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BEFORE THE ARIZONA CORPORATION COMMISSION

2004 SEP 27 P 4: 53

Arizona Corporation Commission

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AZ CORP COMMISSION
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COMMISSIONERS

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

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

MOTION TO CONTINUE
HEARING DATE AND OTHER
DATES FOR SIXTY DAYS

On August 22, 2002, Accipiter Communications, Inc., ("Accipiter" or "Company") filed an application ("Application"), which Application was subsequently amended, requesting an extension of its Certificate of Convenience and Necessity ("CC&N") in Maricopa County, Arizona, to include that portion of the Vistancia master planned development that is not already within the Company's CC&N. On September 7, 2004, Commission Staff filed a report recommending approval of the amended Application, subject to conditions. In a procedural order dated September 17, 2004, the administrative law judge ("ALJ") ordered that a hearing be held on the Application on October 21, 2004. The ALJ further ordered that Accipiter provide notice of the application and the hearing date as set forth in the procedural order by October 1, 2004.

Accipiter has determined that exclusive marketing agreements between the developers of Vistancia and Cox Communications may make it difficult for Accipiter to achieve significant penetration within the proposed extension area, and the Company is currently re-examining the economic feasibility of the requested extension. As a result, Accipiter requests that the hearing date and all other dates contained in the September 17, 2004, procedural order be extended for sixty (60) days.

Snell & Wilmer

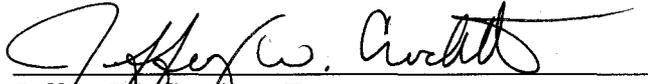
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RESPECTFULLY submitted this 27th day of September, 2004.

SNELL & WILMER



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Attorneys for Accipiter Communications, Inc.

ORIGINAL and thirteen (13) copies
filed with Docket Control this 27th
day of September, 2004.

A COPY of the foregoing was
hand-delivered this 27th day of
September, 2004, to:

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Assistant Chief Administrative Law Judge
Hearing Division
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Phoenix, Arizona 85007

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COPY mailed this 27th day of September,
2004, to:

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