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BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

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AZ CORP COMMISSION
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DOCKET NO. T-03889A-02-0796
T-04125A-02-0796

Complainant,

Arizona Corporation Commission

DOCKETED

NOV 17 2003

vs.

LIVEWIRENET OF ARIZONA, LLC; THE PHONE COMPANY MANAGEMENT GROUP, LLC; THE PHONE COMPANY OF ARIZONA JOINT VENTURE dba THE PHONE COMPANY OF ARIZONA; ON SYSTEMS TECHNOLOGY, LLC, and its principals, TIM WETHERALD, FRANK TRICAMO AND DAVID STAFFORD; THE PHONE COMPANY OF ARIZONA, LLP and its members,

DOCKETED BY *Nav*

Respondents.

IN THE MATTER OF THE PHONE COMPANY OF ARIZONA JOINT VENTURE dba 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, fka 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 dba THE PHONE COMPANY FOR THE CANCELLATION OF ITS CERTIFICATE OF CONVENIENCE AND NECESSITY.

DOCKET NO. T-03889A-03-0202

PROCEDURAL ORDER

1 **BY THE COMMISSION:**

2 On October 18, 2002, the Arizona Corporation Commission (“Commission”) Utilities
3 Division (“Staff”) filed a Complaint and Petition for Relief (“Complaint”) against LiveWired of
4 Arizona, LLC (“LiveWire”), The Phone Company Management Group, LLC, (“PCMG”), The Phone
5 Company of Arizona Joint Ventures dba The Phone Company of Arizona, On Systems Technology,
6 LLC (“On Systems”), and its principals, Tim Wetherald, Frank Tricamo, David Stafford Johnson,
7 and The Phone Company of Arizona, LLP (“the LLP”) and its members (collectively
8 “Respondents”).

9 On September 9, 2003, a Procedural Order was issued, which set a hearing for November 3,
10 2003.

11 On October 24, 2003, a Procedural Order was issued, which set a pre-hearing for October 29,
12 2003. The purpose of the pre-hearing was to address Mr. Wetherald’s Motion to Continue, Shughart,
13 Thompson & Kilroy’s renewed Motion to Withdraw and David Stafford Johnson’s Motion to
14 Dismiss.

15 On October 29, 2003, the pre-hearing was held as scheduled. Staff and the LLP were present
16 and represented by counsel. Mr. Wetherald and Mr. Glaser appeared telephonically. Mr. Novak
17 appeared representing Mr. Glaser and his firm, Shughart, Thompson & Kilroy. Mr. Johnson
18 appeared telephonically. Mr. Tricamo, who was ordered to appear, was not present. During the pre-
19 hearing, Shughart, Thompson & Kilroy’s renewed Motion to Withdraw was granted, while Mr.
20 Wetherald’s Motion to Continue and David Stafford Johnson’s Motion to Dismiss were denied.

21 On November 3, 2003, the hearing was held as scheduled. Staff and the LLP were present
22 and represented by counsel. Mr. Wetherald appeared and represented himself, Livewire and PCMG.
23 Mr. Johnson and Mr. Tricamo appeared and represented themselves. The hearing lasted all day and
24 was scheduled to reconvene on November 5, 2003. However, a medical emergency prohibited the
25 assigned Administrative Law Judge from appearing on November 5, 2003. Therefore, the hearing in
26 this matter was continued.

27 Accordingly, the hearing in this matter should be rescheduled.

28 IT IS THEREFORE ORDERED that the hearing in this matter is continued and shall

1 reconvene on February 2, 2004 at 9:00 a.m. at the Commission's offices, 1200 West Washington,
2 Phoenix, Arizona.

3 IT IS FURTHER ORDERED that the parties shall reserve February 3, 4, and 5, 2004 for
4 additional dates of hearing, if necessary.

5 IT IS FURTHER ORDERED that Shughart, Thompson & Kilroy's renewed Motion to
6 Withdraw is granted and that Mr. Glaser and his firm, Shughart, Thompson & Kilroy, no longer
7 represent LiveWirenet of Arizona, LLC, The Phone Company Management Group, LLC, On
8 Systems Technology, LLC, and its principals, Tim Wetherald, Frank Tricamo, and David Stafford
9 Johnson, in this matter.

10 IT IS FURTHER ORDERED that David Stafford Johnson's Motion to Dismiss is denied.

11 IT IS FURTHER ORDERED that the Ex Parte Rule is still in effect.

12 IT IS FURTHER ORDERED that the Presiding Officer may rescind, alter, amend or waive
13 any portion of this Procedural Order by subsequent Procedural Order or by ruling at hearing.

14 Dated this 17 date of November, 2003.



PHILIP J. DION III
ADMINISTRATIVE LAW JUDGE

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19 Copies of the foregoing mailed/delivered
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By: 
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Secretary to Philip J. Dion III