

ORIGINAL

OPEN MEETING



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MEMORANDUM

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TO: THE COMMISSION

FROM: Utilities Division

CORP COMMISS
DOCKET CONTROL

DATE: April 22, 2015

RE: IN THE MATTER OF THE APPLICATION OF MERCURY VOICE & DATA, LLC FOR APPROVAL OF RESCISSION OF THE BOND REQUIREMENT CONTAINED IN ACC DECISION NO. 71480. (DOCKET NO. T-20613A-15-0082)

INTRODUCTION

On March 6, 2015, Mercury Voice & Data, LLC dba SuddenLink Communications ("Mercury" or "Applicant") submitted an Application requesting rescission of the \$225,000 performance bond requirement contained in Decision No. 71480.

BACKGROUND

On February 3, 2010, in Decision No. 71480, the Arizona Corporation Commission ("Commission") ordered Mercury to procure and file proof of a performance bond equal to \$225,000. Mercury submitted an original performance bond in the amount of \$225,000 and an original general surety rider, each with an effective date of April 29, 2010, to the Commission's Business Office. Staff has confirmed that the Business Office is in possession of the original documents, along with original replacement bonds, and the last replacement bond containing an effective date of April 1, 2015 which is due to expire on June 1, 2015.

COMPLIANCE

According to the Corporations Division, Mercury is in good standing. The Consumer Services Section of the Utilities Division reports there have been no complaints or opinions filed regarding Mercury for the period of 2012 through 2015. A check of the Compliance Database by the Compliance Section of the Utilities Division indicates there are no delinquencies for Mercury; therefore Mercury is currently in compliance.

STAFF RECOMMENDATIONS

The Commission has, in appropriate circumstances, relieved telecommunications providers of the obligation to maintain a performance bond. Staff recommends Mercury be relieved of the \$225,000 performance bond obligation contained in Decision No. 71480.

Arizona Corporation Commission

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THE COMMISSION

April 22, 2015

Page 2

The Applicant states that, in order to release the performance bond and associated documents, 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 required by Decision No. 71480.

Mercury indicates in its Application, that the current bond and all associated documents should be returned to the following name and address:

Mr. Laszlo S. Lerant
Mercury Voice & Data, LLC dba Suddenlink
520 Maryville Centre Drive, Suite 300
St. Louis, MO 63141



Mr. Steven M. Olea
Director
Utilities Division

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ORIGINATOR: Lori Morrison

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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 MERCURY VOICE & DATA, LLC FOR
APPROVAL OF RESCISSION OF THE
BOND REQUIREMENT CONTAINED IN
ACC DECISION NO. 71480.

DOCKET NO. T-20613A-15-0082
DECISION NO. _____
ORDER

Open Meeting
May 12 and 13, 2015
Phoenix, Arizona

BY THE COMMISSION:

FINDINGS OF FACT

1. On March 6, 2015, Mercury Voice & Data, LLC dba SuddenLink Communications (“Mercury” or “Applicant”) submitted an Application requesting rescission of the \$225,000 performance bond requirement contained in Decision No. 71480.

Background

2. On February 3, 2010, in Decision No. 71480, the Arizona Corporation Commission (“Commission”) ordered Mercury to procure and file proof of a performance bond equal to \$225,000. Mercury submitted an original performance bond in the amount of \$225,000 and an original general surety rider, each with an effective date of April 29, 2010, to the Commission’s Business Office. Staff has confirmed that the Business Office is in possession of the original documents along with original replacement bonds, and the last replacement bond containing an effective date of April 1, 2015 which is due to expire on June 1, 2015.

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1 **Compliance**

2 3. According to the Corporations Division, Mercury is in good standing. The Consumer
3 Services Section of the Utilities Division reports there have been no complaints or opinions filed
4 regarding Mercury for the period of 2012 through 2015. A check of the Compliance Database by the
5 Compliance Section of the Utilities Division indicates there are no delinquencies for Mercury;
6 therefore Mercury is currently in compliance.

7 **Staff Recommendations**

8 4. The Commission has, in appropriate circumstances, relieved telecommunications
9 providers of the obligation to maintain a performance bond. Staff recommends Mercury be relieved
10 of the \$225,000 performance bond obligation contained in Decision No. 71480.

11 5. The Applicant states that, in order to release the performance bond and associated
12 documents, it is sufficient for the Commission to include in an ordering paragraph language
13 authorizing the Applicant to cancel, rescind, discontinue and be released from the performance bond
14 required by Decision No. 71480.

15 6. Mercury indicates in its Application, that the current bond and all associated
16 documents should be returned to the following name and address:

17 Mr. Laszlo S. Lerant
18 Mercury Voice & Data, LLC dba Suddenlink
19 520 Maryville Centre Drive, Suite 300
20 St. Louis, MO 63141

20 CONCLUSIONS OF LAW

21 1. Mercury Voice & Data, LLC dba SuddenLink Communications is a public service
22 corporation within the meaning of Article XV of the Arizona Constitution.

23 2. The Commission has jurisdiction over Mercury Voice & Data, LLC dba SuddenLink
24 Communications and the subject matter in this filing.

25 3. The Commission, having reviewed the filing and Staff's Memorandum dated April 22,
26 2015, concludes that it is in the public interest to approve the Mercury Voice & Data, LLC dba
27 SuddenLink Communications Application as proposed and discussed herein.

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ORDER

IT IS THEREFORE ORDERED that the Application of Mercury Voice & Data, LLC dba SuddenLink Communications to terminate the performance bond requirement contained in Decision No. 71480 be and hereby is approved.

IT IS FURTHER ORDERED that Mercury Voice & Data, LLC dba SuddenLink Communications may cancel, rescind, discontinue and be released from any performance bond or other instrument obtained in compliance with the performance bond requirements set by Decision No. 71480.

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1 IT IS FURTHER ORDERED that all bond related documents, including the original
 2 performance bonds, original surety rider, and associated documents on file with the Commission
 3 Business Office on behalf of Mercury Voice & Data, LLC dba SuddenLink Communications, be
 4 released and returned to the following name and address provided by the Applicant:

5 Mr. Laszlo S. Lerant
 6 Mercury Voice & Data, LLC dba Suddenlink
 7 520 Maryville Centre Drive, Suite 300
 8 St. Louis, MO 63141

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

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

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| 12 | CHAIRMAN | | COMMISSIONER |
| 13 | | | |
| 14 | COMMISSIONER | COMMISSIONER | COMMISSIONER |
| 15 | | | |

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

21 _____
 22 JODI JERICH
 23 EXECUTIVE DIRECTOR

24 DISSENT: _____

25 DISSENT: _____

26 SMO:LLM:red\CHH

1 SERVICE LIST FOR: Mercury Voice & Data, LLC dba SuddenLink Communications
2 DOCKET NO. T-20613A-15-0082

3 Ms. Joan S. Burke
4 Attorney for Mercury Voice & Data, LLC
5 dba SuddenLink Communications
6 Law Office of Joan S. Burke, P.C.
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Phoenix, Arizona 85003

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

10 Ms. Janice M. Alward
11 Chief Counsel, Legal Division
12 Arizona Corporation Commission
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13
14 Ms. Lyn Farmer
15 Chief Administrative Law Judge
16 Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

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