

OPEN MEETING ITEM

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

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ARIZONA CORPORATION COMMISSION

RECEIVED

DATE: FEBRUARY 6, 2015

2015 FEB -6 P 2: 22

DOCKET NO.: T-04062A-14-0345

AZ CORP COMMISSION
DOCKET CONTROL

TO ALL PARTIES:

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

DPI TELECONNECT, LLC
(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 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:

FEBRUARY 16, 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:

MARCH 2, 2015 and MARCH 3, 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

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JODI JERICH
EXECUTIVE DIRECTOR

1200 WEST WASHINGTON STREET; PHOENIX, ARIZONA 85007-2927 / 400 WEST CONGRESS STREET, TUCSON, ARIZONA 85701-1347
www.cc.state.az.us

This document is available in alternative formats by contacting Shaylin Bernal, ADA Coordinator, voice phone number 602-542-3931, E-mail SBernal@azcc.gov.

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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

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

IN THE MATTER OF THE APPLICATION OF
UNITY TELECOM, LLC f/k/a/ DPI
TELECONNECT, LLC FOR THE APPROVAL OF
SURRENDER OF ITS CCN AUTHORITY IN THE
STATE OF ARIZONA.

DOCKET NO. T-04062A-14-0345

DECISION NO. _____

ORDER

Open Meeting
March 2 and 3, 2015
Phoenix, Arizona

BY THE COMMISSION:

* * * * *

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

FINDINGS OF FACT

1. On June 5, 2002, the Commission issued Decision No. 64883 granting dPi Teleconnect, LLC ("dPi") a Certificate of Convenience and Necessity ("CC&N") to provide resold interexchange telecommunications services within the State of Arizona and requiring a performance bond in the amount of \$25,000.

2. According to a filing with the Federal Communications Commission ("FCC"), dPi changed its name from dPi Teleconnect, LLC to Utility Telecom, LLC ("Unity" or "Company") on May 18, 2012. The Company failed to notify the Commission of its name change and, therefore, all internal Commission references to the Company refer to dPi.

3. On September 22, 2014, Unity filed with the Commission a letter stating Unity does not currently offer interexchange telecommunications services within the State of Arizona and requesting that the Commission cancel its CC&N, as well as its tariff.

4. On January 22, 2015 the Commission's Utilities Division ("Staff") filed a Staff Report

1 in this matter recommending approval of DPI's application to cancel its CC&N.

2 5. The Staff Report indicates that Staff confirmed Unity had stopped providing
3 telecommunications services in Arizona in March 2013. Unity also submitted an affidavit in which it
4 attested it had no customers in Arizona to which it provides intrastate telecommunications services.
5 As such, Unity requested a waiver of the notice requirements in Arizona Administrative Code
6 ("A.A.C.") R14-2-1107.

7 6. According to Staff, Unity asserted it did not collect advances, deposits, and/or
8 prepayments from Arizona customers.

9 7. In response to Staff's Data Requests, Unity stated it had a \$75,000 performance bond
10 on file with the Commission that was cancelled on December 10, 2006. The Staff Report states a
11 copy of the performance bond is on file with the Commission, whereas a copy of the cancellation of
12 the bond is not.

13 8. According to the Commission's Consumer Services Section, zero complaints,
14 inquiries, or opinions were filed against dPi but no records exist for Unity.

15 9. The Commission's Compliance Section reports there are no current compliance
16 delinquencies for dPi, and the Corporations Division states dPi is in good standing. Neither the
17 Compliance Section nor the Corporations Division has records for Unity.

18 10. Staff recommends approval of Unity's request to cancel its CC&N to provide resold
19 interexchange telecommunications services and to withdraw its Arizona tariff. Staff also
20 recommends granting Unity's request to waive the published notice requirements of A.A.C. R14-2-
21 1107, because the Company is not providing resold interexchange telecommunications services to
22 any customers in Arizona and the Company never collected any advances, deposits, and/or
23 prepayments from Arizona customers. Further, Staff recommends any documents related to the
24 performance bond be released and returned to the following name and address:

25 Mary Calderon
26 Unity Telecom, LLC
27 Manager, Compliance & Regulatory Affairs
28 1330 Capital Pkwy.
 Carrollton, Texas 75006

11. Staff's recommendations are reasonable.

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CONCLUSIONS OF LAW

- 1. dPi Teleconnect, LLC 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 dPi Teleconnect, LLC and the subject matter of the application.
- 3. The cancellation of dPi Teleconnect, LLC's CC&N is in the public interest.
- 4. Staff's recommendations are reasonable and should be adopted.

ORDER

IT IS THEREFORE ORDERED that the application of dPi Teleconnect, LLC for the cancellation of its Certificate of Convenience and Necessity to provide resold interexchange telecommunications services in Arizona shall be, and is hereby, approved, and the Certificate of Convenience and Necessity is cancelled.

IT IS FURTHER ORDERED that dPi Teleconnect, LLC's telecommunications services tariff on file with the Commission is hereby cancelled.

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

2 BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

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5 CHAIRMAN

COMMISSIONER

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7 COMMISSIONER

COMMISSIONER

COMMISSIONER

8
9 IN WITNESS WHEREOF, I, JODI JERICH, Executive
10 Director of the Arizona Corporation Commission, have
11 hereunto set my hand and caused the official seal of the
12 Commission to be affixed at the Capitol, in the City of Phoenix,
13 this _____ day of _____ 2015.

14 JODI JERICH
EXECUTIVE DIRECTOR

15 DISSENT _____

16
17 DISSENT _____

18 SP:ru

1 SERVICE LIST FOR: T-04062A-14-0345
2 DOCKET NO.: DPI TELECONNECT, LLC
3 Charles L. Schneider, Jr.
4 President and CEO
5 Unity Telecom, LLC fka dPi Teleconnect, LLC
6 1330 Capital Parkway
7 Carrolton, TX 75006
8 Janice Alward, Chief Counsel
9 Legal Division
10 ARIZONA CORPORATION COMMISSION
11 1200 West Washington Street
12 Phoenix, AZ 85007
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