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TOM FORESE - Chairman  
BOB BURNS  
DOUG LITTLE  
ANDY TOBIN  
BOYD W. DUNN

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ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission

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JUN 23 2017

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DATE: JUNE 23, 2017  
DOCKET NO.: T-03257A-17-0129  
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:

NETWORK ENHANCED TECHNOLOGIES, INC.  
(CC&N/FACILITIES BASED)

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:

JULY 3, 2017

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:

JULY 11, 2017 AND JULY 12, 2017

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.


TED VOGT  
EXECUTIVE DIRECTOR

On this 23<sup>rd</sup> day of June, 2017, the following document was filed with Docket Control as a Recommended Order from the Hearing Division, and copies of the document were mailed on behalf of the Hearing 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 filed document to the following who have consented to email service.

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By:

  
\_\_\_\_\_  
Staci Antrim  
Assistant to Brian D. Schneider

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 COMMISSIONERS

3 TOM FORESE – Chairman  
4 BOB BURNS  
5 DOUG LITTLE  
6 ANDY TOBIN  
7 BOYD W. DUNN

8 IN THE MATTER OF THE APPLICATION OF  
9 NETWORK ENHANCED TECHNOLOGIES, INC.  
10 FOR APPROVAL TO CANCEL ITS CERTIFICATE  
11 OF CONVENIENCE AND NECESSITY.

DOCKET NO. T-03257A-17-0129

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

12 **ORDER**

13 Open Meeting  
14 July 11 and 12, 2017  
15 Phoenix, Arizona

16 **BY THE COMMISSION:**

17 \* \* \* \* \*

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

20 **FINDINGS OF FACT**

- 21 1. On February 19, 1999, the Commission issued Decision No. 61532, granting Network  
22 Enhanced Technologies, Inc. (“Network”) a Certificate of Convenience and Necessity (“CC&N”) to  
23 provide competitive interLATA/intraLATA resold telecommunications services, except local  
24 exchange services, within the State of Arizona.
- 25 2. On May 9, 2017, Network filed an application for approval to cancel its CC&N to  
26 provide telecommunications services within the State of Arizona.
- 27 3. On June 7, 2017, the Commission’s Utilities Division (“Staff”) filed a Staff Report  
28 recommending approval of Network’s application.
- 29 4. Staff states that the Commission’s Consumer Services Section reported there have been  
30 no complaints or opinions filed against Network between January 1, 2014, and May 24, 2017. Further,  
31 Staff states that Network filed its 2015 Utilities Annual Report on April 15, 2016, but did not file a  
32 2016 Utilities Annual Report. According to the Commission’s Corporations Division, Network is not

1 in Good Standing for failure to file an Annual Corporation Report on February 26, 2017. The  
2 Compliance Section reports that there are no current compliance delinquencies for Network.

3 5. Pursuant to Arizona Administrative Code ("A.A.C.") R14-2-1107(A)(2),  
4 telecommunications companies are required to provide notice to all affected customers when they  
5 intend to discontinue services. Further, A.A.C. R14-2-1107(B) requires that telecommunications  
6 companies publish legal notice of their intent to discontinue service.

7 6. In its application, Network stated it is no longer providing telecommunication services  
8 or doing business in Arizona and stopped providing service in Arizona by no later than December 1,  
9 2016. Network further stated it has no employees, facilities or assets in Arizona and requests a waiver  
10 of the notice of discontinuance of service to customers.

11 7. Staff recommends the notice and publication requirements contained in A.A.C. R14-2-  
12 1107 be waived.

13 8. Staff further recommends approval of Network's application to cancel its CC&N and  
14 further recommends cancellation of Network's tariff on file with the Commission.

15 9. Staff's recommendations to waive the notice and publication requirements of A.A.C.  
16 R14-2-1107 and to approve Network's application are reasonable and should be adopted.

### 17 CONCLUSIONS OF LAW

18 1. Network is a public service corporation within the meaning of Article XV of the Arizona  
19 Constitution and A.R.S. §§ 40-281, 40-282 and 40-285.

20 2. The Commission has jurisdiction over Network and the subject matter of the  
21 application.

22 3. The cancellation of Network's CC&N to provide resold telecommunications services  
23 within the State of Arizona is in the public interest.

24 4. Granting waiver of the notice and publication requirements set forth in A.A.C. R14-2-  
25 1107(A)-(B) is reasonable in this matter.

26 5. Staff's recommendations are reasonable and should be adopted.

27 ...

28 ...

**ORDER**

IT IS THEREFORE ORDERED that Network Enhanced Technologies, 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 Network Enhanced Technologies, Inc. is hereby granted a waiver of the notice and publication requirements set forth in A.A.C. R14-2-1107(A)-(B).

IT IS FURTHER ORDERED that Network Enhanced Technologies, Inc.'s tariffs on file with the Arizona Corporation Commission are hereby cancelled and Network Enhanced Technologies, Inc. is no longer subject to the requirements in Decision No. 61532.

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

BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

CHAIRMAN FORESE

COMMISSIONER DUNN

COMMISSIONER TOBIN

COMMISSIONER LITTLE

COMMISSIONER BURNS

IN WITNESS WHEREOF, I, TED VOGT, 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 \_\_\_\_\_ 2017.

TED VOGT  
EXECUTIVE DIRECTOR

DISSENT \_\_\_\_\_

DISSENT \_\_\_\_\_  
BDS/sa

1 SERVICE LIST FOR:

NETWORK ENHANCED TECHNOLOGIES, INC.

2 DOCKET NO.:

T-03257A-17-0129

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