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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

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

2014 AUG - 1 A 10:30

ARIZONA CORPORATION COMMISSION  
DOCKET CONTROL

Arizona Corporation Commission

DOCKETED

AUG 07 2014

DOCKETED BY [Signature]

IN THE MATTER OF THE APPLICATION OF  
LEXENT, INC. FOR APPROVAL TO CANCEL  
ITS CERTIFICATE OF CONVENIENCE AND  
NECESSITY.

DOCKET NO. T-20875A-14-0111

PROCEDURAL ORDER

BY THE COMMISSION:

On June 1, 2005, the Commission issued Decision No. 67883 granting CCG Communications, LLC ("CCG") a Certificate of Convenience and Necessity ("CC&N") to provide facilities-based local exchange telecommunications services within the State of Arizona. In the Decision, CCG was required to docket conforming tariffs, to procure a \$100,000 performance bond, and file proof of the performance bond, among other conditions.

On November 4, 2005, CCG filed its tariff in compliance with Decision No. 67883.

On June 9, 2006, CCG docketed a filing of a performance bond in the amount of \$100,000.

On October 5, 2012, CCG made another performance bond filing.

In Decision No. 73581 (November 21, 2012), CCG's CC&N was transferred to Lexent, Inc. ("Lexent" or "Company"), and the bond requirement was also transferred with the CC&N.

On March 24, 2014, Fernanda Hilb Manko filed with the Commission a letter on Lightower letterhead, requesting to cancel Lexent's CC&N to provide facilities-based local exchange telecommunications services. The letter stated Lexent does not provide local exchange services or have any local exchange customers in Arizona.

On July 21, 2014, the Commission's Utilities Divison ("Staff") filed a memorandum in this matter recommending approval of Lightower's application to cancel its CC&N.

According to Staff, Lexent stated it has no customers for intrastate telecommunications services in Arizona. Staff indicates the Company requested a waiver of the notice requirements set

1 forth in Arizona Administrative Code (“A.A.C.”) R14-2-1107(A)(2) due to the fact that the Company  
2 does not, and never did, have customers in Arizona. Staff recommends granting the Company’s  
3 request to waive the published notice requirements of A.A.C. R-14-2-1107(A)(2), because Lexent is  
4 not providing facilities-based local exchange telecommunications services to any customers in  
5 Arizona and it never collected deposits, advances, or prepayments from Arizona customers.

6 In Decision No. 67883, CCG was ordered to comply with all of Staff’s recommendations as  
7 set forth in the Order’s Findings of Fact, which included the requirement to procure a \$100,000  
8 performance bond to remain in effect until further Order of the Commission. The Staff Report  
9 recommends cancellation of the \$100,000 performance bond requirement, and the release and return  
10 of the performance bond on file with the Commission under CCG’s name.

11 The only documents filed in this matter are the March 19, 2014 letter from Lighttower and the  
12 July 21, 2014 Staff Report.

13 The Staff Report does not provide a basis for Staff’s belief that CCG and Lexent never  
14 provided service in Arizona or that a bond in CCG’s name is currently on file with the Commission.  
15 Therefore, it is appropriate to direct Staff to docket a filing concerning these issues.

16 **IT IS THEREFORE ORDERED that Staff shall docket a filing on or before August 14,**  
17 **2014 verifying whether Lexent, Inc. has a performance bond on file with the Commission in**  
18 **compliance with Decision No. 67883 which needs to be returned to the Company and, if so,**  
19 **verification of the party to whom it should be returned.**

20 **IT IS FURTHER ORDERED that Staff’s filing shall also document the basis for their**  
21 **belief that CCG and Lexent never provided facilities-based local exchange telecommunications**  
22 **services within the State of Arizona.**

23 **IT IS FURTHER ORDERED that Staff’s filing shall also document Lighttower’s**  
24 **relationship with Lexent and provide confirmation that Lighttower has the authority to request**  
25 **cancellation of Lexent’s CC&N.**

26 ...  
27 ...  
28 ...

1 IT IS FURTHER ORDERED that the Administrative Law Judge may rescind, alter, amend,  
2 or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at  
3 hearing.

4 Dated this 7<sup>th</sup> day of August, 2014.

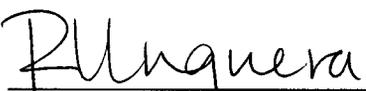
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6  
7   
8 SASHA PATERNOSTER  
ADMINISTRATIVE LAW JUDGE

9 Copies of the foregoing mailed  
10 this 7<sup>th</sup> day of August, 2014 to:

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21 By:   
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