

**ORIGINAL**

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

**OPEN MEETING ITEM**



0000161166

**ARIZONA CORPORATION COMMISSION**

RECEIVED  
AZ CORP COMMISSION  
DOCKET CONTROL

2015 JUL 10 PM 1 33

DATE: JULY 10, 2015  
DOCKET NO.: T-20497A-15-0111  
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:

**CBEYOND COMMUNICATIONS, LLC  
(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:

JULY 20, 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:

AUGUST 18, 2015 and AUGUST 19, 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**

JUL 10 2015

DOCKETED BY  
*Rtu*

*Jodi Jerich*  
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](http://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 [SABernal@azcc.gov](mailto:SABernal@azcc.gov).

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 CBEYOND COMMUNICATIONS, LLC FOR  
10 APPROVAL TO CANCEL ITS CERTIFICATE OF  
11 CONVENIENCE AND NECESSITY.

DOCKET NO. T-20497A-15-0111

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

12 ORDER

13 Open Meeting  
14 August 18 and 19, 2015  
15 Phoenix, Arizona

16 **BY THE COMMISSION:**

17 \* \* \* \* \*

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

20 FINDINGS OF FACT

21 1. On December 17, 2008, the Commission issued Decision No. 70644 granting Cbeyond  
22 Communications, LLC ("Cbeyond" or "Company") a Certificate of Convenience and Necessity ("CC&N")  
23 to provide competitive facilities-based local exchange and resold long distance telecommunications services  
24 within the State of Arizona.

25 2. On April 2, 2015, Cbeyond filed with the Commission an application requesting to  
26 discontinue facilities-based local exchange and resold long distance services. The Company's application  
27 further requested the Commission cancel its CC&N. In its application, Cbeyond states it is a subsidiary of  
28 Cbeyond, Inc. which is a subsidiary of Birch Communications, Inc. ("Birch"). The application indicates  
that Birch has a second subsidiary in Arizona called Ionex Communication North, Inc. ("Ionex"). Cbeyond  
points out that, unlike Cbeyond, Ionex has customers to which it provides local exchange and interexchange  
telecommunications services and asserts that retaining the CC&N for only one subsidiary will reduce  
reporting requirements and simplify matters for taxing and licensing authorities.



1 hereby, approved, and the Certificate of Convenience and Necessity is canceled.

2 IT IS FURTHER ORDERED that Cbeyond Communications, LLC's telecommunications  
3 services tariff on file with the Commission is hereby canceled.

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

5 BY ORDER OF THE ARIZONA CORPORATION COMMISSION.  
6  
7  
8

9 CHAIRMAN \_\_\_\_\_ COMMISSIONER \_\_\_\_\_

10  
11  
12 COMMISSIONER \_\_\_\_\_ COMMISSIONER \_\_\_\_\_ COMMISSIONER \_\_\_\_\_

13  
14 IN WITNESS WHEREOF, I, JODI. A. JERICH, Executive  
15 Director of the Arizona Corporation Commission, have  
16 hereunto set my hand and caused the official seal of the  
17 Commission to be affixed at the Capitol, in the City of Phoenix,  
18 this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
\_\_\_\_\_  
JODI A. JERICH  
EXECUTIVE DIRECTOR

DISSENT \_\_\_\_\_

DISSENT \_\_\_\_\_  
SP:ru/tv

1 SERVICE LIST FOR: CBeyond COMMUNICATIONS, LLC

2 DOCKET NO.: T-20497A-15-0111

3 Joan Burke  
4 LAW OFFICES OF JOAN S. BURKE, P.C.  
5 1650 North First Avenue  
6 Phoenix, AZ 85003

7 Janice Alward, Chief Counsel  
8 Legal Division  
9 ARIZONA CORPORATION COMMISSION  
10 1200 West Washington Street  
11 Phoenix, AZ 85007

12 Steven Olea, Director  
13 Utilities Division  
14 ARIZONA CORPORATION COMMISSION  
15 1200 West Washington Street  
16 Phoenix, AZ 85007  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28