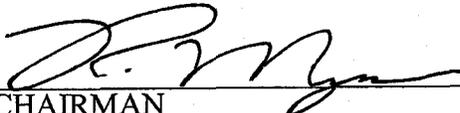
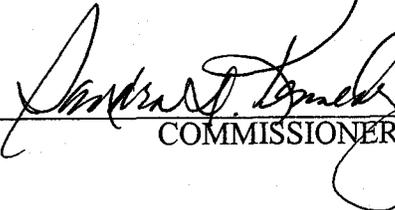
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**ORDER**

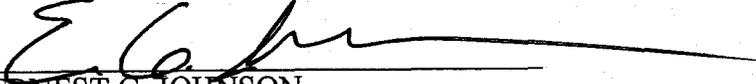
IT IS THEREFORE ORDERED that the Application of JLS Marketing d/b/a JLS for the cancellation of its Certificate of Convenience and Necessity to provide long distance telecommunications services in Arizona is approved, and its Certificate of Convenience and Necessity is cancelled.

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

BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

	COMMISSIONER		
CHAIRMAN			
	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 28<sup>th</sup> day of Sept., 2010.

  
ERNEST G. JOHNSON  
EXECUTIVE DIRECTOR

DISSENT \_\_\_\_\_

DISSENT \_\_\_\_\_

1 SERVICE LIST FOR: JLS MARKETING DBA JLS

2 DOCKET NO.: T-04140A-08-0435

3  
4 Susan Sampley  
4 JLS MARKETING  
5 2024 North 125<sup>th</sup> Avenue  
5 Avondale, AZ 85323

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

9 Ernest G. Johnson, Director  
10 Utilities Division  
10 ARIZONA CORPORATION COMMISSION  
11 1200 West Washington Street  
11 Phoenix, AZ 85007

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