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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

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

Arizona Corporation Commission

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IN THE MATTER OF THE APPLICATION OF  
CENTURYTEL SOLUTIONS, LLC, TO CANCEL  
ITS CERTIFICATE OF CONVENIENCE AND  
NECESSITY IN COMPLIANCE WITH DECISION  
NO. 72232 (MARCH 9, 2011).

DOCKET NO. T-03902A-11-0356

DECISION NO. 72711

**ORDER**

Open Meeting  
December 1, 2011  
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. CenturyTel Solutions, LLC ("CenturyTel" or "Company"), has a Certificate of Convenience and Necessity ("CC&N") to provide competitive facilities-based and resold local exchange and access telecommunications services in Arizona pursuant to Decision No. 63638 (May 4, 2001).

2. On September 21, 2011, CenturyTel filed an application with the Commission to cancel its CC&N ("Application").

3. CenturyTel is a wholly-owned subsidiary of CenturyLink, Inc. ("CTL"). In Decision No. 72232 (March 9, 2011), the Commission approved a merger between CTL and Qwest Communications International, Inc.

4. As a result of the merger, which occurred on April 1, 2011, CTL became the indirect owner of Qwest Corporation d/b/a CenturyLink-QC ("QC"), which provides local exchange and access services throughout much of Arizona as an incumbent local exchange carrier ("ILEC").

5. Additionally, CTL became the indirect owner of Qwest Communications Company,

1 LLC, d/b/a CenturyLink-QCC (“QCC”), which holds CC&Ns to provide facilities-based and resold  
2 long distance, facilities-based and resold local exchange and access telecommunications services in  
3 Arizona. Pursuant to Decision No. 68447 (February 2, 2006), QCC is restricted from providing  
4 facilities-based local exchange service to mass market customers within the service area of its ILEC  
5 affiliate, QC.

6 6. While evaluating the merger application, the Commission’s Utilities Division Staff  
7 (“Staff”) expressed concern that, post-merger, CenturyTel’s certificated telecommunications  
8 authority could result in its operating within (affiliate) QC’s ILEC territory. Accordingly, in the  
9 Decision approving the merger, the Commission directed CenturyTel to file an application to either  
10 modify or cancel its CC&N within 180 days from the date of the merger.

11 7. In its Application, CenturyTel stated it had determined that “the better course of action  
12 is to cancel its CC&N.”<sup>1</sup>

13 8. CenturyTel states that it does not have any Arizona customers or employees and it  
14 does not hold any customer deposits. The Company also notes that there are numerous other  
15 providers of telecommunications services in Arizona from which consumers may choose. As such,  
16 CenturyTel requests a waiver of the terms of Arizona Administrative Code (“A.A.C.”) R14-2-1107,  
17 which require, among other things, that a certificated telecommunications company provide a plan for  
18 the refund of deposits and publish notice of the application prior to cancellation of its CC&N.

19 9. On October 26, 2011, Staff issued its Staff Report recommending waiver of A.A.C.  
20 R14-2-1107 and approval of CenturyTel’s Application.

21 10. As discussed in Decision No. 67404 (November 2, 2004), it would render A.A.C.  
22 R14-2-1107 meaningless and would run afoul of the rule’s intent and plain language to exempt a  
23 company from the requirements of the rule because it has no customers due to its discontinuation of  
24 service. However, as discussed in that Decision, the intent of the rule is to ensure that existing  
25 customers have advance notice of a telecommunications provider’s pending plan to discontinue  
26 service such that they will be afforded an opportunity to procure service through an alternative  
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28 <sup>1</sup> Application, page 3.

1 provider prior to such discontinuance.

2 11. CenturyTel has no Arizona customers and did not collect any advances, deposits  
3 and/or prepayments. Additionally, there are other telecommunications carriers offering services in  
4 Arizona similar to those provided by CenturyTel. Under these circumstances, the requirements of  
5 A.A.C. R-14-2-1107 should be waived.

6 12. Staff's recommendations are reasonable and shall be adopted.

7 **CONCLUSIONS OF LAW**

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

10 2. The Commission has jurisdiction over CenturyTel and the subject matter of the  
11 Application.

12 3. The cancellation of CenturyTel's CC&N is in the public interest.

13 4. Pursuant to A.R.S. § 40-282, the Commission may issue decisions regarding CC&Ns  
14 for certain telecommunication services without a hearing.

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

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

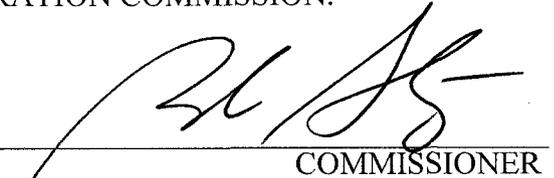
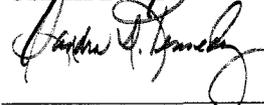
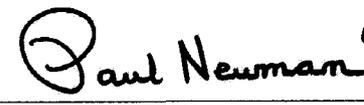
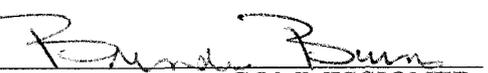
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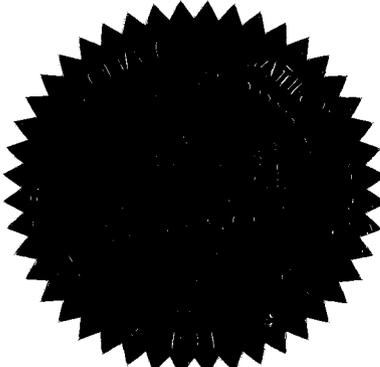
**ORDER**

IT IS THEREFORE ORDERED that the Application of CenturyTel Solutions, LLC, for the cancellation of its Certificate of Convenience and Necessity to provide competitive facilities-based and resold local exchange and access telecommunications services in Arizona pursuant to Decision No. 63638, is approved.

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 9<sup>th</sup> day of December 2011.

  
ERNEST G. JOHNSON  
EXECUTIVE DIRECTOR

DISSENT \_\_\_\_\_

DISSENT \_\_\_\_\_

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2 DOCKET NO.: T-03902A-11-0356

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