

ORIGINAL

OPEN MEETING



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MEMORANDUM

Arizona Corporation Commission

DOCKETED

OCT 6 2015

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AZ CORP COMMISSION
DOCKET CONTROL

TO: THE COMMISSION

FROM: Utilities Division

DATE: October 6, 2015

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| DOCKETED BY | |
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RE: IN THE MATTER OF THE APPLICATION OF BULLSEYE TELECOM, INC.
FOR APPROVAL OF RESCISSION OF BOND REQUIREMENT. (DOCKET
NO. T-04276A-15-0270)

INTRODUCTION

On July 24 2015, BullsEye Telecom, Inc. ("BullsEye" or "Applicant") submitted an Application requesting an order rescinding the \$135,000 performance bond requirements contained in Decision Nos. 67751 and 67949.

BACKGROUND

In Decision No. 67751, dated April 11, 2005, the Arizona Corporation Commission ("Commission") required BullsEye to procure a performance bond equal to \$110,000 and to file proof of procurement with the Director of the Utilities Division. In Decision No. 67949, dated June 21, 2005, the Commission required BullsEye to procure a performance bond equal to \$25,000 and to file proof of procurement with the Director of the Utilities Division.

On March 30, 2005, BullsEye filed an original bond for \$135,000, effective February 7, 2005, with the Director of the Utilities Division and copies in Docket No. T-04276A-04-0667. Staff has confirmed that the Business Office is in possession of the original bond documents, along with an original replacement bond containing an effective date of March 18, 2013.

COMPLIANCE

According to the Corporations Division, BullsEye is in good standing. The Consumer Services Section of the Utilities Division reports there have been no complaints or opinions filed regarding BullsEye for the period of January 1, 2012 through August 18, 2015. A check of the Compliance Database by the Compliance Section of the Utilities Division indicates there are no delinquencies for BullsEye; therefore BullsEye 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 BullsEye be relieved of the

THE COMMISSION

October 6, 2015

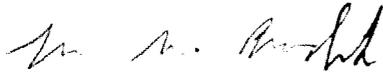
Page 2

\$110,000 and \$25,000 performance bond obligation contained in Decision Nos. 67751 and 67949, respectively.

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 Nos. 67751 and 67949.

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

Mary K. Shoemaker
Commercial Lines Account Manager
Gompers, Cornish & Barr
22955 21 Mile Road
Macomb Township, MI 48042



Thomas M. Broderick
Director
Utilities Division

TMB:LLM:red\BH

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 BULLSEYE TELECOM, INC. FOR
APPROVAL OF RESCISSION OF BOND
REQUIREMENT.

DOCKET NO. T-04276A-15-0270
DECISION NO. _____
ORDER

Open Meeting
October 20 and 21, 2015
Phoenix, Arizona

BY THE COMMISSION:

FINDINGS OF FACT

1. On July 24 2015, BullsEye Telecom, Inc. (“BullsEye” or “Applicant”) submitted an Application requesting an order rescinding the \$135,000 performance bond requirements contained in Decision Nos. 67751 and 67949.

Background

2. In Decision No. 67751, dated April 11, 2005, the Arizona Corporation Commission (“Commission”) required BullsEye to procure a performance bond equal to \$110,000 and to file proof of procurement with the Director of the Utilities Division. In Decision No. 67949, dated June 21, 2005, the Commission required BullsEye to procure a performance bond equal to \$25,000 and to file proof of procurement with the Director of the Utilities Division.

3. On March 30, 2005, BullsEye filed an original bond for \$135,000, effective February 7, 2005, with the Director of the Utilities Division and copies in Docket No. T-04276A-04-0667. Staff has confirmed that the Business Office is in possession of the original bond documents, along with an original replacement bond containing an effective date of March 18, 2013.

1 **Compliance**

2 4. According to the Corporations Division, BullsEye is in good standing. The Consumer
3 Services Section of the Utilities Division reports there have been no complaints or opinions filed
4 regarding BullsEye for the period of January 1, 2012 through August 18, 2015. A check of the
5 Compliance Database by the Compliance Section of the Utilities Division indicates there are no
6 delinquencies for BullsEye; therefore BullsEye is currently in compliance.

7 **Staff Recommendations**

8 5. The Commission has, in appropriate circumstances, relieved telecommunications
9 providers of the obligation to maintain a performance bond. Staff recommends BullsEye be relieved
10 of the \$110,000 and \$25,000 performance bond obligation contained in Decision Nos. 67751 and
11 67949, respectively.

12 6. The Applicant states that, in order to release the performance bond and associated
13 documents, it is sufficient for the Commission to include in an ordering paragraph language
14 authorizing the Applicant to cancel, rescind, discontinue and be released from the performance bond
15 required by Decision Nos. 67751 and 67949.

16 7. BullsEye indicates in its Application, that the current bond and all bond associated
17 documents should be returned to the following name and address:

18 Mary K. Shoemaker
19 Commercial Lines Account Manager
20 Gompers, Cornish & Barr
21 22955 21 Mile Road
22 Macomb Township, MI 48042

22 CONCLUSIONS OF LAW

23 1. BullsEye Telecom, Inc. is a public service corporation within the meaning of Article
24 XV of the Arizona Constitution.

25 2. The Commission has jurisdiction over BullsEye Telecom, Inc. and the subject matter
26 in this filing.

27 ...

28 ...

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 BullsEye Telecom, Inc., be released and returned to the following name
 4 and address provided by the Applicant:

5 Mary K. Shoemaker
 6 Commercial Lines Account Manager
 7 Gompers, Cornish & Barr
 8 22955 21 Mile Road
 9 Macomb Township, MI 48042

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

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

12 CHAIRMAN

13 COMMISSIONER

14 COMMISSIONER

15 COMMISSIONER

16 COMMISSIONER

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

22 _____
 23 JODI JERICH
 24 EXECUTIVE DIRECTOR

25 DISSENT: _____

26 DISSENT: _____

27 TMB:LLM:red\BH

1 SERVICE LIST FOR: BullsEye Telecom, Inc.
2 DOCKET NO. T-04276A-15-0270

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5 Ms. Sharon Warren
6 Representative for BullsEye Telecom, Inc.
7 Technologies Management, Inc.
8 2600 Maitland Center Parkway, Suite 300
9 Maitland, Florida 32751

10

11 Mr. Thomas M. Broderick
12 Director, Utilities Division
13 Arizona Corporation Commission
14 1200 West Washington Street
15 Phoenix, Arizona 85007

16

17 Ms. Janice M. Alward
18 Chief Counsel, Legal Division
19 Arizona Corporation Commission
20 1200 West Washington Street
21 Phoenix, Arizona 85007

22

23 Mr. Dwight Nodes
24 Chief Administrative Law Judge
25 Arizona Corporation Commission
26 1200 West Washington Street
27 Phoenix, Arizona 85007

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