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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

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

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Arizona Corporation Commission

DOCKETED

AZ CORP COMMISSION
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DOCKETED BY *JMR*

DOCKET NO. T-04257A-04-0335

IN THE MATTER OF THE APPLICATION OF
THE J. RICHARD COMPANY DBA LIVE WIRE
PHONE COMPANY FOR A CERTIFICATE OF
CONVENIENCE AND NECESSITY TO PROVIDE
RESOLD LONG DISTANCE, RESOLD LOCAL
EXCHANGE AND FACILITIES-BASED LOCAL
EXCHANGE SERVICES IN THE STATE OF
ARIZONA AND PETITION FOR COMPETITIVE
CLASSIFICATION OF PROPOSED SERVICES.

PROCEDURAL ORDER

BY THE COMMISSION:

On May 3, 2004, The J. Richard Company, LLC ("JRC") submitted to the Arizona Corporation Commission ("Commission") an application for a Certificate of Convenience and Necessity ("Certificate") to provide resold long distance and resold local exchange services within the State of Arizona. JRC petitioned the Commission for a determination that its proposed services should be classified as competitive.

On June 9, 2004, JRC filed an amendment to the application changing JRC's name to Live Wire Phone Company ("Live Wire" or "Applicant") and additionally requesting authority to provide facilities-based local exchange telecommunications within the State of Arizona.

On November 26, 2004, the Commission's Utilities Division Staff ("Staff") filed a Staff Report recommending approval of Live Wire'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 **January 13, 2005, at 10:00 a.m.**, or as soon thereafter as is practical, at the Commission's offices, 1200 West Washington Street, Phoenix, Arizona 85007.

1 IT IS FURTHER ORDERED that Applicant shall publish notice of its filing and the hearing,
 2 as stated below, in a newspaper(s) of general circulation in every county in Arizona in which
 3 Applicant desires to provide service by December 13, 2004, and shall file Affidavits of Publication
 4 with the Commission no later than January 10, 2005.

5 **IN THE MATTER OF THE APPLICATION OF THE J. RICHARD COMPANY DBA**
 6 **LIVE WIRE PHONE COMPANY FOR A CERTIFICATE OF CONVENIENCE AND**
 7 **NECESSITY TO PROVIDE RESOLD LONG DISTANCE AND LOCAL EXCHANGE**
 8 **SERVICES AND FACILITIES-BASED LOCAL EXCHANGE SERVICES AND**
 9 **PETITION FOR COMPETITIVE CLASSIFICATION OF PROPOSED SERVICES**
 10 **WITHIN THE STATE OF ARIZONA**
 11 **Docket No. T-04257A-04-0335**

12 The J. Richard Company dba Live Wire Phone Company ("Applicant") has
 13 filed with the Arizona Corporation Commission ("Commission") an application for a
 14 Certificate of Convenience and Necessity ("Certificate") to provide competitive resold
 15 long distance and local exchange services and facilities-based local exchange
 16 telecommunications services in the State of Arizona. Applicant will be required by
 17 the Commission to provide this service under the rates and charges and terms and
 18 conditions established by the Commission.

19 The application, report of the Commission's Utilities Division Staff, and any
 20 written exceptions to the staff report prepared by the applicant are available for
 21 inspection during regular business hours at the offices of the Commission located at
 22 1200 West Washington Street, Phoenix, Arizona 85007, and at Applicant, [address].

23 Under appropriate circumstances, interested parties may intervene in the
 24 proceedings and participate as a party. You may have the right to intervene in the
 25 proceeding, or you may make a statement for the record. Intervention shall be in
 26 accordance with A.A.C. R14-3-105, except that **all motions to intervene must be**
 27 **filed on or before December 30, 2004.** Persons desiring to intervene must file a
 28 written motion to intervene with the Commission and send such motion to the
 Company or its counsel and to all parties of record, and which at the minimum, shall
 contain the 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 than the
 intervenor.

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

A.A.C. R14-3-105 shall govern 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 on their own behalf. The hearing is scheduled to commence on
January 13, 2005 at 10:00 a.m. at the Arizona Corporation Commission, 1200 West

1 Washington Street, Phoenix, Arizona 85007. Please check with the Commission for
any changes to the scheduled hearing date.

2 If you have any comments, mail them to:

3 The Arizona Corporation Commission
4 Attention Docket Control
re: The J. Richard Company dba Live Wire Phone Company
5 T-04257A-04-0335
6 1200 West Washington Street
Phoenix, Arizona 85007

7 If you have any questions about this application, or want information on
8 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.

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

13 IT IS FURTHER ORDERED that intervention shall be in accordance with A.A.C. R14-3-105,
14 except that all motions to intervene must be filed on or before December 30, 2004.

15 IT IS FURTHER ORDERED that any objections to motions to intervene must be filed on or
16 before January 7, 2005.

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

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

21 DATED this 1 day of December, 2004.

22 
23 LYN FARMER
24 CHIEF ADMINISTRATIVE LAW JUDGE

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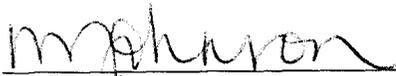
1 Copies of the foregoing mailed/delivered
this 1 day of December, 2004 to:

2 Thomas H. Campbell
3 Michael T. Hallam
4 LEWIS AND ROCA
5 40 North Central Avenue
6 Phoenix, AZ 85004
7 Attorneys for The J. Richard Company
8 dba Live Wire Phone Company

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

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

19 ARIZONA REPORTING SERVICE, INC.
20 2627 N. Third Street, Suite Three
21 Phoenix, Arizona 85004-1104

22 By: 
23 Molly Johnson
24 Secretary to Lyn Farmer
25
26
27
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