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MARC SPITZER
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Commissioner

Arizona Corporation Commission

DOCKETED

JUN 25 2003

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ARIZONA CORPORATION COMMISSION
DOCUMENT CONTROL

UTILITIES DIVISION STAFF,

Complainant,

LIVEWIRENET OF ARIZONA, LLC n/k/a THE PHONE
COMPANY MANAGEMENT GROUP, LLC; THE PHONE
COMPANY OF ARIZONA JOINT VENTURE, d/b/a THE
PHONE COMPANY OF ARIZONA; ON SYSTEMS
TECHNOLOGY, LLC, and its principals, TIM
WETHERALD, FRANK TRICAMO and DAVID
STAFFORD JOHNSON; THE PHONE COMPANY OF
ARIZONA, LLP and its members,

Respondents.

Docket No. T-03889A-02-0796
T-04125A-02-0796

IN THE MATTER OF THE PHONE COMPANY OF
ARIZONA JOINT VENTURE d/b/a THE PHONE
COMPANY OF ARIZONA'S APPLICATION FOR
CERTIFICATE OF CONVENIENCE AND NECESSITY TO
PROVIDE INTRASTATE TELECOMMUNICATIONS
SERVICE AS A LOCAL AND LONG DISTANCE
RESELLER AND ALTERNATIVE OPERATOR SERVICE.

Docket No. T-04125A-02-0577

IN THE MATTER OF THE APPLICATION OF THE
PHONE COMPANY MANAGEMENT GROUP, LLC f/k/a
LIVEWIRENET OF ARIZONA, LLC TO DISCONTINUE
LOCAL EXCHANGE SERVICE.

Docket No. T-03889A-02-0578

IN THE MATTER OF THE APPLICATION OF THE
PHONE COMPANY MANAGEMENT GROUP, LLC FOR
CANCELLATION OF FACILITIES BASED AND RESOLD
LOCAL EXCHANGE SERVICES.

Docket No. T-03889A-03-0152

IN THE MATTER OF THE APPLICATION OF THE
PHONE COMPANY MANAGEMENT GROUP, LLC d/b/a
THE PHONE COMPANY FOR THE CANCELLATION OF
ITS CERTIFICATE OF CONVENIENCE AND
NECESSITY.

Docket No. T-03889A-03-0202

STATUS REPORT

1 Michael L. Glaser of Shughart Thomson & Kilroy, P.C. submits the following Status
2 Report with respect to filing of the affidavits of the members of On Systems Technology, LLC
3 ("On Systems Technology"), as requested by The Honorable Philip J. Dion III in a procedural
4 conference held on June 5, 2003 in the above-captioned proceeding. The following is
5 respectfully submitted:
6

7 **David Stafford Johnson**

8 David Stafford Johnson is a member of On Systems Technology. Mr. Johnson
9 appeared by telephone at the pre-hearing conference, and responded to Judge Dion's questions
10 by providing the following information:

- 11 ▪ Full name;
- 12 ▪ Current address;
- 13 ▪ Current telephone number
- 14 ▪ A statement that he understood that if he were not represented by counsel and
15 did not represent himself in the above-captioned proceeding, or chose not to
16 appear to present evidence on his behalf, the Commission may proceed against
17 him in absentia and may enter a default judgment against him; and
- 18 ▪ That his interests and the interests of On Systems Technology may be divergent,
19 such that there may be a conflict between him and On Systems Technology
20 which would necessitate separate counsel for On Systems Technology and for
21 himself. (See Transcript of June 5, 2003 Procedural Conference, at 26.)
22

23
24 Out of an abundance of caution, Mr. Glaser sent Mr. Johnson an affidavit confirming
25 these statements, to be executed before a notary public. Mr. Johnson is expected to return the
26 executed affidavit to Mr. Glaser by June 26, 2003 for filing with the Commission.
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Tim Wetherald

Mr. Wetherald provided an affidavit with the information requested by Judge Dion, and it was filed with the Commission on Monday, June 23, 2003. Copies of Mr. Wetherald affidavit were provided to the presiding judge and to Staff by facsimile on June 20, 2003.

Frank Tricamo

Counsel has had difficulty in locating Mr. Tricamo. Mr. Tricamo is not (and has not been) active in the management of On Systems Technology. Mr. Tricamo's address and telephone number are not maintained in any telephone directory available in the Denver metropolitan area, and Mr. Tricamo maintains an unpublished telephone number. Counsel made a number of attempts to contact Mr. Tricamo through On Systems Technology, but has been unsuccessful because Mr. Tricamo is not active in On Systems Technology management. Beginning June 6, 2003, undersigned counsel enlisted the specific assistance of Mr. Tim Wetherald, a member of On Systems Technology and Manager of The Phone Company Management Group, LLC ("PCMG"), in an attempt to locate Mr. Tricamo. On June 13, 2003, Mr. Wetherald finally provided undersigned counsel with Mr. Tricamo's address and telephone number, and undersigned counsel promptly contacted Mr. Tricamo on that day regarding the information requested by Judge Dion in the procedural conference held on June 5, 2003. Mr. Tricamo responded to counsel's contact on June 16, 2003, and subsequently provided counsel certain additional information to be included in an affidavit to be filed with the Commission. Undersigned counsel has provided Mr. Tricamo an affidavit containing the information requested by Judge Dion, plus the additional information requested to be included by Mr. Tricamo. Mr. Tricamo has indicated that he will either return the affidavit to undersigned counsel for submission to the Commission or file it directly with the Commission.

1 Undersigned counsel attempted to contact Mr. Tricamo on June 23, 2003, and left a message,
2 but Mr. Tricamo has not returned the call.

3
4 DATED this 24th day of June 2003.

Respectfully submitted,

5
6 By: 
7 Michael L. Glaser, Colorado Bar #13681
8 Shughart Thomson & Kilroy, P.C.
9 1050 17th Street, Suite 2300
10 Denver, CO 80202
11 303.572.9300
12 303.572-7883 fax

13 AND

14 Marty Harper, Arizona Bar #003416
15 Kelly J. Flood, Arizona Bar #019772
16 Shughart Thomson & Kilroy, P.C.
17 One Columbus Plaza
18 3636 North Central Avenue, Suite 1200
19 Phoenix, Arizona
20 602.650.2000
21 602.264.7033 fax

22 *Attorneys for The Phone Company*
23 *Management Group, LLC f/k/a LiveWireNet*
24 *of Arizona, LLC, On Systems Technology,*
25 *LLC, and its principals, Tim Wetherald, Frank*
26 *Tricamo and David Stafford Johnson*
27
28

1 ORIGINAL and 21 copies of the foregoing
2 sent via Federal Express this 24th day
of June, 2003 to:

3 Docket Control
4 ARIZONA CORPORATION COMMISSION
1200 West Washington Street
5 Phoenix, AZ 85007

6 COPY of the foregoing sent via U.S mail,
7 postage prepaid, this 24th day of June, 2003:

8 Maureen A. Scott, Esq.
Gary H. Horton, Esq.
9 Legal Division
ARIZONA CORPORATION COMMISSION
10 1200 West Washington Street
11 Phoenix, AZ 85007

12 Lyn Farmer, Chief Hearing Officer
Hearing Division
13 ARIZONA CORPORATION COMMISSION
1200 West Washington Street
14 Phoenix, AZ 85007

15 Ernest Johnson, Director
16 Utilities Division
ARIZONA CORPORATION COMMISSION
17 1200 West Washington Street
18 Phoenix, AZ 85007

19 Marty Harper
Kelly Flood
20 Shughart Thomson & Kilroy, P.C.
3636 N. Central, Suite 1200
21 Phoenix, AZ 85012

22 Timothy Berg *Qwest Corporation*
Theresa Dwyer
23 FENNEMORE CRAIG
24 3003 N. Central Avenue, Suite 2600
Phoenix, AZ 85003-2913

25 Mark Brown *Qwest Corporation*
26 QWEST CORPORATION
27 3033 N. 3rd Street, Suite 1009
Phoenix, AZ 85012

28

1 Jeffrey Crockett
SNELL & WILMER
2 One Arizona Center
3 400 E. Van Buren
Phoenix, AZ 85004
4
5 Tim Wetherald
3025 S. Parker Road, Suite 1000
6 Aurora, CO 80014
7
8
9 David Stafford Johnson
740 Gilpin Street
10 Denver, Colorado, 80218
11
12 Frank Tricamo
6673 West Ken Caryl Avenue
Littleton, Colorado 80128
13
14 Roald Haugan
Managing Partners Chairman
32321 County Highway 25
15 Redwood Falls, MN 56283
16
17 Steven Petersen
2989 Brookdale Drive
Brooklyn Park, MN 55444
18
19 Travis & Sara Credle
3709 West Hedrick Drive
20 Morehead City, NC 28557
21
22 Leon Swichkow
2901 Clint Moore Road #155
Boca Raton, FL 33496
23
24 Marc David Shiner
4043 NW 58th Street
Boca Raton, FL 33496
25
26 Marc David Shiner
5030 Champion Blvd., Suite 6-198
27 Boca Raton, FL 33496
28

The Phone Company of Arizona

*On Systems Technology, LLC
The Phone Company of Arizona Joint Venture
The Phone Company of Arizona, LLP
The Phone Company Management Group, LLC
d/b/a The Phone Company Management
Group, LLC*

The Phone Company Management Group, LLC

The Phone Company of Arizona

The Phone Company of Arizona

The Phone Company of Arizona

