

OPEN MEETING  
**ORIGINAL** MEMORANDUM



0000179904

Arizona Corporation Commission

AZ CORP COMMISSION  
DOCKET CONTROL

TO: THE COMMISSION

**DOCKETED**

2017 MAY 25 PM 2:23

FROM: Utilities Division

**MAY 25 2017**

DATE: May 25, 2017

**DOCKETED BY**  
GB

RE: IN THE MATTER OF THE APPLICATION OF YMAX COMMUNICATIONS CORP. FOR RESCISSION OF BOND REQUIREMENTS CONTAINED IN ARIZONA CORPORATION COMMISSION DECISION NO. 69644 (DOCKET NO. T-20434A-17-0056)

**Introduction**

Enclosed are the Commission Staff's memorandum and proposed order in the matter of the application of YMax Communications Corp. for Rescission of Bond Requirements Contained in Arizona Corporation Commission Decision No. 69644 (Docket No. T-20434A-17-0056).

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 **June 8, 2017**.

This matter may be scheduled for Commission deliberation at its Open Meeting on **June 13, 2017** at 10:00 a.m. and **June 14, 2017**, at 10:00 a.m.

If you have any questions about this matter, please contact Beth Soliere of our Staff at (602) 542-0856 or Elijah O. Abinah, Director, at (602) 542-6935.

**Background**

On February 24, 2017, YMax Communications Corp. ("YMax" or "Applicant") submitted an Application requesting elimination of the bond or letter of credit requirement contained in Decision No. 69644.

In Decision No. 69644, dated June 6, 2007, the Arizona Corporation Commission ("Commission") ordered YMax to procure either a performance bond or an irrevocable sight draft letter of credit ("ISDLOC") equal to \$110,000, file proof of such with Docket Control, and deliver the original to the Commission's Business Office. YMax was also ordered to keep the performance bond on file in effect until further Order of the Commission. On August 6, 2007, YMax filed proof that it had obtained a performance bond in the amount of \$110,000 and had delivered the original to the Commission's Business Office.

Staff has confirmed the Utilities Division is in possession of the following:



- An original Notice of Reinstatement dated November 18, 2016.
- An original Notice of Reinstatement dated November 24, 2015.
- An original Notice of Reinstatement dated November 19, 2013.
- An original Letter of Reinstatement dated November 29, 2011.
- An original Letter of Reinstatement dated November 10, 2010.
- An original Replacement Bond in the amount of \$110,000 dated December 9, 2009.
- An original bond in the amount of \$110,000 dated June 29, 2007.

### Compliance

According to the Corporations Division, YMax is in good standing. The Compliance Section of the Utilities Division reports that YMax is currently in compliance. The Consumer Services Section of the Utilities Division reports there were no complaints or opinions about YMax between January 1, 2014 and April 26, 2017. YMax filed its 2015 Utilities Annual Report on April 11, 2016.

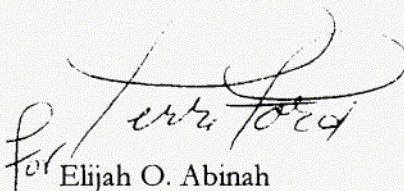
### Staff Recommendations

The Commission has, in appropriate circumstances, relieved telecommunications providers of the obligation to maintain a performance bond or ISDLOC. Staff recommends YMax be relieved of the \$110,000 performance bond or ISDLOC obligation contained in Decision No. 69644.

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. 69644 and authorizing cancellation of the bond effective with the date of the Order issued in this case.

YMax requested that the bond documentation should be returned to the following name and address:

Mr. Mark Pavol  
YMax Communications Corp.  
222 Lakeview Ave., Suite 1600  
West Palm Beach, FL 33401



Elijah O. Abinah  
Acting Director  
Utilities Division

EOA:BLS:nr\BAH

ORIGINATOR: Beth Soliere



THE COMMISSION

May 25, 2017

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Service List for: YMax Communications Corp.

Docket No.: T-20434A-17-0056

On this 25th day of May, 2017, the foregoing document was filed with Docket Control as a Utilities Division Memorandum & 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 Thomas

Technologies Management

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Maitland, Florida 32751

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[imennens@tminc.com](mailto:imennens@tminc.com)

**Consented to Service by Email**

Mr. Andy Kvesic

Director, Legal Division

Arizona Corporation Commission

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**Consented to Service by Email**



1                                    **BEFORE THE ARIZONA CORPORATION COMMISSION**

2        TOM FORESE  
              Chairman  
3        BOB BURNS  
              Commissioner  
4        DOUG LITTLE  
              Commissioner  
5        ANDY TOBIN  
              Commissioner  
6        BOYD DUNN  
              Commissioner

|    |                                  |   |                             |
|----|----------------------------------|---|-----------------------------|
| 8  | IN THE MATTER OF THE APPLICATION | } | DOCKET NO. T-20434A-17-0056 |
| 9  | OF YMAX COMMUNICAITONS CORP.     |   | DECISION NO. _____          |
| 10 | FOR RESCISSION OF BOND           |   | <u>ORDER</u>                |
| 11 | REQUIREMENTS CONTAINED IN        |   |                             |
|    | ARIZONA CORPORATION COMMISSION   |   |                             |
|    | DECISION NO. 69644               |   |                             |

12                    Open Meeting  
13                    June 13 and 14, 2017  
14                    Phoenix, Arizona

15        BY THE COMMISSION:

16                                    FINDINGS OF FACT

17                1.        On February 24, 2017, YMax Communications Corp. ("YMax" or "Applicant")  
18        submitted an Application requesting elimination of the bond or letter of credit requirement contained  
19        in Decision No. 69644.

20        **Background**

21                In Decision No. 69644, dated June 6, 2007, the Arizona Corporation Commission  
22        ("Commission") ordered YMax to procure either a performance bond or an irrevocable sight draft  
23        letter of credit ("ISDLOC") equal to \$110,000, file proof of such with Docket Control, and deliver the  
24        original to the Commission's Business Office. YMax was also ordered to keep the performance bond  
25        on file in effect until further order of the Commission. On August 6, 2007, YMax filed proof that it  
26        had obtained a performance bond in the amount of \$110,000 and had delivered the original to the  
              Commission's Business Office.

27                2.        Staff has confirmed the Utilities Division is in possession of the following:  
28

- An original Notice of Reinstatement dated November 18, 2016.
- An original Notice of Reinstatement dated November 24, 2015.
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- An original Replacement Bond in the amount of \$110,000 dated December 9, 2009.
- An original bond in the amount of \$110,000 dated June 29, 2007.

### Compliance

3. According to the Corporations Division, YMax is in good standing. The Compliance Section of the Utilities Division reports that YMax is currently in compliance. The Consumer Services Section of the Utilities Division reports there were no complaints or opinions about YMax between January 1, 2014 and April 26, 2017. YMax filed its 2015 Utilities Annual Report on April 11, 2016.

### Staff Recommendations

4. The Commission has, in appropriate circumstances, relieved telecommunications providers of the obligation to maintain a performance bond or ISDLOC. Staff recommends YMax be relieved of the \$110,000 performance bond or ISDLOC obligation contained in Decision No. 69644.

5. 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. 69644 and authorizing cancellation of the bond effective with the date of the Order issued in this case.

6. YMax requested that the bond documentation should be returned to the following name and address:

Mr. Mark Pavol  
YMax Communications Corp.  
222 Lakeview Ave., Suite 1600  
West Palm Beach, FL 33401

### CONCLUSIONS OF LAW

1. YMax Communications Corp. is a public service corporation within the meaning of Article XV of the Arizona Constitution.

3. The Commission, having reviewed the filing and Staff's Memorandum dated May 25, 2017, concludes that it is in the public interest to approve YMax Communications Corp.'s Application as proposed and discussed herein.

IT IS THEREFORE ORDERED that the Application of YMax Communications Corp. to terminate the performance bond requirements contained in Decision No. 69644 be and hereby is approved.

.....

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

4 Mr. Mark Pavol  
5 YMax Communications Corp.  
6 222 Lakeview Ave., Suite 1600  
7 West Palm Beach, FL 33401

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

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

10  
11 \_\_\_\_\_  
12 CHAIRMAN FORESE

COMMISSIONER DUNN

13  
14 COMMISSIONER TOBIN

COMMISSIONER LITTLE

COMMISSIONER BURNS

15  
16  
17 IN WITNESS WHEREOF, I, TED VOGT, 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 \_\_\_\_\_, 2017.

22 \_\_\_\_\_  
23 TED VOGT  
24 EXECUTIVE DIRECTOR

25 DISSENT: \_\_\_\_\_

26 DISSENT: \_\_\_\_\_

27 EOA:BLS:nr\BAH  
28

1 SERVICE LIST FOR: YMax Communications Corp.  
2 DOCKET NO. T-20434A-17-0056

3 Ms. Sharon Thomas  
4 Technologies Management  
5 151 Southhall Lane, Suite 450  
6 Maitland, Florida 32751  
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9 **Consented to Service by Email**

10 Mr. Andy Kvesic  
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12 Arizona Corporation Commission  
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17 **Consented to Service by Email**