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Email: nezzie@broadvox.com

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AZ CORP COMMISSION
September 20, 2013
DOCKET CONTROL

Arizona Corporation Commission
DOCKETED

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Via FedEx overnight delivery

Docket Control Center
Arizona Corporation Commission – Utilities Division
1200 W. Washington St.
Phoenix, AZ 85007

Re: Broadvox-CLEC, LLC Application Order Rescinding its Bond Requirement
Docket No. T-20666A-09-0173

Dear Sir or Madam:

Enclosed please find the original and thirteen (13) copies of an Application of Broadvox-CLEC, LLC for an Order Rescinding its Bond Requirement.

Please file the Application and return a time-stamped copy to the undersigned in the enclosed, self-addressed postage pre-paid envelope.

Sincerely,

Nadine J. Ezzie
Deputy General Counsel
Broadvox-CLEC, LLC

Encl.

Cc: Steven M. Olea
Michael Patten
Janice Alward, Esq.
Lyn Farmer, Esq.

BEFORE THE ARIZONA CORPORATION COMMISSION

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ARIZONA CORP COMMISSION
DOCKET CONTROL

BOB STUMP
Chairman

GARY PIERCE
Commissioner

BRENDA BURNS
Commissioner

SUSAN BITTER SMITH
Commissioner

BOB BURNS
Commissioner

IN THE MATTER OF THE APPLICATION OF)	DOCKET NO. T-20666A-09-0173
BROADVOX-CLEC, LLC FOR AN ORDER)	
RESCINDING ITS BOND REQUIREMENT)	
(Expedited Approval Requested))	
_____)	

APPLICATION

Broadvox-CLEC, LLC ("Broadvox-CLEC" or "Applicant"), through undersigned counsel, and pursuant to Ariz. Admin. Code R14-2-1105(d) and any other regulations or statutes deemed applicable, hereby requests Arizona Corporation Commission ("Commission") approval rescinding the requirement that Broadvox-CLEC maintain a performance bond with the Commission and return the bond at issue to Broadvox-CLEC. Applicant respectfully requests an expedited ruling so that the bond is waived as expeditiously as possible. In support of this Application, the Applicant states as follows:

I. DESCRIPTION OF THE APPLICANT

Broadvox-CLEC is a limited liability company organized under the laws of Delaware. Its principal place of business is 75 Erieview Plaza, Suite 400, Cleveland, Ohio 44114. Broadvox-CLEC specializes in wholesale termination and origination services, value added services, and IP

local voice (bundled or unbundled) services. Broadvox-CLEC is a wholly-owned subsidiary of The Broadvox Holding Company, LLC ("Broadvox Holding"). Broadvox-CLEC and other Broadvox Holding subsidiaries also supply SIP trunking services to CLECs, ISPs, Internet telephone service providers, and application service providers that include low cost, carrier-grade VoIP communication solutions with the benefit of unified communication features such as instant messaging, voice to email and conferencing via the SIP protocol. At present, Broadvox-CLEC provides services to information service providers and IP service providers in the states of AZ, CO, ID, MN, ND, OR, UT, and WA. It does not provide any retail VoIP services.

Broadvox-CLEC was authorized to provide facilities-based local exchange, resold long distance, and resold local exchange telecommunications service in Arizona on January 6, 2011, pursuant to authority granted by the Commission in Docket No. T-20666A-09-0173 and Decision No. 72061 (the "Decision"). The Decision further ordered that Broadvox-CLEC procure a performance bond (the "Bond") and that the bond be increased at any time it would be insufficient to cover advances, deposits, and/or prepayments collected from Broadvox-CLEC's customers. See, Decision at ¶ 8.b.i. The Bond must remain in effect until further order of the Commission. Id.

The current Bond is scheduled to expire on September 30, 2013. For the reasons set forth below, Broadvox-CLEC requests that it not be required to obtain a renewal bond.

II. CONTACT INFORMATION

Questions or inquiries concerning this Application may be directed to:

Alex Gertsburg
General Counsel
Broadvox-CLEC, LLC
36 South Franklin St.

Chagrin Falls, OH 44022
Tel: (440) 571-7777
Fax: (440) 571-7779

E-mail: ag@gertsburglaw.com

III. REASONS FOR BOND WAIVER

Ariz. Admin. Code R14-2-1105(d) states that “[i]n appropriate circumstances, the Commission may require, as a precondition to certification, the procurement of a performance bond sufficient to cover any advances or deposits the telecommunications company may collect from its customers, or order that such advances or deposits be held in escrow or trust.” Broadvox-CLEC only services carrier customers, not end users, and does not require such customers to place any deposits or advances with Broadvox-CLEC. As such, the Bond should no longer be required of Broadvox-CLEC as the circumstances set forth in Ariz. Admin. Code R14-2-1105(d) are not applicable in the instant matter.

IV. PUBLIC INTEREST CONSIDERATIONS

Broadvox-CLEC respectfully submits that this Application serves the public interest. In particular, all Broadvox-CLEC customers will continue to be provided the same service, and such customers will not experience any changes to rates, terms or conditions of service as a result of approval of this Application. No customers will be required to place any deposits or advances with Broadvox-CLEC as a result of the Commission’s approval of this Application (as such customers are not required to do so presently); therefore, there is no reason for the maintenance of the Bond. As such, there will be no adverse impact or effects on consumers.

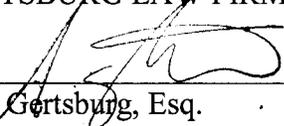
V. CONCLUSION

For the reasons stated above, Applicant respectfully submits that the public interest, convenience and necessity would be furthered by a grant of this Application. Applicant further

states that it is working diligently at obtaining a renewal Bond while the Commission evaluates this Application but for reasons outside of its control, has not been able to procure one as of the date of this filing. Accordingly, Applicant respectfully requests expedited treatment of this Application and also that the Commission stay any adverse action against Broadvox-CLEC until such time it can obtain a renewal Bond.

RESPECTFULLY SUBMITTED this 1st day of October, 2013.

THE GERTSBURG LAW FIRM



Alexander Gertsburg, Esq.
36 South Franklin St.
Chagrin Falls, OH 44022

Attorney for Broadvox-CLEC, LLC

ORIGINAL and thirteen (13) copies
of the foregoing filed this 1st day
of October, 2013, with:

The Arizona Corporation Commission
Utilities Division – Docket Control
1200 W. Washington Street
Phoenix, AZ 85007

Copy of the foregoing mailed this
1st day of October, 2013 to:

Mr. Steven M. Olea, Director
Utilities Division
Arizona Corporation Commission
1200 W. Washington St.
Phoenix, AZ 85007

Michael Patten
Roshka, DeWulf & Patten, PLC
One Arizona Center
400 E. Van Buren Center – 800
Phoenix, AZ 85004

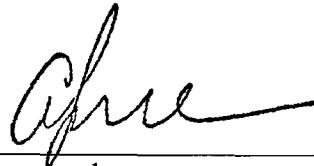
Janice Alward, Esq.
Chief Counsel – Legal Division
Arizona Corporation Counsel
1200 W. Washington St.
Phoenix, AZ 85007

Lyn Farmer, Esq.
Chief Administrative Law Judge
Arizona Corporation Commission
1200 W. Washington St.
Phoenix, AZ 85007

STATE OF OHIO)
)
COUNTY OF CUYAHOGA) ss:

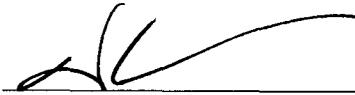
VERIFICATION

I, Andre Temnorod, state that I am Chief Executive Officer of Broadvox-CLEC, LLC, that I am authorized to make this Verification on behalf of Broadvox-CLEC, LLC, and its affiliates, that the foregoing filing was prepared under my direction and supervision, and that the contents are true and correct to the best of my knowledge, information and belief.



Andre Temnorod
Chief Executive Officer
Broadvox-CLEC, LLC

Sworn and subscribed before me this 30th day of September, 2013.



NADINE J. EZZIE, ~~Attorney~~ Notary Public
NOTARY PUBLIC • STATE OF OHIO
My commission has no expiration date
Section 147.03 O.R.C.

My commission expires: _____