

ORIGINAL NEW APPLICATION



BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission

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T-20750A-14-0298

APPLICATION OF INTRADO COMMUNICATIONS
INC. FOR AN ORDER RESCINDING ITS BOND
REQUIREMENT.

DOCKET NO.

APPLICATION TO RESCIND
BOND REQUIREMENT

Intrado Communications, Inc. ("Intrado") requests rescission of the \$125,000 bond requirement ordered in Decision No. 73676 (February 6, 2013), and return of the bond to Intrado.

In support of its application, Intrado provides the following information:

1. Intrado is authorized to provide competitive facilities-based local exchange, resold local exchange and private line telecommunications services in Arizona. Its local business address is 2338 West Royal Palm Road, Suite J, Phoenix, Arizona 85021. Intrado is a foreign "C" corporation, organized under the laws of Delaware and based in Longmont, Colorado; but Intrado is authorized to transact business in the State of Arizona. In particular, Intrado's services have been described as aggregate and transport emergency local, Voice Over Internet Protocol ("VOIP"), telemetric, Private Branch Exchange ("PBX"), and mobile E911 traffic. Intrado offers such services in 43 jurisdictions similar to what it provides in Arizona. Intrado currently does not collect any customer deposits or advance payments from its customers.

2. Intrado is a wholly-owned subsidiary of Intrado, Inc., which is a wholly-owned subsidiary of West Corporation ("West"). Through its subsidiaries, West provides non-regulated services, including conferencing and other meeting replacement services, alerts and notifications services, emergency communications services, automated call processing, interconnected VOIP services and agent-based services including inbound customer care in the U.S., as well as other parts of North America, Europe and Asia. West is a corporation organized under the laws of Delaware and headquartered in Omaha, Nebraska.

1 3. Intrado was awarded a certificate of convenience and necessity to provide
2 competitive facilities-based local exchange, resold local exchange and private line
3 telecommunications services in Decision No. 73676. As a condition of approval, the Commission
4 required Intrado to procure a performance bond or irrevocable sight draft letter of credit
5 (“ISDLOC”) of \$125,000. Intrado filed its initial \$125,000 performance bond on May 6, 2013 and
6 subsequently renewed that bond on February 26, 2014. The current bond will be in effect until
7 February 26, 2015.

8 4. Intrado has complied with all Commission requirements, including all of Staff
9 recommendations that the Commission adopted in Decision No. 73676, as set forth in Findings of
10 Fact Nos. 8 and 9 and as modified by the Commission in that order. Intrado has complied with all
11 applicable Commission rules, regulations and orders. There are currently no active formal
12 complaints against Intrado, and any prior formal or informal complaints have been resolved.

13 5. The Commission recently, in appropriate circumstances, has not required a
14 performance bond or has been relieving CLECs of the performance bond requirement. Intrado
15 believes that maintaining a performance bond in the amount of \$125,000 is no longer necessary
16 for it. Intrado believes it has proven its financial, technical and managerial ability to provide
17 services in Arizona. It is the subsidiary of a large multinational corporation with significant
18 business operations and assets. Intrado does not collect any deposits or advance payments.
19 Rescinding the performance bond/ISDLOC requirement will not alter rates, terms or conditions of
20 service to Intrado customers and will not adversely impact service.

21 6. Removing the bond requirement also would put Intrado on equal footing with other
22 CLECs currently operating in Arizona, as well as incumbent service providers such as Qwest
23 Corporation, Inc. dba CenturyLink.

24 7. The Commission’s Competitive Telecommunications Services Rules – A.A.C. 14-
25 2-1101 through 14-2-1115, which apply to Intrado, do not require that Intrado maintain a
26 performance bond as a condition of providing service in Arizona. Specifically, A.A.C. R14-2-
27 1105(D) states that the Commission “*may* require, as a precondition to certification, the

1 procurement of a performance bond sufficient to cover any advances or deposits the
2 telecommunications company may collect from its customers, or order that such advances or
3 deposits be held in escrow or trust.” In other words, the Commission has the authority and the
4 discretion to determine whether a performance bond is still appropriate for Intrado. Because of the
5 circumstances described in the previous paragraphs, Intrado believes the \$125,000 performance
6 bond requirement should now be rescinded.

7 8. Upon cancellation of its bond requirement, Intrado requests that the Commission
8 return the Intrado bond in the Commission’s possession to:

9
10 Silverstone Group, Inc.
11 Marcy Overman, Surety Account Administrator
12 300 W. Broadway, Suite 200
13 Council Bluff, IA 51503
14 712.329.3122

15 WHEREFORE, Intrado, respectfully requests that the Commission rescind the \$125,000
16 performance bond requirement for the reasons set forth in this filing.

17 RESPECTFULLY SUBMITTED this 7th day of August, 2014.

18 **ROSHKA DEWULF & PATTEN, PLC**

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filed this 7th day of
August 2014 with:

Docket Control
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, Arizona 85007

By *Jaclyn Howard*