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BEFORE THE ARIZONA CORPORATION COMMISSION

2004 OCT 19 P 4: 06

Arizona Corporation Commission
DOCKETED

OCT 19 2004

COMMISSIONERS

MARC SPITZER, Chairman
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JEFF HATCH-MILLER
MIKE GLEASON
KRISTIN K. MAYES

AZ CORP COMMISSION
DOCUMENT CONTROL

DOCKETED BY 

IN THE MATTER OF THE APPLICATION OF
ACCIPITER COMMUNICATIONS, INC. TO
EXTEND ITS CERTIFICATE OF CONVENIENCE
AND NECESSITY IN MARICOPA COUNTY

DOCKET NO. T-02847A-02-0641
NOTICE OF FILING PROOF OF
PUBLICATION

In accordance with the Procedural Order dated September 17, 2004, in this docket, Accipiter Communications published notice of the above-captioned application and the hearing to be held regarding the same in *The Arizona Republic* on October 1, 2004. An Affidavit of Publication from *The Arizona Republic* is attached hereto as Attachment 1. In addition, Accipiter mailed a copy of the notice via first class mail to each of the Company's customers on September 30, 2004. A copy of a letter from Charles Gowder, President and CEO of Accipiter Communications, attesting to the customer notification is attached hereto as Attachment 2.

RESPECTFULLY submitted this 19th day of October, 2004.

SNELL & WILMER

Jeffrey W. Crockett, Esq.
One Arizona Center
Phoenix, Arizona 85004-2202
Attorneys for Accipiter Communications, Inc.

ORIGINAL and thirteen (13) copies
filed with Docket Control this 19th
day of October, 2004.

Snell & Wilmer

LAW OFFICES
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(602) 382-6000

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1 A COPY of the foregoing was
2 hand-delivered this 19th day of
3 October, 2004, to:

4 Dwight D. Nodes
5 Assistant Chief Administrative Law Judge
6 Hearing Division
7 ARIZONA CORPORATION COMMISSION
8 1200 West Washington Street
9 Phoenix, Arizona 85007

10 Christopher Kempley, Chief Counsel
11 Legal Division
12 ARIZONA CORPORATION COMMISSION
13 1200 West Washington Street
14 Phoenix, Arizona 85007

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

20 COPY mailed this 19th day of October,
21 2004, to:

22 Timothy Berg
23 FENNEMORE CRAIG, P.C.
24 3003 North Central Ave., Suite 2600
25 Phoenix, Arizona 85012-2913

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Crocke\PHX\1583951.1

ATTACHMENT 1

**PUBLIC NOTICE OF HEARING
ON APPLICATION BY ACCIPITER
COMMUNICATIONS, INC.
FOR EXTENSION OF ITS
CERTIFICATE OF CONVENIENCE
AND NECESSITY TO
PROVIDE LOCAL EXCHANGE
TELECOMMUNICATIONS
SERVICE IN MARICOPA
COUNTY, ARIZONA
(DOCKET NO.
T-02847A-02-0641)**

On August 22, 2002, as amended on May 12, 2004, Accipiter Communications, Inc. ("Accipiter") filed an application in the above-captioned docket seeking to extend its Certificate of Convenience and Necessity ("CC&N") to provide local exchange telecommunications service to an area in northwest Maricopa County, Arizona. The requested CC&N extension area is for a development in Peoria, Arizona known as Vistancia.

The Application is available for inspection during regular business hours at the Commission's offices at 1200 West Washington Street, Phoenix, Arizona 85007, and at the offices of Accipiter Communications, Inc., 2238 West Lone Cactus Drive, Suite 100, Phoenix, Arizona 85027.

The Commission will hold a hearing in this matter on October 21, 2004, at 10:00 a.m., or as soon thereafter as is practical, at the Commission's offices, 1200 West Washington Street, Phoenix, Arizona. As a property owner or customer you may have the right to intervene in the proceeding, if you do not want to intervene, you may appear at the hearing and make a statement on your own behalf. Intervention shall be permitted to any person entitled by law to intervene and having a direct and substantial interest in this matter. Persons desiring to intervene must file a written notice to intervene with the Commission, which motion should be sent to the Applicant or their counsel and to all parties of record and which, at a minimum, shall contain the following:

1. The name, addresses and telephone number of the proposed intervenor and of any party upon whom service of documents is to be made if different than the intervenor.
2. A short statement of the proposed intervenor's interest in the proceeding (e.g., a customer of the Applicant, a shareholder or member of the Applicant, etc.)
3. A statement certifying that a copy of the motion to intervene has been mailed to the Company or its counsel and to all parties of record in the case.

The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except that all motions to intervene must be filed on or before October 15, 2004. The granting of intervention, among other things, entitles a party to present sworn evidence at hearing and to cross-examine other witnesses. However failure to intervene will not preclude any customer from appearing at the hearing and making a statement on such customer's own behalf. However, you will not receive any further notice of the proceeding unless requested by you.

If you have any questions or concerns about this Application or have any objections to its approval or wish to make a statement in support of it, you may write the Consumer Services Section of the Commission at 1200 West Washington Street, Phoenix, Arizona 85007, or call 1-800-222-7000 or appear at the hearing and make comment.

The Commission does not discriminate on the basis of disability in admission to its public meetings. Persons with a disability may request reasonable accommodation such as a sign language interpreter, as well as request this document in an alternative format, by contacting the ADA Coordinator, voice phone number 602/542-3931. Requests should be made as early as possible to allow time to arrange the accommodation.

04956 October 1, 2004

THE ARIZONA REPUBLIC

STATE OF ARIZONA }
COUNTY OF MARICOPA } SS.

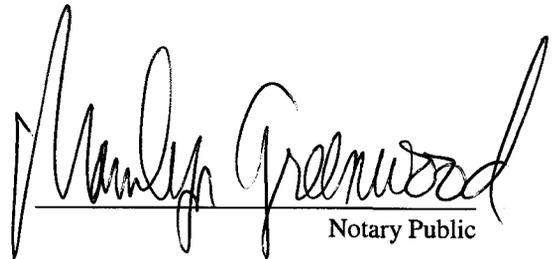
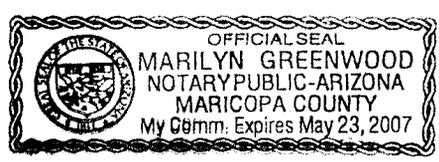
TOM BIANCO, being first duly sworn, upon oath deposes and says: That he is the advertising manager of the Arizona Business Gazette, a newspaper of general circulation in the county of Maricopa, State of Arizona, published at Phoenix, Arizona, by Phoenix Newspapers Inc., which also publishes The Arizona Republic, a newspaper of general circulation in the State of Arizona, and that the copy hereto attached is a true copy of the advertisement published in the said paper, named below, on the dates as indicated below:

The Arizona Republic

October 1, 2004



Sworn to before me this
18TH day of
October A.D. 2004


Notary Public

ATTACHMENT 2

September 30, 2004

Jeffrey W. Crockett, Esq.
SNELL & WILMER
One Arizona Center
400 East Van Buren
Phoenix, Arizona 85004-2202

This letter is written to attest that Accipiter Communications, Inc. mailed all customers "Public Notice of Hearing on application by Accipiter Communications, Inc. for extension of its Certificate of Convenience and Necessity to provide local exchange Telecommunications service in Maricopa County, Arizona" (Docket No. T-02847A-02-0641). The mailing was sent by first class mail and sent on September 30, 2004.

Questions may be directed to Charles Gowder, 928.501.5000.

Charles Gowder
President/CEO
Accipiter Communications, Inc.

602.382.6070