



0000152712

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

BEFORE THE ARIZONA CORPORATION COMMISSION

BOB STUMP
Chairman
GARY PIERCE
Commissioner
BRENDA BURNS
Commissioner
BOB BURNS
Commissioner
SUSAN BITTER SMITH
Commissioner

Arizona Corporation Commission

DOCKETED

MAR 19 2014

DOCKETED BY NR

IN THE MATTER OF THE APPLICATION)
OF BROADVOX-CLEC, LLC FOR AN)
ORDER RESCINDING ITS BOND)
REQUIREMENT.)

DOCKET NO. T-20666A-13-0354
DECISION NO. 74410
ORDER

Open Meeting
March 11 and 12, 2014
Phoenix, Arizona

BY THE COMMISSION:

FINDINGS OF FACT

1. On October 1, 2013, Broadvox-CLEC, LLC (“Broadvox” or “Applicant”) submitted an Application requesting an order rescinding the \$135,000 performance bond or irrevocable sight draft letter of credit (“ISDLOC”) requirement contained in Decision No. 72061 (January 6, 2011) and the return of the bond to Broadvox.

2. In its Application, the Applicant states it specializes in wholesale termination and origination services, value added services and IP (internet protocol) local voice services to other service providers and does not provide services directly to end users. Broadvox’s tariffs indicate it does not collect deposits, advance payments and prepayments from its customers.

3. In addition, Broadvox’s application states that its bond on file with the Business Office expired on September 30, 2013.

...

Background

4. On January 6, 2011, in Decision No. 72061, the Commission granted Broadvox a CC&N to provide resold long distance and resold and facilities-based local exchange telecommunications services within the State of Arizona, provided Broadvox complies with conditions outlined in the Decision.

Broadvox's Application

5. In its Application to eliminate the performance bond or ISDLOC requirement, Broadvox cites Arizona Administrative Code ("A.A.C.") R14-2-1105(d), which 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 reiterates that it only services carrier customers, not end users, and does not require such customers to place any deposits or advances and thus believes a bond should no longer be required.

Complaints and Compliance

6. The Consumer Services Section of the Utilities Division reports that there have been zero (0) complaints, inquiries, or opinions about Broadvox-CLEC, LLC. According to the Corporation Division, Broadvox is in good standing. The Compliance Section reports that Broadvox is currently out of compliance with Decision No. 72061 due to its performance bond having expired on September 30, 2013 and no replacement has been received from Broadvox. Broadvox should be put on notice that any future events of non-compliance of Commission requirements may result in the Commission initiating action against Broadvox.

Staff Recommendation

7. The Commission has, in appropriate circumstances, recently been relieving telecommunications providers of the obligation of a bond requirement. Staff recommends that Broadvox-CLEC, LLC be relieved of the \$135,000 performance bond or irrevocable sight draft Letter of Credit ("ISDLC") obligation approved in Decision No. 72061. In addition, Broadvox ...

1 should be put on notice that any future events of non-compliance of Commission requirements
2 may result in the Commission initiating action against Broadvox.

3 8. The Applicant has requested the bond be returned to the following name and
4 address:

5 Ms. Nadine J. Ezzie, Esq.
6 Deputy General Counsel
7 Broadvox-CLEC, LLC
8 75 Erieview Plaza, Suite 400
9 Cleveland, OH 44114

10 CONCLUSIONS OF LAW

11 1. Broadvox-CLEC, L.L.C. is a public service corporation within the meaning of
12 Article XV of the Arizona Constitution.

13 2. The Commission has jurisdiction over Broadvox-CLEC, L.L.C. and the subject
14 matter in this filing.

15 3. The Commission, having reviewed the filing and Staff's Memorandum dated
16 February 14, 2014, concludes that it is in the public interest to approve the Broadvox-CLEC,
17 L.L.C.'s Application as proposed and discussed herein.

18 ...
19 ...
20 ...
21 ...
22 ...
23 ...
24 ...
25 ...
26 ...
27 ...
28 ...

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ORDER

IT IS THEREFORE ORDERED that the Application of Broadvox-CLEC, L.L.C. to rescind the \$135,000 performance bond or irrevocable sight draft letter of credit requirement contained in Decision No. 72061 be and hereby is approved.

IT IS FURTHER ORDERED that the Broadvox-CLEC, LLC bond be returned to the following name and address as provided by the Applicant:

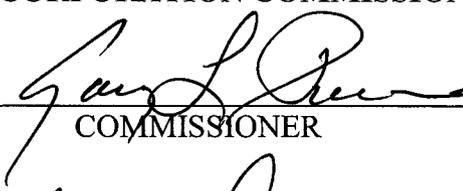
Ms. Nadine J. Ezzie, Esq.
Deputy General Counsel
Broadvox-CLEC, LLC
75 Erieview Plaza, Suite 400
Cleveland, OH 44114

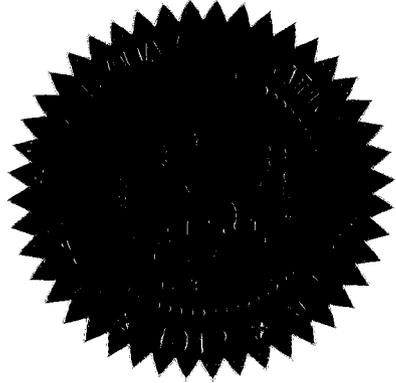
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IT IS FURTHER ORDERED that Broadvox-CLEC, L.L.C. is hereby put on notice that any future events of non-compliance of Commission requirements may result in the Commission initiating action against Broadvox-CLEC, L.L.C..

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

BY THE ORDER OF THE ARIZONA CORPORATION COMMISSION

		
CHAIRMAN	COMMISSIONER	
		
COMMISSIONER	COMMISSIONER	COMMISSIONER



IN WITNESS WHEREOF, I, JODI JERICH, Executive Director of the Arizona Corporation Commission, have hereunto, set my hand and caused the official seal of this Commission to be affixed at the Capitol, in the City of Phoenix, this 19th day of March, 2014.



JODI JERICH
EXECUTIVE DIRECTOR

DISSENT: _____

DISSENT: _____

SMO:LLM:sms\CHH

1 SERVICE LIST FOR: Broadvox-CLEC, L.L.C.
2 DOCKET NO. T-20666A-13-0354

3 Mr. Tim Sabo
4 Roshka, DeWulf & Patten, PLC
5 One Arizona Center
6 400 East Van Buren St., Ste.800
7 Phoenix, Arizona 85004

8 Mr. Steven M. Olea
9 Director, Utilities Division
10 Arizona Corporation Commission
11 1200 West Washington Street
12 Phoenix, Arizona 85007

13 Ms. Janice M. Alward
14 Chief Counsel, Legal Division
15 Arizona Corporation Commission
16 1200 West Washington Street
17 Phoenix, Arizona 85007

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33