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BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission

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MARC SPITZER, Chairman
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2004 APR 23 A 9:16

APR 23 2004

AZ CORP COMMISSION
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IN THE MATTER OF THE MATTER OF THE
JOINT APPLICATION OF TOUCH AMERICA,
INC. TO SELL AND TRANSFER TO
360NETWORKS (USA) INC. CERTAIN LIT
FIBER ASSETS IN ARIZONA AND RELATED
CUSTOMER CONTRACTS DEPENDENT ON
THOSE FACILITIES.

DOCKET NO. T-04011A-03-0749
T-03777A-03-0749

PROCEDURAL ORDER

BY THE COMMISSION:

On October 9, 2003, Touch American, Inc. ("TAI") and 360Networks (USA) ("360") filed a joint application requesting authority for Touch America to sell and transfer to 360 certain lit fiber assets in Arizona and related customer contracts dependent on those facilities.

On January 20, 2004, the Arizona Corporation Commission ("Commission") issued Decision No. 66737 granting the application, with certain conditions.

On February 19, 2004, 360 filed a Motion for Extension of Time to File Performance Bond and Permission to Submit Alternative Means of Compliance.

On April 14, 2004, by Procedural Order, Staff was ordered to file a response to the Motion for Extension of Time by April 19, 2004.

On April 19, 2004, Staff filed its response stating that although it does not object to the extension of time to file a performance bond, it does object to the Company's use of a letter of credit.

Accordingly, a pre-hearing should be set to address the issues raised in the Motion for Extension of Time and Staff's Response.

IT IS THEREFORE ORDERED that a pre-hearing conference shall be held on May 3, 2004 at 10:30 a.m. at the Commission's offices, 1200 West Washington Street, Phoenix, Arizona.

Dated this 23 day of April, 2004

PHILIP J. DION III
ADMINISTRATIVE LAW JUDGE

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