

OPEN MEETING ITEM



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COMMISSIONERS
GARY PIERCE - Chairman
BOB STUMP
SANDRA D. KENNEDY
PAUL NEWMAN
BRENDA BURNS



ORIGINAL

ARIZONA CORPORATION COMMISSION

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2011 MAY -6 P 3:28

AZ CORP COMMISSION
DOCKET CONTROL

DATE: MAY 6, 2011

DOCKET NO.: T-04251A-11-0013

TO ALL PARTIES:

Enclosed please find the recommendation of Administrative Law Judge Lyn Farmer. The recommendation has been filed in the form of an Order on:

COMMPARTNERS, LLC
(CANCEL CC&N)

Pursuant to A.A.C. R14-3-110(B), you may file exceptions to the recommendation of the Administrative Law Judge by filing an original and thirteen (13) copies of the exceptions with the Commission's Docket Control at the address listed below by **4:00** p.m. on or before:

MAY 16, 2011

The enclosed is NOT an order of the Commission, but a recommendation of the Administrative Law Judge to the Commissioners. Consideration of this matter has tentatively been scheduled for the Commission's Open Meeting to be held on:

MAY 24, 2011 and MAY 25, 2011

For more information, you may contact Docket Control at (602) 542-3477 or the Hearing Division at (602) 542-4250. For information about the Open Meeting, contact the Executive Director's Office at (602) 542-3931.

Arizona Corporation Commission
DOCKETED

MAY 6 2011

DOCKETED BY

ERNEST G. JOHNSON
EXECUTIVE DIRECTOR

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 COMMISSIONERS

3 GARY PIERCE - Chairman
4 BOB STUMP
5 SANDRA D. KENNEDY
6 PAUL NEWMAN
7 BRENDA BURNS

8 IN THE MATTER OF THE APPLICATION OF
9 COMMPARTNERS, LLC FOR APPROVAL TO
10 CANCEL ITS CERTIFICATE OF CONVENIENCE
11 AND NECESSITY.

DOCKET NO. T-04251A-11-0013

DECISION NO. _____

ORDER

12 Open Meeting
13 May 24 and 25, 2011
14 Phoenix, Arizona

15 **BY THE COMMISSION:**

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

18 **FINDINGS OF FACT**

19 1. On December 9, 2005, the Commission issued Decision No. 68331 which granted
20 CommPartners, LLC ("CommPartners" or "Company") a Certificate of Convenience and Necessity
21 ("CC&N") to provide competitive facilities-based interexchange and local exchange services in
22 Arizona.

23 2. On January 10, 2011, CommPartners filed a request to cancel its CC&N.

24 3. On March 4, 2011, the Commission's Utilities Division Staff ("Staff") filed a Staff
25 Report in this matter recommending approval of CommPartners' application to cancel its CC&N.
26 According to the Staff Report, in response to Staff's Data Request, CommPartners stated that it had
27 not begun providing services in Arizona.

28 4. The Staff Report also states that CommPartners did not collect advances, deposits,
and/or prepayments from customers in Arizona.

5. On May 5, 2011, CommPartners filed a letter stating that it is being sold in a

1 bankruptcy auction and will cease to exist.

2 6. According to the Commission's Consumer Services Section, zero complaints,
3 inquiries, or opinions were filed against CommPartners for the time period January 1, 2008 through
4 January 21, 2011.

5 7. The Commission's Compliance Section reports there is one current compliance
6 deficiency involving the Company's failure to renew or reissue its \$200,000 bond after one year.
7 CommPartners advised Staff that it was in bankruptcy and would not be reissuing the bond.

8 8. Staff recommends granting CommPartners' request to waive the published notice
9 requirements of A.A.C. R-14-2-1107 (A)(2). Staff also recommends cancellation of CommPartners'
10 CC&N to provide resold interexchange telecommunications services and its tariffs.

11 9. Staff's recommendations are reasonable.

12 **CONCLUSIONS OF LAW**

13 1. CommPartners is a public service corporation within the meaning of Article XV of the
14 Arizona Constitution and A.R.S. §§ 40-281 and 40-282.

15 2. The Commission has jurisdiction over CommPartners and the subject matter of the
16 application to cancel the Company's CC&N.

17 3. The cancellation of CommPartners' CC&N is in the public interest.

18 4. Staff's recommendations are reasonable and should be adopted.

19 **ORDER**

20 IT IS THEREFORE ORDERED that the application of CommPartners, LLC for the
21 cancellation of its Certificate of Convenience and Necessity to provide competitive facilities-based
22 interexchange and local exchange telecommunications services in Arizona shall be, and is hereby,
23 approved, and the Certificate of Convenience and Necessity is cancelled.

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IT IS FURTHER ORDERED that CommPartners, LLC tariffs on file with the Commission are hereby cancelled.

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 _____ day of _____, 2011.

ERNEST G. JOHNSON
EXECUTIVE DIRECTOR

DISSENT _____

DISSENT _____

1 SERVICE LIST FOR: COMMPARTNERS, LLC

2 DOCKET NO.: T-04251A-11-0013

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