

OPEN MEETING ITEM



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COMMISSIONERS
SUSAN BITTER SMITH - Chairman
BOB STUMP
BOB BURNS
DOUG LITTLE
TOM FORESE



ARIZONA CORPORATION COMMISSION

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ARIZONA CORPORATION COMMISSION
DOCKET CONTROL

DATE: JANUARY 15, 2015

DOCKET NO.: T-02432B-14-0277

TO ALL PARTIES:

ORIGINAL

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

SPRINT COMMUNICATIONS COMPANY L.P.
(CC&N CANCELLATION)

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 thirteen (13) copies of the exceptions with the Commission's Docket Control at the address listed below by **4:00** p.m. on or before:

JANUARY 26, 2015

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 Open Meeting to be held on:

FEBRUARY 3, 2015 and FEBRUARY 4, 2015

For more information, you may contact Docket Control at (602) 542-3477 or the Hearing Division at (602) 542-4250. For information about the Open Meeting, contact the Executive Director's Office at (602) 542-3931.

Arizona Corporation Commission

DOCKETED

JAN 15 2015

DOCKETED BY

JODI JERICH
EXECUTIVE DIRECTOR

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 COMMISSIONERS

3 SUSAN BITTER SMITH - Chairman
4 BOB STUMP
5 BOB BURNS
6 DOUG LITTLE
7 TOM FORESE

8 IN THE MATTER OF THE APPLICATION OF
9 SPRINT COMMUNICATIONS COMPANY L.P.
10 TO DISCONTINUE LOCAL EXCHANGE
11 SERVICE IN ARIZONA.

DOCKET NO. T-02432B-14-0277

DECISION NO. _____

ORDER

9 Open Meeting
10 February 3 and 4, 2015
11 Phoenix, Arizona

12 **BY THE COMMISSION:**

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

15 FINDINGS OF FACT

16 1. On June 12, 1997, in Decision No. 60236, issued in Docket No. U-2432-96-501,
17 Sprint Communications Company L.P. ("Sprint" or "Company") was granted a Certificate of
18 Convenience and Necessity ("CC&N") to provide local exchange and exchange access services
19 within the State of Arizona.

20 2. On July 21, 2014, Sprint filed its Application to discontinue Sprint's Integrated Local
21 Services and cancel the related tariff pursuant to Arizona Administrative Code ("A.A.C.") R14-2-
22 1107. In its Application, the Company certified that all affected customers were notified of the
23 proposed discontinuance of service and information pertaining to alternative providers.

24 3. On July 30, 2014, the Company filed its Amendment to Application to Discontinue
25 and Cancel Service, changing the date by which it sought to have its customers transition service
26 from October 7, 2014 to December 22, 2014.

27 4. On August 14, 2014, Sprint filed a Notice of Filing Affidavits of Publication and
28 Public Notice, stating notice to discontinue and cancel Sprint's Integrated Local Services and
associated features was published in newspapers covering Sprint's Arizona service area.

1 5. On September 18, 2014, pursuant to the Commission's Utilities Division Staff's
2 ("Staff") request, the Company filed a Second Amendment to its Application, requesting cancellation
3 of its CC&N to provide local exchange services in Arizona given that cancellation of Sprint's
4 Integrated Local Services tariff would render the Company's CC&N for local exchange services
5 unnecessary.

6 6. On December 30, 2014, Staff filed a Staff Report in this matter recommending
7 approval of the application to discontinue local service, the cancellation of Sprint's Arizona C.C.
8 Local Exchange Tariff No. 4, and the cancellation of Sprint's CC&N to provide competitive local
9 exchange services in Arizona.

10 7. The Staff Report advised that Sprint had one business customer affected by its
11 Application to discontinue service, that the customer was given notice of the proposed
12 discontinuance, and that the customer has since disconnected its Sprint service. Staff also indicated
13 that the legal notice published by the Company did not sufficiently address the complete
14 discontinuance of local exchange service but recommended against additional publication to
15 eliminate the potential for customer confusion given Sprint's sole customer had already been notified.

16 8. The Commission's Compliance Section reported that the Company has no delinquent
17 compliance issues.

18 9. The Consumer Services Section of the Utilities Division indicated that from January 1,
19 2011 through August 28, 2014, no complaints, inquiries, or opinions had been filed against the
20 Company. The Consumer Services Section further stated that, according to the Corporations
21 Division of the Commission, the Company is in good standing.

22 10. A.A.C. R14-2-1107(A)(2) requires that an application to discontinue service include
23 verification that all affected customers have been notified of the proposed discontinuance and that all
24 affected customers will have access to an alternative provider. Sprint indicated in its Application that
25 all affected customers were provided notice of the proposed discontinuance and were provided with
26 information to enable them to choose an alternative provider.

27 11. A.A.C. R14-2-1107(A)(4) requires that an application to discontinue service include a
28 list of all alternative utilities providing the same or similar service in all counties affected by its

1 application within 20 days after filing the application. Because Sprint certified that it provided all
2 affected customers with information to enable them to choose an alternative provider, Sprint has met
3 the intent of the rule.

4 12. A.A.C. R14-2-1107(B) requires a competitive telecommunications provider to publish
5 legal notice of its application to discontinue service in all counties affected by its application within
6 20 days after filing the application. Sprint published notice of Sprint's intent to discontinue Sprint's
7 Integrated Local Services and associated features. While Staff found the notice insufficient as it only
8 related to the discontinuance of certain product services rather than the discontinuance of local
9 exchange services as a whole, Staff recommended waiver of notice under A.A.C. R14-2-1107(B)
10 given Sprint's sole customer had already been notified and the potential for customer confusion if
11 another publication was required.

12 13. Staff's recommendation for approval of Sprint's application to discontinue local
13 service, the cancellation of Sprint's Arizona C.C. Local Exchange Tariff No. 4, and the cancellation
14 of Sprint's CC&N to provide competitive local exchange services in Arizona is reasonable and
15 should be adopted.

16 CONCLUSIONS OF LAW

17 1. Sprint Communications Company L.P. is a public service corporation within the
18 meaning of Article XV of the Arizona Constitution and A.R.S. §§ 40-281 and 40-282.

19 2. The Commission has jurisdiction over Sprint Communications Company L.P. and the
20 subject matter of the application.

21 3. Sprint Communications Company L.P. has complied with the notice requirements of
22 A.A.C. R14-2-1107(A)(2), (A)(4), and (B).

23 4. The cancellation of Sprint Communications Company L.P.'s CC&N to provide local
24 exchange services and to cancel its tariff on file with the Commission for such services is in the
25 public interest.

26 5. The Company has waived a hearing in this matter.

27 6. Staff's recommendation is reasonable and should be adopted.
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ORDER

IT IS THEREFORE ORDERED that the application of Sprint Communications Company L.P. for the cancellation of its Certificate of Convenience and Necessity, granted in Commission Decision No. 60236 (June 12, 1997), to provide local exchange services in Arizona is hereby approved and the Certificate of Convenience and Necessity is cancelled.

IT IS FURTHER ORDERED that Sprint Communications Company L.P.'s Arizona C.C. Local Exchange Tariff No. 4 on file with the Commission is hereby cancelled.

IT IS FURTHER ORDERED that Sprint Communications Company L.P. is no longer subject to any of the requirements of Decision No. 60236.

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

BY 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 the Commission to be affixed at the Capitol, in the City of Phoenix, this _____ day of _____ 2015.

JODI JERICH
EXECUTIVE DIRECTOR

DISSENT _____

DISSENT _____

SP:tv

1 SERVICE LIST FOR: SPRINT COMMUNICATIONS COMPANY L.P.

2 DOCKET NO.: T-02432B-14-0277

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