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BEFORE THE ARIZONA CORPORATION C

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COMMISSIONERS

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

Arizona Corporation Commission

DOCKETED

DEC 10 2010

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IN THE MATTER OF THE APPLICATION OF
BANDWIDTH.COM CLEC, LLC. TO CANCEL
ITS CERTIFICATE OF CONVENIENCE AND
NECESSITY TO PROVIDE COMPETITIVE
RESOLD LOCAL EXCHANGE
TELECOMMUNICATIONS SERVICES IN
ARIZONA.

DOCKET NO. T-20562A-10-0221

DECISION NO. 72019

ORDER

Open Meeting
November 22 and 23, 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. In Commission Decision No. 71117 (June 5, 2009),¹ the Arizona Corporation Commission (“Commission”) granted Bandwidth.com CLEC, LLC. (“Bandwidth” or “Company”) a Certificate of Convenience and Necessity (“CC&N”) to provide resold local and resold long distance and facilities-based resold local exchange and facilities-based long distance telecommunications services within the State of Arizona.

2. On June 4, 2010, Bandwidth filed an application with the Commission requesting to cancel its authority under its CC&N to provide facilities-based long distance and resold local exchange telecommunications service in Arizona. The application states Bandwidth will retain its CC&N authority to provide resold long distance and facilities-based local exchange telecommunications services in Arizona. Bandwidth also request that its irrevocable sight draft letter

¹ Docket No. T-20562A-07-0615.

1 of credit in the amount of \$225,000² be reduced by \$125,000 to reflect cancellation of its facilities-
2 based long distance and resold local exchange authority. The application also seeks waiver of A.A.C.
3 R14-2-1107.

4 3. On August 12, 2010, Staff filed a memorandum in response to Bandwidth's
5 application to cancel its authority to provide facilities-based long distance and resold local exchange
6 telecommunications services and Staff recommends approval of Bandwidth's application. Staff
7 verified that Bandwidth has not commenced resold local exchange services in Arizona and that
8 Bandwidth has never collected advance payments or deposits from Arizona customers. Staff
9 concluded that the cancellation of Bandwidth's authority to provide facilities-based long distance and
10 resold local exchange telecommunications in Arizona will pose no risk to Arizona customers. Staff
11 recommends waiver of A.A.C. R14-2-1107, which requires legal notice of Bandwidth's application
12 to cancel its CC&N because Bandwidth has no local or long distance customers in Arizona. Further,
13 Staff recommends that Bandwidth's irrevocable sight draft letter of credit be reduced to \$100,000 to
14 reflect cancellation of Bandwidth's authority to provide resold local exchange and facilities-based
15 long distance telecommunications services in Arizona.

16 4. According to Staff, the Commission's Consumer Services Division reported no
17 complaints, inquiries, or opinions have been filed against Bandwidth.

18 5. According to the Commission's Corporation Division, Bandwidth is in good standing
19 with the Commission.

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

21 CONCLUSIONS OF LAW

22 1. Bandwidth.com CLEC, LLC is a public service corporation within the meaning of
23 Article XV of the Arizona Constitution and A.R.S. §§ 40-281 and 40-282.

24 2. The Commission has jurisdiction over Bandwidth.com CLEC, LLC and of the subject
25 matter of the application.

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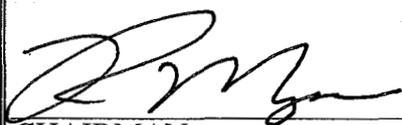
28 ² On July 6, 2009, pursuant to Commission Decision No. 71117 (June 5, 2009) Bandwidth filed a \$225,000 irrevocable
sight draft letter of credit with the Commission's Business Office.

1 IT IS FURTHER ORDERED that Bandwidth.com, CLEC, LLC's irrevocable sight draft letter
2 of credit shall be reduced to \$100,000 to reflect cancellation of its authority to provide resold local
3 exchange and facilities-based long distance telecommunications services in Arizona.

4 IT IS FURTHER ORDERED that Bandwidth.com, CLEC, LLC's authority under its
5 Certificate of Convenience and Necessity to provide resold long distance and facilities-based local
6 exchange shall remain in effect until further Order of the Commission.

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

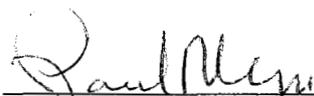
8 BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

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11 CHAIRMAN



COMMISSIONER

12 

13 COMMISSIONER

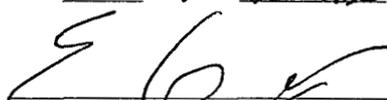


COMMISSIONER



COMMISSIONER

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15 IN WITNESS WHEREOF, I, ERNEST G. JOHNSON,
16 Executive Director of the Arizona Corporation Commission,
17 have hereunto set my hand and caused the official seal of the
18 Commission to be affixed at the Capitol, in the City of Phoenix,
19 this 10th day of December 2010.

20 
ERNEST G. JOHNSON
EXECUTIVE DIRECTOR

21 DISSENT _____

22
23 DISSENT _____

24 YBK:db

1 SERVICE LIST FOR: BANDWIDTH.COM CLEC, LLC

2 DOCKET NO.: T-20562A-10-0221

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