

ORIGINAL

OPEN MEETING



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MEMORANDUM

Arizona Corporation Commission

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TO: THE COMMISSION

OCT 6 2015

FROM: Utilities Division

ARIZONA CORPORATION COMMISSION
DOCKET CONTROL

DATE: October 6, 2015

DOCKETED BY	<i>JD</i>
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RE: IN THE MATTER OF ACN COMMUNICATION SERVICES, INC. FOR RESCISSION OF BOND REQUIREMENT. (DOCKET NO. T-03835A-15-0283)

INTRODUCTION

On August 5, 2015, ACN Communication Services, Inc. ("ACSI" or "Applicant") submitted an Application requesting rescission of the \$125,000 performance bond requirement contained in Decision No. 66618.

BACKGROUND

In Decision No. 66618, dated December 10, 2003, the Arizona Corporation Commission ("Commission") required ACSI to procure a performance bond equal to \$125,000 and to file proof of procurement with the Director of the Utilities Division. On December 19, 2003, ACSI filed an original performance bond for \$125,000, effective November 13, 2003, with the Director of the Utilities Division and filed copies in Docket No. T-03835A-03-0156.

On November 14, 2013, ACSI sent a replacement performance bond for \$125,000, effective November 13, 2013, to the Commission Business Office and filed copies in Docket No. T-03835A-03-0156. In its correspondence accompanying the replacement bond, ACSI requested the return of its original bond. On December 30, 2013, ACSI sent a Rider to performance bond in order to correct the Applicant's name on the signature line to the Commission Business Office and filed copies in Docket No. T-03835A-03-0156. Staff has confirmed that the Business Office is in possession of the original replacement bond and the Rider.

COMPLIANCE

According to the Corporations Division, ACSI is in good standing. The Consumer Services Section of the Utilities Division reports there have been no complaints or opinions filed regarding ACSI for the period of January 1, 2012 through August 15, 2015. A check of the Compliance Database by the Compliance Section of the Utilities Division indicates there are no delinquencies for ACSI; therefore ACSI is currently in compliance.

THE COMMISSION

October 6, 2015

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STAFF RECOMMENDATIONS

The Commission has, in appropriate circumstances, relieved telecommunications providers of the obligation to maintain a performance bond. Staff recommends ACSI be relieved of the \$125,000 performance bond obligation contained in Decision No. 66618.

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. 66618.

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

Legal Department
Attn: Meredith Ginter
ACN Communication Services, Inc.
1000 Progress Place
Concord, NC 28025-2449



Mr. Thomas M. Broderick
Director
Utilities Division

TMB:LLM:nr\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 ACN)
COMMUNICATION SERVICES, INC. FOR)
RESCISSION OF BOND REQUIREMENT. }

DOCKET NO. T-03835A-15-0283
DECISION NO. _____
ORDER

Open Meeting
October 20 and 21, 2015
Phoenix, Arizona

BY THE COMMISSION:

FINDINGS OF FACT

1. On August 5, 2015, ACN Communication Services, Inc. (“ACSI” or “Applicant”) submitted an Application requesting rescission of the \$125,000 performance bond requirement contained in Decision No. 66618.

Background

2. In Decision No. 66618, dated December 10, 2003, the Arizona Corporation Commission (“Commission”) required ACSI to procure a performance bond equal to \$125,000 and to file proof of procurement with the Director of the Utilities Division. On December 19, 2003, ACSI filed an original performance bond for \$125,000, effective November 13, 2003, with the Director of the Utilities Division and filed copies in Docket No. T-03835A-03-0156.

3. On November 14, 2013, ACSI sent a replacement performance bond for \$125,000, effective November 13, 2013, to the Commission Business Office and filed copies in Docket No. T-03835A-03-0156. In its correspondence accompanying the replacement bond, ACSI requested the return of its original bond. On December 30, 2013, ACSI sent a Rider to performance bond in order

1 to correct the Applicant's name on the signature line to the Commission Business Office and filed
2 copies in Docket No. T-03835A-03-0156. Staff has confirmed that the Business Office is in
3 possession of the original replacement bond and the Rider.

4 **Compliance**

5 4. According to the Corporations Division, ACSI is in good standing. The Consumer
6 Services Section of the Utilities Division reports there have been no complaints or opinions filed
7 regarding ACSI for the period of January 1, 2012 through August 15, 2015. A check of the
8 Compliance Database by the Compliance Section of the Utilities Division indicates there are no
9 delinquencies for ACSI; therefore ACSI is currently in compliance.

10 **Staff Recommendations**

11 5. The Commission has, in appropriate circumstances, relieved telecommunications
12 providers of the obligation to maintain a performance bond. Staff recommends ACSI be relieved of
13 the \$125,000 performance bond obligation contained in Decision No. 66618.

14 6. The Applicant states that, in order to release the performance bond and associated
15 documents, it is sufficient for the Commission to include in an ordering paragraph language
16 authorizing the Applicant to cancel, rescind, discontinue and be released from the performance bond
17 required by Decision No. 66618.

18 7. ACSI indicates in its Application, that the current bond and all associated documents
19 should be returned to the following name and address:

20 Legal Department
21 Attn: Meredith Ginter
22 ACN Communication Services, Inc.
23 1000 Progress Place
24 Concord, NC 28025-2449

24 CONCLUSIONS OF LAW

25 1. ACN Communication Services, Inc. is a public service corporation within the meaning
26 of Article XV of the Arizona Constitution.

27 2. The Commission has jurisdiction over ACN Communication Services, Inc. and the
28 subject matter in this filing.

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 ACN Communication Services, Inc., be released and returned to the
 4 following name and address provided by the Applicant:

5 Legal Department
 6 Attn: Meredith Ginter
 7 ACN Communication Services, Inc.
 8 1000 Progress Place
 9 Concord, NC 28025-2449

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

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

12	CHAIRMAN	COMMISSIONER
13		
14		
15	COMMISSIONER	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:nr\BH

1 SERVICE LIST FOR: ACN Communication Services, Inc.
2 DOCKET NO. T-03835A-15-0283

3 Ms. Sharon Thomas
4 Representative for ACN Communication Services, Inc.
5 Technologies Management, Inc.
6 2600 Maitland Center Parkway, Suite 300
7 Maitland, Florida 32751

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9 Director, Utilities Division
10 Arizona Corporation Commission
11 1200 West Washington Street
12 Phoenix, Arizona 85007

13 Ms. Janice M. Alward
14 Chief Counsel, Legal Division
15 Arizona Corporation Commission
16 1200 West Washington Street
17 Phoenix, Arizona 85007

18 Mr. Dwight Nodes
19 Chief Administrative Law Judge
20 Arizona Corporation Commission
21 1200 West Washington Street
22 Phoenix, Arizona 85007

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