

OPEN MEETING ITEM



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EXECUTIVE DIRECTOR

COMMISSIONERS  
DOUG LITTLE - Chairman  
BOB STUMP  
BOB BURNS  
TOM COFFEY  
ANDY TOBIN



ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

DOCKETED

JUL 26 2016

DOCKETED BY *JL*

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AZ CORP COMMISSION  
DOCKET CONTROL  
2016 JUL 26 P 2:45

DATE: JULY 26, 2016  
DOCKET NO.: T-03462A-16-0086

TO ALL PARTIES:

Enclosed please find the recommendation of Administrative Law Judge Brian D. Schneider. The recommendation has been filed in the form of an Order on:

NEW CENTURY TELECOM, INC.  
(CC&N CANCELLATION)

Pursuant to A.A.C. R14-3-110(B), you may file exceptions to the recommendation of the Administrative Law Judge by filing an original and thirteen (13) copies of the exceptions with the Commission's Docket Control at the address listed below by **4:00** p.m. on or before:

AUGUST 4, 2016

The enclosed is NOT an order of the Commission, but a recommendation of the Administrative Law Judge to the Commissioners. Consideration of this matter has tentatively been scheduled for the Commission's Open Meeting to be held on:

AUGUST 9 AND 10, 2016

For more information, you may contact Docket Control at (602) 542-3477 or the Hearing Division at (602) 542-4250. For information about the Open Meeting, contact the Executive Director's Office at (602) 542-3931.

*Jodi A. Jerich*  
JODI A. JERICH  
EXECUTIVE DIRECTOR

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 COMMISSIONERS

3 DOUG LITTLE – Chairman  
4 BOB STUMP  
5 BOB BURNS  
6 TOM FORESE  
7 ANDY TOBIN

8 IN THE MATTER OF THE APPLICATION OF  
9 NEW CENTURY TELECOM, INC. TO  
10 DISCONTINUE THE PROVISION OF  
11 COMPETITIVE RESOLD INTEREXCHANGE  
12 TELECOMMUNICATIONS SERVICES IN  
13 ARIZONA

DOCKET NO. T-03462A-16-0086

DECISION NO. \_\_\_\_\_

ORDER

14 Open Meeting  
15 August 9 and 10, 2016  
16 Phoenix, Arizona

17 **BY THE COMMISSION:**

18 Having considered the entire record herein and being fully advised in the premises, the Arizona  
19 Corporation Commission (“Commission”) finds, concludes, and orders that:

20 \* \* \* \* \*

21 FINDINGS OF FACT

22 1. On April 17, 2002, the Commission issued Decision No. 63303, approving New  
23 Century Telecom, Inc.’s (“New Century”) application for a Certificate of Convenience and Necessity  
24 (“CC&N”) to provide resold interexchange telecommunications services within the State of Arizona.

25 2. On February 10, 2016, New Century filed an application with the Commission  
26 requesting to cancel its CC&N to provide resold interexchange telecommunications services within the  
27 State of Arizona. The application indicated that New Century has not conducted any business and has  
28 had no customers since June 30, 2015.

3. On July 18, 2016, the Commission’s Utilities Division (“Staff”) filed a Staff Report in  
this matter, recommending approval of New Century’s application.

4. Staff indicated that on March 17, 2016, Staff emailed New Century a First Set of Data  
Requests (“First SDR”) and made numerous unsuccessful attempts to call New Century to verify

1 receipt of the First SDR. Staff also stated that on April 5, 2016, Staff sent a certified letter to New  
2 Century with the First SDR attached. On April 25, 2016, the certified letter was returned as not  
3 deliverable as addressed and unable to forward.

4 5. Staff states that the Commission's Consumer Services Section reported that no  
5 complaints, inquiries, or opinions had been filed against New Century from January 1, 2012, to March  
6 21, 2016. Further, Staff states that the Commission's Compliance Section indicated that there are no  
7 current compliance delinquencies for New Century. Finally, Staff states that according to the  
8 Commission's Corporations Division, New Century is not in good standing for failure to file its Annual  
9 Corporations Report on April 25, 2106. New Century last filed its annual report on June 12, 2015.

10 6. Staff states that New Century is not currently providing resold interexchange  
11 telecommunications services to any telecommunications customers in Arizona. Staff further states that  
12 New Century never collected deposits, advances or prepayments from Arizona customers and that it  
13 has no affiliates that provide telecommunications services in Arizona.

14 7. Staff recommends approval of New Century's application to cancel its CC&N as well as  
15 its corresponding tariff. Staff states that upon cancellation, New Century will no longer be subject to  
16 the requirements set forth in Decision No. 63303.

17 8. Staff's recommendation to approve New Century's application for cancellation of its  
18 CC&N to provide resold interexchange telecommunications services within the State of Arizona is  
19 reasonable and should be adopted.

#### 20 CONCLUSIONS OF LAW

21 1. New Century Telecom, Inc. is a public service corporation within the meaning of Article  
22 XV of the Arizona Constitution and A.R.S. §§ 40-281, 40-282 and 40-285.

23 2. The Commission has jurisdiction over New Century Telecom, Inc. and the subject  
24 matter of the application.

25 3. The cancellation of New Century Telecom, Inc.'s CC&N to provide resold  
26 interexchange telecommunications services in Arizona is in the public interest.

27 4. Staff's recommendations are reasonable and should be adopted.

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**ORDER**

IT IS THEREFORE ORDERED that New Century Telecom, Inc.'s application to cancel its Certificate of Convenience and Necessity to provide resold interexchange telecommunications services within the State of Arizona is hereby approved.

IT IS FURTHER ORDERED that New Century Telecom, Inc.'s tariff on file with the Arizona Corporation Commission is hereby cancelled and the Company is no longer subject to the requirements in Decision No. 63303.

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

BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

CHAIRMAN LITTLE

COMMISSIONER STUMP

COMMISSIONER FORESE

COMMISSIONER TOBIN

COMMISSIONER BURNS

IN WITNESS WHEREOF, I, JODI A. JERICH, Executive Director of the Arizona Corporation Commission, have hereunto set my hand and caused the official seal of the Commission to be affixed at the Capitol, in the City of Phoenix, this \_\_\_\_\_ day of \_\_\_\_\_ 2016.

JODI A. JERICH  
EXECUTIVE DIRECTOR

DISSENT \_\_\_\_\_

DISSENT \_\_\_\_\_  
BDS:rt

1 SERVICE LIST FOR:

NEW CENTURY TELECOM, INC.

2 DOCKET NO.:

T-03462A-16-0086

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