

CARL J. KUNASEK  
CHAIRMAN  
JIM IRVIN  
COMMISSIONER  
WILLIAM A. MUNDELL  
COMMISSIONER



BRIAN C. McNEIL  
EXECUTIVE SECRETARY

ARIZONA CORPORATION COMMISSION

DATE: October 2, 2000  
DOCKET NO: T-02748A-00-0605  
TO ALL PARTIES:

Enclosed please find the recommendation of Administrative Law Judge Jane Rodda. The recommendation has been filed in the form of an Order on:

ACCESS COMMUNICATIONS, INC.  
(CANCEL CC&N)

Pursuant to A.A.C. R14-3-110(B), you may file exceptions to the recommendation of the Administrative Law Judge by filing an original and ten (10) copies of the exceptions with the Commission's Docket Control at the address listed below by 4:00 p.m. on or before:

OCTOBER 11, 2000

The enclosed is NOT an order of the Commission, but a recommendation of the Administrative Law Judge to the Commissioners. Consideration of this matter has tentatively been scheduled for the Commission's Working Session and Open Meeting to be held on:

OCTOBER 24, 2000 and OCTOBER 25, 2000

For more information, you may contact Docket Control at (602)542-3477 or the Hearing Division at (602)542-4250.

  
BRIAN C. McNEIL  
EXECUTIVE SECRETARY

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 CARL J. KUNASEK  
CHAIRMAN

3 JIM IRVIN  
COMMISSIONER

4 WILLIAM A. MUNDELL  
COMMISSIONER

5  
6 IN THE MATTER OF THE APPLICATION OF  
ACCESS COMMUNICATIONS, INC. FOR THE  
7 CANCELLATION OF THE CERTIFICATE OF  
CONVENIENCE AND NECESSITY TO PROVIDE  
8 COMPETITIVE INTRASTATE TOLL SERVICES  
AS A RESELLER IN THE STATE OF ARIZONA.

DOCKET NO. T-02748A-00-0605

DECISION NO. \_\_\_\_\_

**ORDER**

9 Open Meeting  
10 October 24 and 25, 2000  
Phoenix, Arizona

11 **BY THE COMMISSION:**

12 Having considered the entire record herein and being fully advised in the premises, the  
13 Arizona Corporation Commission ("Commission") finds, concludes, and orders that:

14 **FINDINGS OF FACT**

15 1. Access Communications, Inc. ("Access") has a Certificate of Convenience and  
16 Necessity ("Certificate") to provide intrastate toll telecommunication services as a reseller in the  
17 State of Arizona pursuant to Decision No. 60239 (June 12, 1997).

18 2. In August 1999, Access merged with McLeodUSA. McLeodUSA has a Certificate to  
19 provide intrastate toll telecommunication services pursuant to Decision No. 60803 (April 8, 1998).

20 3. On August 17, 2000, McLeodUSA filed with Docket Control of the Commission an  
21 application for approval of the cancellation of Access' Certificate, indicating that the merged entity  
22 would be using McLeodUSA's Certificate to provide competitive intrastate toll telecommunication  
23 services in Arizona.

24 4. In Decision No. 58926 (December 22, 1994), the Commission found that resold  
25 telecommunications providers ("resellers") were public service corporations subject to the  
26 jurisdiction of the Commission.

27 5. Pursuant to A.R.S. § 40-282, the Commission may issue Decisions regarding resellers'  
28 Certificates without a hearing.

6. On September 18, 2000, the Commission's Utilities Division Staff ("Staff") filed a Staff Report, recommending that the request to cancel Applicant's Certificate be granted without a hearing.

**CONCLUSIONS OF LAW**

- 1. Access is a public service corporation within the meaning of Article XV of the Arizona Constitution and A.R.S. §§ 40-281 and 40-282.
- 2. The Commission has jurisdiction over Applicant and the subject matter of the application.
- 3. The cancellation of Access' Certificate is in the public interest.
- 4. Staff's recommendation in Findings of Fact No. 6 is reasonable and should be adopted.

**ORDER**

IT IS THEREFORE ORDERED that the application for the cancellation of the Certificate of Convenience and Necessity of Access Communications, Inc. to provide competitive intrastate toll telecommunications services, except local exchange services, shall be, and the same is hereby approved.

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

BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

CHAIRMAN	COMMISSIONER	COMMISSIONER
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IN WITNESS WHEREOF, I, BRIAN C. McNEIL, Executive Secretary 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 \_\_\_\_ day of \_\_\_\_\_, 2000.

\_\_\_\_\_  
BRIAN C. McNEIL  
EXECUTIVE SECRETARY

DISSENT \_\_\_\_\_  
JR:dp

1 SERVICE LIST FOR:

ACCESS COMMUNICATIONS, INC.

2 DOCKET NO.

T-02748A-00-0605

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