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BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission

COMMISSIONERS

2004 DEC 17 P 1:51

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

AZ CORP COMMISSION
DOCUMENT CONTROL

DEC 17 2004

DOCKETED BY [Signature]

IN THE MATTER OF THE APPLICATION OF
CHARTER FIBERLINK AZ-CCVII, LLC FOR A
CERTIFICATE OF CONVENIENCE AND
NECESSITY TO PROVIDE RESOLD LONG
DISTANCE AND LOCAL EXCHANGE,
FACILITIES-BASED LONG DISTANCE AND
LOCAL EXCHANGE, ALTERNATIVE
OPERATOR SERVICES AND PRIVATE LINE
TELECOMMUNICATIONS SERVICES.

DOCKET NO. T-04260A-04-0383

PROCEDURAL ORDER

BY THE COMMISSION:

On May 20, 2004, Charter Fiberlink AZ-CCVII, LLC ("CF" or "Applicant") submitted to the Arizona Corporation Commission ("Commission") an application for a Certificate of Convenience and Necessity ("Certificate") to provide resold long distance, facilities-based long distance, resold local exchange, facilities-based local exchange, alternative operator services and private line telecommunications services within the State of Arizona. The application petitioned the Commission for determination that its proposed services should be classified as competitive.

On December 10, 2004, the Commission's Utilities Division Staff ("Staff") filed a Staff Report recommending approval of CF's application subject to certain conditions.

Accordingly, the matter should be set for hearing.

Pursuant to A.A.C. R14-3-101, the Commission now issues this Procedural Order to govern the preparation and conduct of this proceeding.

IT IS THEREFORE ORDERED that the hearing on the above application and petition of Applicant shall commence on **March 10, 2005 at 1:30 p.m.**, or as soon thereafter as is practical, at the Commission's offices, 1200 West Washington Street, Phoenix, Arizona 85007.

IT IS FURTHER ORDERED that Applicant shall publish notice of its filing and the hearing, as stated below, in a newspaper(s) of general circulation in every county in Arizona in which

1 Applicant desires to provide service, by January 28, 2005, and shall file Affidavits of Publication
2 with the Commission no later than February 1, 2005, 2005.

3 **IN THE MATTER OF THE APPLICATION OF CHARTER FIBERLINK AZ-CCVII,**
4 **LLC FOR A CERTIFICATE OF CONVENIENCE AND NECESSITY TO PROVIDE**
5 **RESOLD LONG DISTANCE AND LOCAL EXCHANGE, FACILITIES-BASED**
6 **LONG DISTANCE AND LOCAL EXCHANGE, ALTERNATIVE OPERATOR**
7 **SERVICES AND PRIVATE LINE TELECOMMUNICATIONS SERVICES**
8 **Docket No. T-04260A-04-0383**

9 Charter Fiberlink AZ-CCVII, LLC ("Applicant") has filed with the Arizona
10 Corporation Commission ("Commission") an application for a Certificate of
11 Convenience and Necessity ("Certificate") to provide resold long distance and local
12 exchange, facilities-based long distance and local exchange, alternative operator
13 services and private line telecommunications services in the State of Arizona.
14 Applicant will be required by the Commission to provide these services under the rates
15 and charges and terms and conditions established by the Commission.

16 The application, report of the Commission's Utilities Division Staff, and any
17 written exceptions to the Staff Report prepared by the Applicant are available for
18 inspection during regular business hours at the offices of the Commission located at
19 1200 West Washington Street, Phoenix, Arizona 85007, and at [**Applicant insert**
20 **address**].

21 Under appropriate circumstances, interested parties may intervene in the
22 proceedings and participate as a party. You may have the right to intervene in the
23 proceeding, or you may make a statement for the record. Intervention shall be in
24 accordance with A.A.C. R14-3-105, except that all motions to intervene must be filed
25 on or before February 24, 2005. Persons desiring to intervene must file a written
26 motion to intervene with the Commission and send such motion to the Applicant or its
27 counsel and to all parties of record. The motion to intervene must contain the
28 following:

1. The name, address, and telephone number of the proposed intervenor and of
any party upon whom service of documents is to be made if different from the
intervenor.

2. A short statement of the proposed intervenor's interest in the proceeding
(e.g. a customer of the Applicant, a shareholder of the Applicant, a competitor, etc.).

3. A statement certifying that a copy of the motion to intervene has been
mailed to the Applicant or its counsel and to all parties of record in the case.

A.A.C. R14-3-105 governs the granting of motions to intervene. The granting
of intervention, among other things, entitles a party to present sworn evidence at the
hearing and to cross-examine other witnesses. However, failure to intervene will not
preclude any interested person or entity from appearing at the hearing and making a
statement for the record of the proceeding. The hearing is scheduled to commence on
March 10, 2005 at 1:30 p.m. at the Arizona Corporation Commission, 1200 West
Washington Street, Phoenix, Arizona 85007. Please check with the Commission for
any changes to the scheduled hearing date.

If you have any comments, mail them to:

The Arizona Corporation Commission
Attention Docket Control
re: Charter Fiberlink AZ-CCVII, LLC
T-04260A-04-0383
1200 West Washington Street
Phoenix, Arizona 85007

If you have any questions about this application, or want information on intervention, you may contact the Consumer Services Section of the Commission at 1200 West Washington Street, Phoenix, Arizona 85007 or call 1-800-222-7000.

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

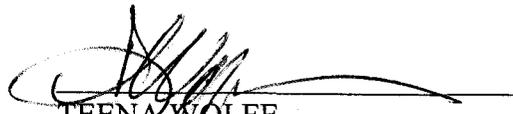
IT IS FURTHER ORDERED that intervention shall be in accordance with A.A.C. R14-3-105, except that all motions to intervene must be filed on or before February 24, 2005.

IT IS FURTHER ORDERED that any objections to motions to intervene must be filed on or before March 3, 2005.

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

IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113 - Unauthorized Communications) applies to this proceeding as the matter is now set for public hearing.

DATED this 17th day of December, 2004.


TEENA WOLFE
ADMINISTRATIVE LAW JUDGE

Copies of the foregoing mailed/delivered this 17 day of December, 2004 to:

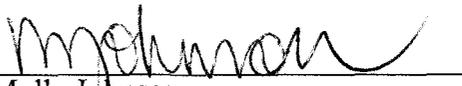
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4 1200 West Washington Street
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6 Ernest Johnson, Director
7 Utilities Division
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11 ARIZONA REPORTING SERVICE, INC.
12 2627 N. Third Street, Suite Three
13 Phoenix, Arizona 85004-1104

14 By: 
15 Molly Johnson
16 Secretary to Amanda Pope
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