



BEFORE THE ARIZONA CORPORATION COMMISSION

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MARC SPITZER
Chairman
JAMES M. IRVIN
Commissioner
WILLIAM A. MUNDELL
Commissioner
JEFF HATCH-MILLER
Commissioner
MIKE GLEASON
Commissioner

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ARIZONA CORPORATION COMMISSION
DOCUMENT CONTROL

Arizona Corporation Commission

DOCKETED

JUN 25 2003

UTILITIES DIVISION STAFF,

Complainant,

DOCKETED BY *CH*

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,

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

Respondents.

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:
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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.)
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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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1 **Tim Wetherald**

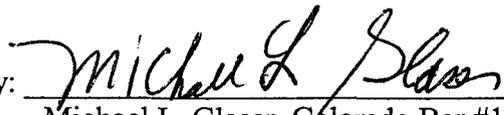
2 Mr. Wetherald provided an affidavit with the information requested by Judge Dion, and
3 it was filed with the Commission on Monday, June 23, 2003. Copies of Mr. Wetherald
4 affidavit were provided to the presiding judge and to Staff by facsimile on June 20, 2003.

5 **Frank Tricamo**

6 Counsel has had difficulty in locating Mr. Tricamo. Mr. Tricamo is not (and has not
7 been) active in the management of On Systems Technology. Mr. Tricamo's address and
8 telephone number are not maintained in any telephone directory available in the Denver
9 metropolitan area, and Mr. Tricamo maintains an unpublished telephone number. Counsel
10 made a number of attempts to contact Mr. Tricamo through On Systems Technology, but has
11 been unsuccessful because Mr. Tricamo is not active in On Systems Technology management.
12 Beginning June 6, 2003, undersigned counsel enlisted the specific assistance of Mr. Tim
13 Wetherald, a member of On Systems Technology and Manager of The Phone Company
14 Management Group, LLC ("PCMG"), in an attempt to locate Mr. Tricamo. On June 13, 2003,
15 Mr. Wetherald finally provided undersigned counsel with Mr. Tricamo's address and telephone
16 number, and undersigned counsel promptly contacted Mr. Tricamo on that day regarding the
17 information requested by Judge Dion in the procedural conference held on June 5, 2003. Mr.
18 Tricamo responded to counsel's contact on June 16, 2003, and subsequently provided counsel
19 certain additional information to be included in an affidavit to be filed with the Commission.
20 Undersigned counsel has provided Mr. Tricamo an affidavit containing the information
21 requested by Judge Dion, plus the additional information requested to be included by Mr.
22 Tricamo. Mr. Tricamo has indicated that he will either return the affidavit to undersigned
23 counsel for submission to the Commission or file it directly with the Commission.
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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 DATED this 24th day of June 2003. Respectfully submitted,
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5
6 By: 
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20 *Attorneys for The Phone Company*
21 *Management Group, LLC f/k/a LiveWireNet*
22 *of Arizona, LLC, On Systems Technology,*
23 *LLC, and its principals, Tim Wetherald, Frank*
24 *Tricamo and David Stafford Johnson*
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1 ORIGINAL and 21 copies of the foregoing
2 sent via Federal Express this 24th day
3 of June, 2003 to:

4 Docket Control
5 ARIZONA CORPORATION COMMISSION
6 1200 West Washington Street
7 Phoenix, AZ 85007

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

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The Phone Company of Arizona

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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

