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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

Arizona Corporation Commission

DOCKETED

SEP 16 2015

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

DOCKETED BY

IN THE MATTER OF THE APPLICATION OF  
WILTEL LOCAL NETWORK, LLC FOR  
APPROVAL TO CANCEL ITS CERTIFICATE OF  
CONVENIENCE AND NECESSITY TO PROVIDE  
COMPETITIVE RESOLD AND FACILITIES-  
BASED LOCAL EXCHANGE, EXCHANGE  
ACCESS AND INTRASTATE DEDICATED  
ACCESS TELECOMMUNICATION SERVICES.

DOCKET NO. T-03779A-15-0201

DECISION NO. 75275

ORDER

Open Meeting  
September 8 and 9, 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. In Decision No. 62727 (June 30, 2000), the Commission granted Witel Local Network, LLC ("WLN" or the "Company") a Certificate of Convenience and Necessity ("CC&N") to provide competitive resold and facilities-based local exchange, exchange access, and intrastate dedicated access telecommunication services in Arizona.

2. In 2005, WilTel Communications ("WilTel-Comm"), WLN, and Level 3 Communications, LLC ("Level 3"),<sup>1</sup> filed a joint application requesting a limited waiver of the Commission's Public Utility Holding Companies and Affiliated Interest Rules, Arizona Administrative Code ("A.A.C.") R14-2-801 and R14-2-806, whereby Level 3 proposed to acquire

<sup>1</sup> In Arizona, Level 3 is authorized to provide facilities-based and resold local exchange, toll, and access services. See, Decision No. 61737 (June 4, 1999).

1 indirect control of WilTel-Comm and WLN.<sup>2</sup>

2         3.         On June 17, 2015, WLN filed an application with the Commission requesting approval  
3 to cancel its CC&N to provide the above-mentioned telecommunication services in Arizona and for a  
4 waiver of the notice and return of customer deposits requirements set forth in A.A.C. R14-2-1107.  
5 WLN's application states that after it was acquired by Level 3: "having multiple subsidiaries  
6 providing similar services became inefficient;" WLN's products and services have been gradually  
7 integrated into the Level 3 offerings; the integration of services caused no customer contracts to be  
8 canceled or terminated; WLN no longer has any customers; WLN does not hold customer deposits;  
9 and WLN has not provided services in Arizona for more than five years.

10         4.         Staff has filed a Complaint and Petition for an Order to Show Cause against utilities  
11 who failed to file their Utilities Annual Report ("Complaint and Petition").<sup>3</sup> WLN was listed in  
12 Staff's Complaint and Petition as one of the utilities that failed to file an Annual Report. WLN's  
13 application in this matter, requests that the Company's name be removed from Staff's Complaint and  
14 Petition, because it was an oversight that the Annual Report did not get filed and stating that WLN's  
15 parent company has consistently filed its Utilities Annual Report. On August 14, 2015, Staff filed an  
16 Amended Complaint and Petition and removed WLN's name. Therefore, WLN's request is moot and  
17 will not be addressed in this Order.

18         5.         On July 24, 2015, the Commission's Utilities Division ("Staff") filed a Memorandum  
19 in response to WLN's application to cancel its CC&N. Staff states that the Commission's Consumer  
20 Services Section reports that no complaints were filed against WLN from January 1, 2012 through  
21 June 26, 2015. Further, the Commission's Corporations Division indicates that WLN did not file a  
22 Utilities Annual Report for 2008, and that WLN's status has been revoked, but Staff states that the  
23 Commission's Compliance Section reports that the Company is otherwise in compliance.

24         6.         Staff recommends cancellation of the Company's CC&N and its tariffs on file with the  
25 Commission. Staff also recommends that the Commission grant WLN a waiver of the requirement  
26 to provide direct notice to affected customers and to publish notice as set forth in A.A.C. R14-2-

27 \_\_\_\_\_  
28 <sup>2</sup> See, Decision No. 68346 (December 9, 2005).

<sup>3</sup> See, Docket No. C00000A-15-0118.

1 1107. Staff further recommends that upon cancellation of WLN's CC&N, the Company will no  
2 longer be authorized to provide resold and facilities-based local exchange services, access exchange  
3 services and intrastate dedicated access telecommunications services in Arizona.

4 7. Because WLN holds no customer deposits, we believe it is reasonable to also grant  
5 WLN a waiver of a plan to return customer deposits as set forth in A.A.C. R14-2-1107(A)(3).

6 8. Staff's recommendations, as modified herein, are reasonable and should be adopted.

7 **CONCLUSIONS OF LAW**

8 1. WilTel Local Network, LLC is a public service corporation within the meaning of  
9 Article XV of the Arizona Constitution and A.R.S. §§ 40-281 and 40-282.

10 2. The Commission has jurisdiction over WilTel Local Network, LLC and the subject  
11 matter of the application.

12 3. The cancellation of WilTel Local Network, LLC's CC&N to provide resold and  
13 facilities-based local exchange services, access exchange services, and intrastate dedicated access  
14 telecommunications services in Arizona is in the public interest.

15 4. Granting waiver of the notice, publication, and plan for return of customer deposits  
16 requirements set forth in A.A.C. R14-2-1107(A)-(B) is reasonable, in this matter.

17 5. Staff's recommendations, as modified herein, are reasonable and should be adopted.

18 **ORDER**

19 IT IS THEREFORE ORDERED that WilTel Local Network, LLC.'s application to cancel its  
20 Certificate of Convenience and Necessity to provide resold and facilities-based local exchange  
21 services, access exchange services and intrastate dedicated access telecommunications services in  
22 Arizona, is hereby approved.

23 IT IS FURTHER ORDERED that WilTel Local Network, LLC is hereby granted a waiver of  
24 the notice, publication, and plan to return customer deposits requirements set forth in A.A.C. R14-2-  
25 1107 (A)-(B).

26 ...  
27 ...  
28 ...

1 IT IS FURTHER ORDERED that WiTel Local Network, LLC's tariffs on file with the  
2 Arizona Corporation Commission are hereby cancelled and the Company is no longer subject to the  
3 requirements in Decision No. 62727.

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

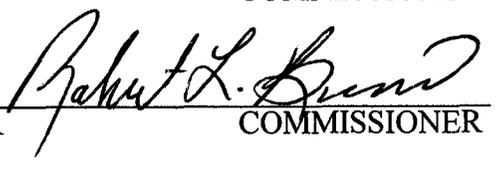
5 BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

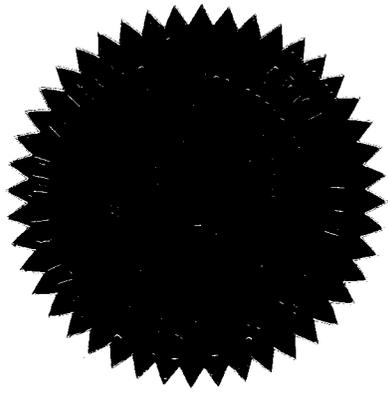
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8 CHAIRMAN

  
9 COMMISSIONER

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11  
12 IN WITNESS WHEREOF, I, JODI JERICH, Executive  
13 Director of the Arizona Corporation Commission, have  
14 hereunto set my hand and caused the official seal of the  
15 Commission to be affixed at the Capitol, in the City of Phoenix,  
16 this 16<sup>th</sup> day of September 2015.

  
17 JODI JERICH  
18 EXECUTIVE DIRECTOR

19 DISSENT \_\_\_\_\_

20 DISSENT \_\_\_\_\_  
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1 SERVICE LIST FOR: WITEL LOCAL NETWORK, LLC

2 DOCKET NO.: T-03779A-15-0201

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