

ORIGINAL

OPEN MEETING



0000168350

MEMORANDUM

Arizona Corporation Commission

RECEIVED

TO: THE COMMISSION

DOCKETED

2016 FEB 11 P 2:13

FROM: Utilities Division

FEB 11 2016

DATE: February 11, 2016

DOCKETED BY *KG*

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

RE: IN THE MATTER OF THE APPLICATION OF TRIPLET MOUNTAIN COMMUNICATIONS, INC. FOR RESCISSION OF BOND REQUIREMENT CONTAINED IN ARIZONA CORPORATION COMMISSION DECISION NO. 70101 (DOCKET NO. T-20487A-15-0306)

Introduction

On August 24, 2015, Triplet Mountain Communications, Inc. ("Triplet Mountain" or "Applicant") submitted an Application with the Arizona Corporation Commission ("Commission" or "ACC") requesting rescission of the bond requirement contained in ACC Decision No. 70101. An Amended Application was filed by Triplet Mountain on January 22, 2016.

In its Amended Application, Triplet Mountain states that it has maintained a Certificate of Deposit with Washington Federal's branch in Globe, Arizona since January 2008 with the intent to satisfy the \$110,000 bond requirement as required by Decision No. 70101. As noted in the Amended Application, the balance in the account as of late 2015 was \$118,294.40.

Background

On December 21, 2007, in Decision No. 70101, the Commission ordered Triplet Mountain to procure a performance bond or irrevocable sight draft letter of credit ("ISDLOC") in the amount of \$110,000 and docket proof of that bond or ISDLOC. On January 31, 2008, the Applicant docketed a copy of the \$110,000 ISDLOC it had obtained and delivered the original to the Commission's Business Office. Subsequently, the Business Office received a letter from Bank of America dated December 10, 2010, stating that the ISDLOC would expire on January 18, 2011. On January 22, 2016 attached to its Amended Application, Triplet Mountain submitted a letter from Washington Federal indicating that a Certificate of Deposit account was opened on January 23, 2008 and has a current balance of \$118,294.40.

Staff has confirmed the Business Office is in possession of the original \$110,000 ISDLOC and the letter from Bank of America dated December 10, 2010. Triplet Mountain is requesting the return of both of these documents.

Complaints and Compliance

The Consumer Services Section of the Utilities Division reports there have been no complaints or opinions filed against Triplet Mountain from January 1, 2012 to February 1, 2016. Triplet Mountain filed its 2014 Utilities Annual Report on February 18, 2015. According to the Commission's Corporations Division, Triplet Mountain is in good standing. The Compliance

Section of the Utilities Division reports that Triplet Mountain is not considered to be in compliance at this time as the Compliance Section is awaiting Triplet Mountain to send a copy of the renewal of the bond/ISDLOC to prove it has remained in force in accordance with Decision No. 70101. Triplet Mountain states in its Amended Application that while it is currently unable to confirm to the Commission that the original ISDLOC is still in place, Triplet Mountain does have the Certificate of Deposit in place, since January 2008.

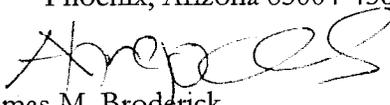
Staff Recommendations

The Commission, in appropriate circumstances, has relieved telecommunications providers of the obligation to maintain a performance bond or ISDLOC. Staff recommends that Triplet Mountain be relieved of the \$110,000 performance bond or ISDLOC obligation contained in Decision No. 70101.

The Applicant states that in order to release the ISDLOC, 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 or ISDLOC requirements set by Decision No. 70101 and authorizing the cancellation of the ISDLOC.

Triplet Mountain has communicated to Staff that upon approval of this Application, the bond/ISDLOC documents should be returned to the following name and address:

Mr. David I. Thompson
Dickinson Wright PLLC
1850 N Central Avenue, Suite 1400
Phoenix, Arizona 85004-4568

for

Thomas M. Broderick
Director
Utilities Division

TMB:PJG:nr/CHH

ORIGINATOR: Pamela J. Genung

THE COMMISSION

February 11, 2016

Page 3

SERVICE LIST FOR: Triplet Mountain Communications, Inc.
DOCKET NO.: T-20487A-15-0306

Mr. David I. Thompson
Dickinson Wright PLLC
1850 North Central Avenue, Suite 1400
Phoenix, Arizona 85004-4568

Mr. Thomas M. Broderick
Director, Utilities Division
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

Ms. Janice Alward
Chief Counsel, Legal Division
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

Mr. Dwight Nodes
Chief Administrative Law Judge, Hearing Division
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

BEFORE THE ARIZONA CORPORATION COMMISSION

DOUG LITTLE
Chairman
BOB STUMP
Commissioner
BOB BURNS
Commissioner
TOM FORESE
Commissioner
ANDY TOBIN
Commissioner

IN THE MATTER OF THE APPLICATION)
OF TRIPLET MOUNTAIN)
COMMUNICATIONS, INC. FOR)
RESCISSION OF BOND REQUIREMENT)
CONTAINED IN ARIZONA)
CORPORATION COMMISSION DECISION)
NO. 70101.)

DOCKET NO. T-20487A-15-0306
DECISION NO. _____
ORDER

Open Meeting
March 2 and 3, 2016
Phoenix, Arizona

BY THE COMMISSION:

FINDINGS OF FACT

1. On August 24, 2015, Triplet Mountain Communications, Inc. (“Triplet Mountain” or “Applicant”) submitted an Application with the Arizona Corporation Commission (“Commission” or “ACC”) requesting rescission of the bond requirement contained in ACC Decision No. 70101. An Amended Application was filed by Triplet Mountain on January 22, 2016.

2. In its Amended Application, Triplet Mountain states that it has maintained a Certificate of Deposit with Washington Federal’s branch in Globe, Arizona since January 2008 with the intent to satisfy the \$110,000 bond requirement as required by Decision No. 70101. As noted in the Amended Application, the balance in the account as of late 2015 was \$118,294.40.

Background

3. On December 21, 2007, in Decision No. 70101, the Commission ordered Triplet Mountain to procure a performance bond or irrevocable sight draft letter of credit (“ISDLOC”) in the

1 amount of \$110,000 and docket proof of that bond or ISDLOC. On January 31, 2008, the Applicant
2 docketed a copy of the \$110,000 ISDLOC it had obtained and delivered the original to the
3 Commission's Business Office. Subsequently, the Business Office received a letter from Bank of
4 America dated December 10, 2010, stating that the ISDLOC would expire on January 18, 2011. On
5 January 22, 2016 attached to its Amended Application, Triplet Mountain submitted a letter from
6 Washington Federal indicating that a Certificate of Deposit account was opened on January 23, 2008
7 and has a current balance of \$118,294.40.

8 4. Staff has confirmed the Business Office is in possession of the original \$110,000
9 ISDLOC and the letter from Bank of America dated December 10, 2010. Triplet Mountain is
10 requesting the return of both of these documents.

11 **Complaints and Compliance**

12 5. The Consumer Services Section of the Utilities Division reports there have been no
13 complaints or opinions filed against Triplet Mountain from January 1, 2012 to February 1, 2016.
14 Triplet Mountain filed its 2014 Utilities Annual Report on February 18, 2015. According to the
15 Commission's Corporations Division, Triplet Mountain is in good standing. The Compliance Section
16 of the Utilities Division reports that Triplet Mountain is not considered to be in compliance at this
17 time as the Compliance Section is awaiting Triplet Mountain to send a copy of the renewal of the
18 bond/ISDLOC to prove it has remained in force in accordance with Decision No. 70101. Triplet
19 Mountain states in its Amended Application that while it is currently unable to confirm to the
20 Commission that the original ISDLOC is still in place, Triplet Mountain does have the Certificate of
21 Deposit in place, since January 2008.

22 **Staff Recommendations**

23 6. The Commission, in appropriate circumstances, has relieved telecommunications
24 providers of the obligation to maintain a performance bond or ISDLOC. Staff recommends that
25 Triplet Mountain be relieved of the \$110,000 performance bond or ISDLOC obligation contained in
26 Decision No. 70101.

27 7. The Applicant states that in order to release the ISDLOC, it is sufficient for the
28 Commission to include in an ordering paragraph language authorizing the Applicant to cancel, rescind,

1 discontinue and be released from the performance bond or ISDLOC requirements set by Decision
2 No. 70101 and authorizing the cancellation of the ISDLOC.

3 8. Triplet Mountain has communicated to Staff that upon approval of this Application,
4 the bond/ISDLOC documents should be returned to the following name and address:

5 Mr. David I. Thompson
6 Dickinson Wright PLLC
7 1850 N Central Avenue, Suite 1400
8 Phoenix, Arizona 85004-4568

8 CONCLUSIONS OF LAW

9 1. Triplet Mountain Communications, Inc. is a public service corporation within the
10 meaning of Article XV of the Arizona Constitution.

11 2. The Commission has jurisdiction over Triplet Mountain Communications, Inc. and the
12 subject matter in this filing.

13 3. The Commission, having reviewed the filing and Staff's Memorandum dated February
14 11, 2016, concludes that it is in the public interest to approve the Triplet Mountain Communications,
15 Inc. Application as proposed and discussed herein.

16 ORDER

17 IT IS THEREFORE ORDERED that the Application of Triplet Mountain Communications,
18 Inc. to terminate the performance bond or irrevocable sight draft letter of credit requirement
19 contained in Decision No. 70101 be and hereby is approved.

20 IT IS FURTHER ORDERED that Triplet Mountain Communications, Inc. may cancel,
21 rescind, discontinue and be released from any performance bond, irrevocable sight draft letter of
22 credit or other instrument obtained in compliance with the performance bond or irrevocable sight
23 draft letter of credit requirements set by Decision No. 70101.

24 ...
25 ...
26 ...
27 ...
28 ...

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

4 Mr. David I. Thompson
5 Dickinson Wright PLLC
6 1850 N Central Avenue, Suite 1400
7 Phoenix, Arizona 85004-4568

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

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

10
11 CHAIRMAN

COMMISSIONER

12
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 _____, 2016.

21 _____
22 JODI JERICH
23 EXECUTIVE DIRECTOR

24 DISSENT: _____

25 DISSENT: _____

26 TMB:PJG:nr/CHH
27
28

1 SERVICE LIST FOR: Triplet Mountain Communications, Inc.
2 DOCKET NO. T-20487A-15-0306

3 Mr. David I. Thompson
4 Dickinson Wright PLLC
5 1850 North Central Avenue, Suite 1400
6 Phoenix, Arizona 85004-4568

7 Mr. Thomas M. Broderick
8 Director, Utilities Division
9 Arizona Corporation Commission
10 1200 West Washington Street
11 Phoenix, Arizona 85007

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

16 Mr. Dwight Nodes
17 Chief Administrative Law Judge, Hearing Division
18 Arizona Corporation Commission
19 1200 West Washington Street
20 Phoenix, Arizona 85007

21
22
23
24
25
26
27
28