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BEFORE THE ARIZONA CORPORATION COMMISSION

MARC SPITZER  
CHAIRMAN

WILLIAM A. MUNDELL  
COMMISSIONER

JEFF HATCH-MILLER  
COMMISSIONER

MIKE GLEASON  
COMMISSIONER

KRISTIN K. MAYES  
COMMISSIONER

Arizona Corporation Commission

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AZ CORP COMMISSION  
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UTILITIES DIVISION STAFF,  
Complainant,  
v.  
ESCHELON TELECOM OF ARIZONA, INC.)  
Respondent.

Docket No. T-03406A-03-0888

**STIPULATION AND REQUEST  
FOR PROCEDURAL ORDER**

Eschelon Telecom of Arizona, Inc. ("Eschelon") and the Utilities Division Staff ("Staff") have conferred and have agreed to a proposed briefing schedule for the issues raised in Eschelon's Motion to Dismiss. The parties have agreed that, because certain of the issues raised in Eschelon's Motion to Dismiss may be dispositive, it is appropriate to brief these issues before further proceedings in this matter. The parties have agreed to the following proposed briefing schedule:

- Eschelon Initial Brief August 20, 2004
- Staff's Response Brief September 20, 2004
- Eschelon's Reply Brief October 4, 2004

1 The parties also have agreed that Staff may file a Surreply Brief by October 18, 2004, if, in  
2 its discretion, Staff believes that Eschelon's Reply Brief raises any new issues not raised in  
3 Eschelon's Initial Brief. The parties further agree that oral argument is appropriate and  
4 propose that the argument be held on October 29, 2004.

5 The parties respectfully request that the Administrative Law Judge issue a  
6 Procedural Order confirming the dates of this proposed briefing schedule and any other  
7 deadlines deemed appropriate by the Administrative Law Judge.

8 Respectfully submitted this 8<sup>th</sup> day of July, 2004.

9 LEWIS AND ROCA LLP

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11 By Tom H. Campbell

12 Thomas H. Campbell  
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16 and

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25 Attorneys for Eschelon Telecom of Arizona, Inc.

26 UTILITIES DIVISION STAFF

By Gary Horton

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Original and thirteen (13) copies  
of the foregoing filed this 9<sup>th</sup> day  
of July, 2004, with:

Arizona Corporation Commission  
Utilities Division – Docket Control  
1200 W. Washington Street  
Phoenix, Arizona 85007

COPY of the foregoing hand-delivered  
this 9<sup>th</sup> day of July, 2004, to:

Ernest G. Johnson, Director  
Utilities Division  
Arizona Corporation Commission  
1200 W. Washington Street  
Phoenix, Arizona 85007

Jane Rodda, Administrative Law Judge  
Hearing Division  
Arizona Corporation Commission  
1200 W. Washington Street  
Phoenix, Arizona 85007

COPY of the foregoing mailed this  
9<sup>th</sup> day of July, 2004, to:

Timothy Berg  
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3003 N. Central Avenue, Ste. 2600  
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