

OPEN MEETING

MEMORANDUM



0000159569

TO: THE COMMISSION

FROM: Utilities Division

DATE: January 21, 2015

RE: IN THE MATTER OF THE APPLICATION OF MCC TELEPHONY OF THE WEST, LLC FOR APPROVAL OF RESCISSION OF THE BOND REQUIREMENT CONTAINED IN ACC DECISION NO. 71965 (DOCKET NO. T-20718A-14-0416)

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AZ CORP COMMISSION
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Introduction

On December 22, 2014, MCC Telephony of the West, LLC ("MCC Telephony" or "Applicant") submitted an Application requesting rescission of the bond requirement contained in Decision No. 71965.

Background

In Decision No. 71965, dated November 23, 2010, the Arizona Corporation Commission ("Commission") ordered MCC Telephony to procure a performance bond or irrevocable sight draft letter of credit ("ISDLOC") in the amount of \$225,000, provide the original to the Commission's Business Office and file copies with Docket Control. On February 11, 2011, MCC Telephony docketed a copy of the \$225,000 performance bond it had obtained, along with a notice stating the original bond had been delivered to the Business Office. Staff has confirmed the Business Office is in possession of the original \$225,000 bond.

Compliance

According to the Corporations Division, MCC Telephony is in good standing. The Compliance Section of the Utilities Division reports that MCC Telephony is currently in compliance with the Compliance Database. The Consumer Services Section of the Utilities Division reports there have been no complaints or opinions about MCC Telephony for the period of January 1, 2012 to January 5, 2015.

Staff Recommendations

The Commission has, in appropriate circumstances, relieved telecommunications providers of the obligation to maintain a performance bond or ISDLOC. Staff recommends MCC Telephony be relieved of the \$225,000 performance bond or ISDLOC obligation contained in Decision No. 71965.

Arizona Corporation Commission

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DOCKETED BY 

THE COMMISSION

January 21, 2015

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The Applicant states that in order to release the bond, it is sufficient for the Commission to include in an ordering paragraph language authorizing the Applicant to cancel, rescind, discontinue and be released from the performance bond.

MCC Telephony indicates in its Application that the bond should be returned to the following name and address:

Anne Sokolin-Maimom
Mediacom Communications
1 Mediacom Way
Mediacom Park, NY 10918

for



Steven M. Olea
Director
Utilities Division

SMO:MAC:sms\BH

ORIGINATOR: Matt Connolly

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BEFORE THE ARIZONA CORPORATION COMMISSION

SUSAN BITTER SMITH
Chairman
BOB STUMP
Commissioner
BOB BURNS
Commissioner
DOUG LITTLE
Commissioner
TOM FORESE
Commissioner

IN THE MATTER OF THE APPLICATION
OF MCC TELEPHONY OF THE WEST,
LLC FOR APPROVAL OF RESCISSION OF
THE BOND REQUIREMENT
CONTAINED IN ARIZONA
CORPORATION COMMISSION DECISION
NO. 71965

DOCKET NO. T-20718A-14-0416
DECISION NO. _____
ORDER

Open Meeting
February 3 and 4, 2015
Phoenix, Arizona

BY THE COMMISSION:

FINDINGS OF FACT

1. On December 22, 2014, MCC Telephony of the West, LLC ("MCC Telephony" or "Applicant") submitted an Application requesting rescission of the bond requirement contained in Decision No. 71965.

Background

2. In Decision No. 71965, dated November 23, 2010, the Arizona Corporation Commission ("ACC" or "Commission") ordered MCC Telephony to procure a performance bond or irrevocable sight draft letter of credit ("ISDLOC") in the amount of \$225,000, provide the original to the Commission's Business Office and file copies with Docket Control. On February 11, 2011, MCC Telephony docketed a copy of the \$225,000 performance bond it had obtained along with a notice stating the original bond had been delivered to the Business Office. Staff has confirmed the Business Office is in possession of the original \$225,000 bond.

...

1 **Compliance**

2 3. According to the ACC Corporations Division, MCC Telephony is in good standing. The
3 Compliance Section of the ACC Utilities Division reports that MCC Telephony is currently in
4 compliance with the Compliance Database. The Consumer Services Section of the ACC Utilities
5 Division reports there have been no complaints or opinions about MCC Telephony for the period of
6 January 1, 2012 to January 5, 2015.

7 **Staff Recommendations**

8 4. The Commission has, in appropriate circumstances, relieved telecommunications
9 providers of the obligation to maintain a performance bond or ISDLOC. Staff recommends MCC
10 Telephony be relieved of the \$225,000 performance bond or ISDLOC obligation contained in
11 Decision No. 71965.

12 5. The Applicant states that in order to release the bond, it is sufficient for the
13 Commission to include in an ordering paragraph language authorizing the Applicant to cancel, rescind,
14 discontinue and be released from the performance bond or ISDLOC required by Decision No. 71965.

15 6. MCC Telephony indicates in the Application the bond should be released and returned
16 to the following name and address:

17 Anne Sokolin-Maimom
18 Mediacom Communications
19 1 Mediacom Way
20 Mediacom Park, NY 10918

21 CONCLUSIONS OF LAW

22 1. MCC Telephony of the West, LLC is a public service corporation within the meaning
23 of Article XV of the Arizona Constitution.

24 2. The Commission has jurisdiction over MCC Telephony of the West, LLC and the
25 subject matter in this filing.

26 3. The Commission, having reviewed the filing and Staff's Memorandum dated January
27 21, 2015, concludes that it is in the public interest to approve the MCC Telephony of the West, LLC
28 Application as proposed and discussed herein.

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ORDER

IT IS THEREFORE ORDERED that the Application of MCC Telephony of the West, LLC to terminate the performance bond or irrevocable sight draft letter of credit requirement contained in Decision No. 71965 be and hereby is approved.

IT IS FURTHER ORDERED that MCC Telephony of the West, LLC may cancel, rescind, discontinue and be released from any performance bond, irrevocable sight draft letter of credit or other instrument obtained in compliance with the performance bond or irrevocable sight draft letter of credit requirements set by Decision No. 71965.

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1 IT IS FURTHER ORDERED that any performance bond on file with the Commission on
 2 behalf of MCC Telephony of the West, LLC be returned to the following name and address provided
 3 by the Applicant:

4 Anne Sokolin-Maimom
 5 Mediacom Communications
 6 1 Mediacom Way
 7 Mediacom Park, NY 10918

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

9 **BY THE ORDER OF THE ARIZONA CORPORATION COMMISSION**

10
 11 CHAIRMAN

COMMISSIONER

12
 13 COMMISSIONER

COMMISSIONER

COMMISSIONER

14
 15 IN WITNESS WHEREOF, I, JODI JERICH, Executive
 16 Director of the Arizona Corporation Commission, have
 17 hereunto, set my hand and caused the official seal of this
 18 Commission to be affixed at the Capitol, in the City of
 19 Phoenix, this _____ day of _____, 2015.

20 _____
 21 JODI JERICH
 22 EXECUTIVE DIRECTOR

23 DISSENT: _____

24 DISSENT: _____

25 SMO:MAC:sms\BH
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1 SERVICE LIST FOR: MCC Telephony of the West, LLC
2 DOCKET NO. T-20718A-14-0416

3 Ms. Joan S. Burke
4 Law Office of Joan S. Burke, P.C.
5 1650 North First Avenue
6 Phoenix, Arizona 85003

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

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

17 Ms. Lyn Farmer
18 Chief Administrative Law Judge
19 Arizona Corporation Commission
20 1200 West Washington Street
21 Phoenix, Arizona 85007

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