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BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

MARC SPITZER, Chairman
WILLIAM A. MUNDELL
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2004 FEB -3 A 9: 38

AZ CORP COMMISSION
DOCUMENT CONTROL

UTILITIES DIVISION STAFF,

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

Complainant,

vs.

Arizona Corporation Commission
DOCKETED

FEB 03 2004

DOCKETED BY *CAK*

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 LiveWirednet 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 November 3, 2003, the hearing was held as scheduled. Staff and the LLP were present
12 and represented by counsel. Mr. Wetherald appeared and represented himself, Livewire and PCMG.
13 Mr. Johnson and Mr. Tricamo appeared and represented themselves.

14 On November 17, 2003, a Procedural Order was issued that set the hearing to reconvene on
15 February 2, 2004.

16 On January 29, 2004, the LLP filed a Notice of Filing Proposed Settlement.

17 On February 2, 2004, the hearing was held as scheduled. Staff and Qwest were present and
18 were represented by counsel. Mr. Wetherald,¹ Mr. Johnson and Mr. Tricamo appeared telephonically
19 without the assistance of counsel. The LLP also appeared telephonically and was represented by
20 counsel. Before the hearing commenced, the parties jointly requested that the hearing in this matter
21 be continued, so that they could review the Notice of Filing Proposed Settlement. After a discussion,
22 it was determined that the parties would be given two weeks to review the Notice of Filing Proposed
23 Settlement and, if appropriate, file a Notice of Settlement in this matter. It was also determined that
24 since the parties may not reach a settlement, this matter should be reset for hearing.

25 Accordingly, the hearing in this matter should be continued.

26 IT IS THEREFORE ORDERED that the hearing in this matter is continued and shall
27

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¹ In addition to representing himself, Mr. Wetherald is also representing On Systems and PCMG in this matter.

1 reconvene on February 24, 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 review the LLP's Notice of Filing
4 Proposed Settlement and determine if a negotiated settlement can be reached in this matter. If a
5 negotiated settlement is reached in this matter, then the parties shall file proof of such negotiated
6 settlement with Docket Control on or before February 17, 2004.

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

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

10 Dated this 3 date of February, 2004.



PHILIP J. DION III
ADMINISTRATIVE LAW JUDGE

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15 Copies of the foregoing mailed/delivered
this 3 day of February, 2004 to:

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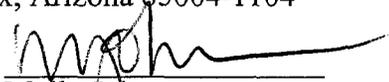
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