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ARIZONA CORPORATION COMMISSION

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AZ CORP COMMISSION
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April 8, 2005

Arizona Corporation Commission
DOCKETED

APR - 8 2005

Michael M. Grant, Esq.
Gallagher & Kennedy
2575 E. Camelback Road
Phoenix, AZ 85016-9225

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Re: In the Matter of the Formal Complaint of Accipiter Communications, Inc. Against Vistancia Communications, L.L.C., Shea Sunbelt Pleasant Point, L.L.C. and Cox Arizona Telcom, L.L.C.
Docket No.: T-03471A-05-0064

Dear Mr. Grant:

On January 31, 2005, Accipiter Communications ("Accipiter") filed a Complaint with the Commission alleging in part that Vistancia Communications ("Vistancia") was acting as a defacto public service corporation under Arizona law. Staff sent data requests to Vistancia on March 8, 2005 inquiring as to Vistancia's status as a public service corporation. On March 18, 2005, you replied by letter that your client would not be responding to Staff's data requests because "Shea and Vistancia are not public service corporations." Could you please respond back to the Staff within the next 10 days why you believe that Vistancia is not acting as a public service corporation under Arizona law.

Your prompt attention to this matter would be appreciated. If you have any questions regarding this correspondence, please do not hesitate to contact me at (602) 542-6022. Thank you for your cooperation with this matter.

Very truly yours,

Maureen A. Scott
Attorney, Legal Division

MAS:daa

cc: Docket Control
Ernest G. Johnson
Elijah O. Abinah