

OPEN MEETING



ORIGINAL

MEMORANDUM

Arizona Corporation Commission

DOCKETED

NOV 29 2016

AZ CORP COM
DOCKET CONTROL

2016 NOV 29 PM 2 05

TO: THE COMMISSION

FROM: Utilities Division

DATE: November 29, 2016

DOCKETED BY

GB

RE: IN THE MATTER OF THE APPLICATION OF TALTON COMMUNICATIONS, INC. FOR RESCISSION OF BOND REQUIREMENT CONTAINED IN ARIZONA CORPORATION COMMISSION DECISION NO. 72672. (DOCKET NO. T-20717A-16-0383)

INTRODUCTION

Enclosed are the Commission Staff's memorandum and proposed order for IN THE MATTER OF THE APPLICATION OF TALTON COMMUNICATIONS, INC. FOR RESCISSION OF BOND REQUIREMENT CONTAINED IN ARIZONA CORPORATION COMMISSION DECISION NO. 72672. (DOCKET NO. T-20717A-16-0383). This is only a Staff recommendation to the Commission; it has not yet become an order of the Commission. The Commission can decide to accept, amend or reject Staff's proposed order.

You may file comments to the recommendation(s) of the proposed order by filing an original and thirteen (13) copies of the comments with the Commission's Docket Control Center at 1200 W. Washington St., Phoenix, AZ 85007 by 4:00 p.m. on or before December 7, 2016.

This matter may be scheduled for Commission deliberation at its Open Meeting on December 19, 2016 at 10:00 a.m., December 20, 2016, at 10:00 a.m. and December 21, 2016 at 10:00 a.m.

If you have any questions about this matter, please contact Matt Connolly of our Staff at (602) 542-0856 or Jeffrey Hatch-Miller, Interim Director, at (602) 542-7270.

BACKGROUND

On October 21, 2016, Talton Communications, Inc. ("Talton" or "Applicant") submitted an Application requesting elimination of the bond or letter of credit requirement contained in Decision No. 72672.

In Decision No. 72672, dated November 17, 2011, the Arizona Corporation Commission ("Commission") ordered Talton to procure a performance bond or irrevocable sight draft letter of credit ("ISDLOC") equal to \$10,000. Talton was further ordered to file the original bond or ISDLOC with the Commission's Business Office and file a copy of the bond or ISDLOC with Docket Control. On December 16, 2011, Talton filed with the Commission proof it had obtained a \$10,000 ISDLOC and delivered that original ISDLOC to the Business Office.

Staff has confirmed the Utilities Division is in possession of:

- An original ISDLOC Amendment dated November 9, 2016.
- An original ISDLOC Amendment dated December 18, 2015.
- An original ISDLOC Amendment dated December 17, 2014.
- An original ISDLOC Amendment dated December 17, 2013.
- An original ISDLOC Amendment dated March 25, 2013.
- Two original ISDLOC Amendments dated December 18, 2012.
- An original ISDLOC dated November 29, 2011.

COMPLIANCE

According to the Corporations Division, Talton is in good standing. The Compliance Section of the Utilities Division reports that Talton is currently in compliance. The Consumer Services Section of the Utilities Division reports there were no complaints or opinions about Talton between January 1, 2013 and November 2, 2016. Talton filed its 2015 Utilities Annual Report on January 20, 2016.

STAFF RECOMMENDATIONS

The Commission has, in appropriate circumstances, relieved telecommunications providers of the obligation to maintain a performance bond or ISDLOC. Staff recommends Talton be relieved of the \$10,000 performance bond or ISDLOC obligation contained in Decision No. 72672.

The Applicant states that in order to release the bond, 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. 72672 and authorizing the cancellation of the ISDLOC.

Talton indicated to Staff the ISDLOC documentation should be returned to the following name and address:

Mr. Julius Talton
Talton Communications, Inc.
910 Ravenwood Drive
Selema, Alabama 36701

Jeffrey M. Hatch-Miller 
Interim Director
Utilities Division

JHM:MAC:red\WVC

ORIGINATOR: Matt Connolly

THE COMMISSION

November 29, 2016

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SERVICE LIST FOR: TALTON COMMUNICATIONS, INC.
DOCKET NO.: T-20717A-16-0383

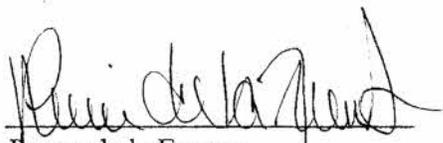
On this 29th day of November, 2016, the foregoing document was filed with Docket Control as a Utilities Division Memorandum and Proposed Order, and copies of the foregoing were mailed on behalf of the Utilities Division to the following who have not consented to email service. On this date or as soon as possible thereafter, the Commission's eDocket program will automatically email a link to the foregoing to the following who have consented to email service.

Ms. Sharon Warren
Technologies Management, Inc.
151 Southhall Lane, Suite 450
Maitland, Florida 32751

Ms. Janet F. Wagner
Interim Director, Legal Division
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

Mr. Jeffrey M. Hatch-Miller
Interim Director, Utilities Division
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

By:


Renee de la Fuente
Administrative Support Specialist

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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 TALTON COMMUNICATIONS, INC.
FOR RESCISSION OF BOND
REQUIREMENT CONTAINED IN
ARIZONA CORPORATION COMMISSION
DECISION NO. 72672.

DOCKET NO. T-20717A-16-0383
DECISION NO. _____
ORDER

Open Meeting
December 19, 20 and 21, 2016
Phoenix, Arizona

BY THE COMMISSION:

FINDINGS OF FACT

1. On October 21, 2016, Talton Communications, Inc. ("Talton" or "Applicant") submitted an Application requesting elimination of the bond or letter of credit requirement contained in Decision No. 72672.

Background

2. In Decision No. 72672, dated November 17, 2011, the Arizona Corporation Commission ("Commission") ordered Talton to procure a performance bond or irrevocable sight draft letter of credit ("ISDLOC") equal to \$10,000. Talton was further ordered to file the original bond or ISDLOC with the Commission's Business Office and file a copy of the bond or ISDLOC with Docket Control. On December 16, 2011, Talton filed with the Commission proof it had obtained a \$10,000 ISDLC and delivered that original ISDLOC to the Business Office.

3. Staff has confirmed the Utilities Division is in possession of:

- An original ISDLOC Amendment dated November 9, 2016.

- 1 • An original ISDLOC Amendment dated December 18, 2015.
- 2 • An original ISDLOC Amendment dated December 17, 2014.
- 3 • An original ISDLOC Amendment dated December 17, 2013.
- 4 • An original ISDLOC Amendment dated March 25, 2013.
- 5 • Two original ISDLOC Amendments dated December 18, 2012.
- 6 • An original ISDLOC dated November 29, 2011.

7 **Compliance**

8 4. According to the Corporations Division, Talton is in good standing. The Compliance
9 Section of the Utilities Division reports that Talton is currently in compliance. The Consumer
10 Services Section of the Utilities Division reports there are been no complaints or opinions about
11 Talton between January 1, 2013, and November 2, 2016. Talton filed its 2015 Utilities Annual Report
12 on January 20, 2016.

13 **Staff Recommendations**

14 5. The Commission has, in appropriate circumstances, relieved telecommunications
15 providers of the obligation to maintain a performance bond or ISDLOC. Staff recommends Talton
16 be relieved of the \$10,000 performance bond or ISDLOC obligation contained in Decision No.
17 72672.

18 6. The Applicant states that in order to release the bond, it is sufficient for the
19 Commission to include in an ordering paragraph language authorizing the Applicant to cancel, rescind,
20 discontinue and be released from the performance bond or ISDLOC requirements set by Decision
21 No. 72672 and authorizing the cancellation of the ISDLOC.

22 7. Talton indicated to Staff the bond should be returned to the following name and
23 address:

24 Mr. Julius Talton
25 Talton Communications, Inc.
26 910 Ravenwood Drive
 Selma, Alabama 36701

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CONCLUSIONS OF LAW

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

2. The Commission has jurisdiction over Talton Communications, Inc. and the subject matter in this filing.

3. The Commission, having reviewed the filing and Staff's Memorandum dated November 29, 2016, concludes that it is in the public interest to approve Talton Communications, Inc.'s Application as proposed and discussed herein.

ORDER

IT IS THEREFORE ORDERED that the Application of Talton Communications, Inc. to terminate the performance bond requirements contained in Decision No. 72672 be and hereby is approved.

IT IS FURTHER ORDERED that Talton Communications, 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 \$10,000 performance bond or irrevocable sight draft letter of credit requirements set by Decision No. 72672.

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1 IT IS FURTHER ORDERED that the IDSLOC documentation on file with the Commission
2 on behalf of Talton Communications, Inc. be returned to the following name and address provided by
3 the Applicant:

4 Mr. Julius Talton
5 Talton Communications, Inc.
6 910 Ravenwood Drive
7 Selma, Alabama 36701

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

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

10
11 CHAIRMAN LITTLE

COMMISSIONER STUMP

12
13
14 COMMISSIONER FORESE

COMMISSIONER TOBIN

COMMISSIONER BURNS

15 IN WITNESS WHEREOF, I, JODI JERICH, Executive
16 Director of the Arizona Corporation Commission, have
17 hereunto, set my hand and caused the official seal of this
18 Commission to be affixed at the Capitol, in the City of
19 Phoenix, this _____ day of _____, 2016.

20 _____
21 JODI JERICH
22 EXECUTIVE DIRECTOR

23 DISSENT: _____

24 DISSENT: _____

25 JHM:MAC:red\WVC

1 SERVICE LIST FOR: TALTON COMMUNICATIONS, INC
2 DOCKET NO. T-20717A-16-0383

3 Ms. Sharon Warren
4 Technologies Management, Inc.
5 151 Southhall Lane, Suite 450
6 Maitland, Florida 32751

7 Mr. Jeffrey M. Hatch-Miller
8 Interim Director, Utilities Division
9 Arizona Corporation Commission
10 1200 West Washington Street
11 Phoenix, Arizona 85007

12 Ms. Janet F. Wagner
13 Interim Director, Legal Division
14 Arizona Corporation Commission
15 1200 West Washington Street
16 Phoenix, Arizona 85007
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