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Docket No. T-04200A-03-0550

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Arizona Corporation Commission
1200 W. Washington St.,
Phoenix, AZ 85007-2927

Arizona Corporation Commission
DOCKETED

JAN 26 2004

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Re: BCE Nexxia Corporation;
Motion to Reopen
Application and Petition for Certificate of Convenience and
Necessity to Provide Intrastate Telecommunications Service

Dear Sir or Madam:

On behalf of BCE Nexxia Corporation ("BCE Nexxia") and pursuant to Procedural Order dated January 16, 2004, the undersigned herein files this Motion to Reopen and respectfully requests that the above-referenced Application be reinstated. The following information is submitted in support of this request and Motion:

By Procedural Order dated January 16, 2004 ("Dismissal Order"), the Arizona Corporation Commission ("Commission") dismissed the above-referenced Application ("Application") of BCE Nexxia for "failure to comply with," the Commission's October 27, 2003 Procedural Order ("Hearing Order") by "...failure to appear at the January 15, 2004 hearing," set by the Hearing Order.

To the Applicant's best knowledge and belief, the Hearing Order was served specifically on second Counsel for the Applicant, Matthew Vitale, of Coudert Brothers. Matthew Vitale has left the Firm to pursue other opportunities. To the best of Applicant's knowledge and belief, as a result of that departure, the Hearing Order failed to reach the undersigned primary counsel, William Coulter, or Applicant's action file. When the action file was reviewed, the Commission Staff's Letter of Administrative Completeness, indicating that "[T]he Arizona Corporation Counsel should render a decision within 270 days of the date

of this letter,” did not give cause to make primary counsel or Applicant inquire, or to assume additional matters remained open at this time.

It was only upon receipt of the Dismissal Order that this deficiency was revealed.

BCE has diligently pursued its Application, including promptly, formally and completely responding to Commission Staff at all times, including its First Set of Data Requests (addressed to William Coulter) as recently as September 25, 2003. This indicates Applicant’s deep respect for the Commission, the Administrative Law Judge and the Commission Staff’s valuable time, as well as BCE’s diligence and interest in serving the citizens of Arizona.

It is further noticed that the Applicant, in an attempt to fully and completely comply with the Commission’s Rules, did specifically respond to the Commission Staff’s First Set of Data Requests with regards to Publication and Affidavit of Publication – not being yet privy to the Hearing Order changes.

BCE Nexxia submits that the public interest would be served by the grant of its Motion, thereby permitting greater competition and more rate and service opportunities for citizens of Arizona.

Accordingly, BCE Nexxia respectfully requests that the Commission reopen the Application. BCE Nexxia is prepared to comply with any further Procedural Order in this regard that the Administrative Law Judge seeks to institute.

Applicant has enclosed an original plus thirteen (13) copies of this Motion for your convenience. Please file-stamp and return the extra copy of this filing in the pre-addressed, stamped envelope provided for this purpose.

We appreciate your consideration in this matter, and kindly direct any questions concerning this matter to the undersigned.

Regards,



William K. Coulter
Counsel for BCE Nexxia
Corporation

Enclosures