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BEFORE THE ARIZONA CORPORATION COMMISSION RECEIVED

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Arizona Corporation Commission

2003 OCT 24 P 2:33

MARC SPITZER, Chairman
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UTILITIES DIVISION STAFF,

DOCKET NO. T-03889A-02-0796
T-04125A-02-0796

Complainant,

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,

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 LiveWirenet 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 October 10, 2003, Tim Wetherald filed a Motion to Continue in this matter which is
10 currently scheduled for hearing during the week of November 3, 2003. Mr. Wetherald stated that he
11 is requesting a continuance because he needs to be present in the United States District Court,
12 Seventh District of Florida, in the case of *The Securities and Exchange Commission v. Mark David*
13 *Schriner, Leon Switcow, Timothy Wetherald, et al.*¹ Mr. Wetherald states that he needs to be present
14 for that trial in Florida and, therefore, requested that this matter be continued.

15 On October 10, 2003, Shughart, Thompson & Kilroy filed a renewed Motion to Withdraw as
16 counsel to LiveWirenet of Arizona, LLC, PCMG, OnSystems, Technology, LLC and its principles,
17 Tim Wetherald, Frank Tricamo and David Stafford Johnson.

18 On October 14, 2003, Staff filed its response to Mr. Wetherald’s Motion to Continue and
19 Shughart, Thompson & Kilroy’s renewed Motion to Withdraw.

20 On October 17, 2003, Staff filed an update regarding the representation of Mr. Tricamo. Staff
21 stated that it contacted Norman Beecher, an attorney with Edwards & Taylor, LLC in Aurora,
22 Colorado to ascertain whether or not Mr. Beecher is representing Mr. Tricamo in this matter. Staff
23 stated in its filing that Mr. Beecher refused to confirm or deny whether he is representing Mr.
24 Tricamo in this matter.

25 On October 17, 2003, David Stafford Johnson filed supplemental testimony and a Motion to
26 Dismiss.

27
28 ¹ The Case No. is 03-60175-CIV-Zloch.

1 Accordingly, a pre-hearing should be held to address the above-listed Motions.

2 IT IS THEREFORE ORDERED that a pre-hearing shall be held on October 29, 2003 at 3:00
3 p.m. at the Commission's offices, 1200 West Washington, Phoenix, Arizona. At that time, Mr.
4 Wetherald's Motion to Continue, Shughart, Thompson & Kilroy's renewed Motion to Withdraw and
5 David Stafford Johnson's Motion to Dismiss will be addressed.

6 IT IS FURTHER ORDERED that since Mr. Beecher has not denied representing Mr. Tricamo
7 in this matter, that he will be added to the service list in this matter and that he and Mr. Tricamo shall
8 attend the pre-hearing in this matter in person or by telephone. If Mr. Beecher or Mr. Tricamo wishes
9 to participate telephonically, they must contact the Hearing Division at 602-542-4250 by 4:00 p.m. on
10 or before October 28, 2003.

11 IT IS FURTHER ORDERED that if any other party wishes to participate telephonically, they
12 must contact the Hearing Division at 602-542-4250 by 4:00 p.m. on or before October 28, 2003.

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

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

16 Dated this 24 date of October, 2003.

17
18 
19 PHILIP J. DION III
20 ADMINISTRATIVE LAW JUDGE

21 Copies of the foregoing mailed/delivered
this 24 day of October, 2003 to:

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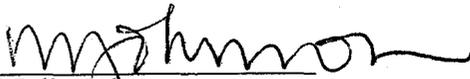
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25
26 By: 
Molly Johnson
27 Secretary to Philip J. Dion III

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