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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

Arizona Corporation Commission
DOCKETED
NOV 25 2015
DOCKETED BY

IN THE MATTER OF THE APPLICATION)
OF ACCESS POINT, INC. TO RESCIND)
THE BOND REQUIREMENT)
CONTAINED IN DECISION NO. 71118.)

DOCKET NO. T-03446A-15-0360
DECISION NO. 75329
ORDER

Open Meeting
November 17 and 18, 2015
Phoenix, Arizona

BY THE COMMISSION:

FINDINGS OF FACT

1. On October 20, 2015, Access Point, Inc. ("Access Point" or "Applicant") submitted an Application with the Arizona Corporation Commission ("Commission" or "ACC") requesting rescission of the bond requirement contained in ACC Decision No. 71118.

2. In its Application, Access Point states that it has maintained the \$125,000 irrevocable sight draft letter of credit ("ISDLOC") as required by Decision No. 71118 since October 7, 2009.

Background

3. On June 5, 2009, in Decision No. 71118, the Commission ordered Access Point to procure a performance bond or ISDLOC in the amount of \$125,000 and docket proof of the bond or ISDLOC. On September 2, 2009, in Decision No. 71270, the Commission granted Access Point an extension of time for filing the performance bond or ISDLOC. On October 7, 2009, the Applicant docketed a copy of the \$125,000 ISDLOC, issued by Wachovia Bank, N.A.; Access Point had obtained and delivered the original to the Commission's Business Office. Subsequently, on December

1 11, 2014 the Business Office received an original \$125,000 ISDLOC, issued by PNC Bank, N.A., to
2 replace the expired ISDLOC previously issued by Wachovia Bank, N.A. A copy of the ISDLOC
3 issued by PNC Bank, N.A. was docketed on October 30, 2015.

4 4. Staff has confirmed the Commission is in possession of the original \$125,000
5 ISDLOC issued by Wachovia Bank, N.A. and the original \$125,000 ISDLOC issued by PNC Bank,
6 N.A. Access Point is requesting the return of both of these documents to the contact listed below.

7 **Complaints and Compliance**

8 5. The Consumer Services Section of the Utilities Division reports there have been no
9 complaints or opinions filed against Access Point from January 1, 2012 to October 30, 2015. Access
10 Point filed its 2014 Utilities Annual Report on April 20, 2015. According to the Commission's
11 Corporations Division, Access Point is in good standing. The Compliance Section of the Utilities
12 Division reports that Access Point is currently in compliance.

13 **Staff Recommendations**

14 6. The Commission, in appropriate circumstances, has relieved telecommunications
15 providers of the obligation to maintain a performance bond or ISDLOC. Staff recommends that
16 Access Point be relieved of the \$125,000 performance bond or ISDLOC obligation contained in
17 Decision No. 71118.

18 7. The Applicant states that in order to release the ISDLOC, it is sufficient for the
19 Commission's Decision and Order to include in an ordering paragraph language authorizing the
20 Applicant to cancel, rescind, discontinue and be released from the performance bond or ISDLOC
21 requirements set by Decision Nos. 71118 and 71270 and authorizing the cancellation of the ISDLOC.

22 8. Access Point has communicated to Staff that upon approval of this Application, all
23 bond documents, ISDLOCs, riders, and associated documents on file with the Commission on behalf
24 of Access Point should be released and returned to the following name and address:

25 Mr. Mark Henry
26 Treasury Analyst
27 Access Point, Inc.
28 1100 Crescent Green, Suite 109
Cary, North Carolina 27518

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CONCLUSIONS OF LAW

1. Access Point, Inc. is a public service corporation within the meaning of Article XV of the Arizona Constitution.

2. The Commission has jurisdiction over Access Point, Inc. and the subject matter of this filing.

3. The Commission, having reviewed the filing and Staff's Memorandum dated November 6, 2015, concludes that it is in the public interest to approve the Access Point, Inc. Application as proposed and discussed herein.

ORDER

IT IS THEREFORE ORDERED that the Application of Access Point, Inc. to terminate the performance bond or irrevocable sight draft letter of credit requirement contained in Decision No. 71118 be and hereby is approved.

IT IS FURTHER ORDERED that Access Point, Inc. may cancel, rescind, discontinue and be released from any performance bond, irrevocable sight draft letter of credit or other instrument obtained in compliance with the performance bond or irrevocable sight draft letter of credit requirements set by Decision Nos. 71118 and 71270.

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1 IT IS THEREFORE ORDERED that all bond documentation in the name of Access Point,
2 Inc. on file with the Commission be returned to the following name and address provided by the
3 Applicant:

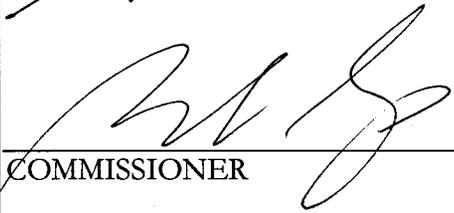
4 Mr. Mark Henry
5 Treasury Analyst
6 Access Point, Inc.
7 1100 Crescent Green, Suite 109
8 Cary, North Carolina 27518

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

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

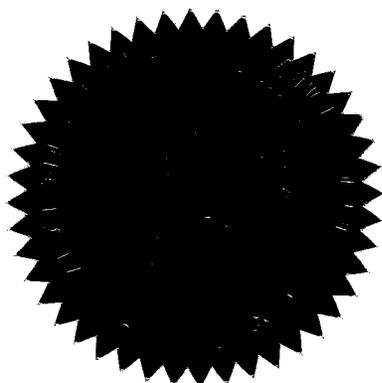
11 
12 CHAIRMAN

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14 COMMISSIONER

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16 COMMISSIONER

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18 COMMISSIONER

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20 COMMISSIONER



21 IN WITNESS WHEREOF, I, JODI JERICH, Executive
22 Director of the Arizona Corporation Commission, have
23 hereunto, set my hand and caused the official seal of this
24 Commission to be affixed at the Capitol, in the City of
25 Phoenix, this 25th day of November, 2015.

26 
27 JODI JERICH
28 EXECUTIVE DIRECTOR

DISSENT: _____

DISSENT: _____

TMB:PJG:red\RWG

- 1 SERVICE LIST FOR: Access Point, Inc.
- 2 DOCKET NO. T-03446A-15-0360
- 3
- 4 Mr. Timothy J. Sabo
- 5 Snell & Wilmer, L.L.P.
- 6 One Arizona Center
- 7 400 East Van Buren Street
- 8 Phoenix, Arizona 85004
- 9
- 10 Mr. Thomas M. Broderick
- 11 Director, Utilities Division
- 12 Arizona Corporation Commission
- 13 1200 West Washington Street
- 14 Phoenix, Arizona 85007
- 15
- 16 Ms. Janice M. Alward
- 17 Chief Counsel, Legal Division
- 18 Arizona Corporation Commission
- 19 1200 West Washington Street
- 20
- 21 Mr. Dwight Nodes
- 22 Chief Administrative Law Judge, Hearing Division
- 23 Arizona Corporation Commission
- 24 1200 West Washington Street
- 25 Phoenix, Arizona 85007Phoenix, Arizona 85007
- 26
- 27
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