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BEFORE THE ARIZONA CORPORATION COMMISSION

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CHAIRMAN  
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SEP 18 2001

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DOCKETED BY *[Signature]*

AZ CORP COMMISSION  
DOCUMENT CONTROL

6 IN THE MATTER OF THE APPLICATION OF  
DPI-TELECONNECT, L.L.C. FOR A  
7 CERTIFICATE OF CONVENIENCE AND  
NECESSITY TO PROVIDE COMPETITIVE  
8 RESOLD LOCAL EXCHANGE AND INTER-  
EXCHANGE TELECOMMUNICATIONS  
9 SERVICES.

DOCKET NO. T-03666A-98-0691

PROCEDURAL ORDER

10 **BY THE COMMISSION:**

11 On December 9, 1998, dPi-Teleconnect, L.L.C. ("dPi") filed with the Arizona Corporation  
12 Commission ("Commission") an application to provide competitive resold local exchange and  
13 interexchange services in Arizona. The application was filed on behalf of dPi by Kyle Dickson, a  
14 lawyer with a law firm in Texas.

15 Subsequent to the filing, Mr. Dickson left his law firm, but agreed to continue representing  
16 dPi in this matter. Mr. Dickson arranged to have his former law firm forward his mail to him.

17 On June 1, 2000, the Staff of the Utilities Division ("Staff") sent a letter to Mr. Dickson at his  
18 former law firm's address requesting some additional information regarding dPi's application.

19 dPi indicates that, for some reason, Staff's letter was not forwarded to Mr. Dickson by his  
20 former law firm and that since the letter was not sent to dPi, it was unaware of Staff's request for  
21 information.

22 On September 25, 2000, due to dPi's failure to respond to its requests, Staff prepared a Staff  
23 Report recommending the denial of dPi's application.

24 Subsequently, based on the Staff Report, the Hearing Division prepared a Proposed Order  
25 denying dPi's application.

26 At the April 17, 2001 Open Meeting, the Commission approved the Proposed Order and  
27 entered Decision No. 63587, which denied dPi's application.

28 On July 6, 2001, dPi filed with the Commission a Motion to Rescind Decision No. 63587 and

1 Reopen Application, or in the Alternative, to Open a New Docket ("Motion"). This Motion requests  
2 the Commission to rescind Decision No. 63587 and reopen dPi's application for a Certificate of  
3 Convenience and Necessity ("Certificate") to provide competitive resold local and interexchange  
4 telecommunications services within the State of Arizona or, in the alternative, to open a new docket  
5 to process dPi's application for a Certificate.

6 On July 20, 2001, Staff filed its response indicating it did not object to either request as  
7 proposed by dPi's Motion.

8 Upon consideration of the motion and response, the Commission will grant dPi's request to  
9 open a new docket in this case. It will not rescind Decision No. 63587 at this time, but will take that  
10 matter under advisement.

11 In its Motion, dPi argued that since the data requests and/or notices were only sent to its  
12 outside counsel, who did not convey those requests to dPi due to administrative errors by his old law  
13 firm, and not sent to anyone at dPi directly, the company was not at fault in this matter as dPi was not  
14 aware of such requests. The Commission does not find dPi's argument compelling because Staff  
15 correctly sent those requests to dPi's attorney and dPi has a responsibility to oversee its attorney as  
16 well as contact the Commission periodically about its application. If dPi had been more diligent in  
17 any of those areas, this situation could have been avoided. However, to avoid further confusion, the  
18 Commission will order Staff to include dPi and its new attorney on the service and mailing list for all  
19 notices, data requests and/or any other mailings.

20 Pursuant to A.A.C. R14-2-1106 and R14-2-1108, the Commission now issues this Procedural  
21 Order to govern the preparation and conduct of this proceeding.

22 IT IS THEREFORE ORDERED that dPi's request to reopen this docket is denied.

23 IT IS FURTHER ORDERED that dPi's request to open a new docket in this matter is granted.

24 IT IS FURTHER ORDERED that the decision whether or not to rescind Decision No. 63587  
25 pursuant to A.R.S. §40-252 is taken under advisement.

26 IT IS FURTHER ORDERED that dPi shall open a new docket in this matter by filing an  
27 application and any other appropriate information with the Commission by October 31, 2001.

28 IT IS FURTHER ORDERED that dPi shall publish notice of its application, in compliance

1 with Commission Rules, within twenty (20) days of filing its application and shall file Affidavits of  
2 Publication by November 23, 2001.

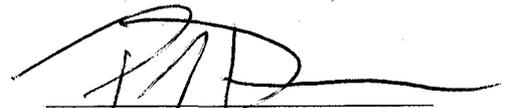
3 IT IS FURTHER ORDERED that Staff shall file an updated Staff Report in this matter by  
4 January 18, 2002.

5 IT IS FURTHER ORDERED that Staff shall include dPi and its new attorney on the service  
6 and mailing list for all notices, data requests and/or any other mailings.

7 IT IS FURTHER ORDERED that dPi shall comply with all data requests made by Staff  
8 within the timeline designated by Staff and that any failure to do so, without Staff's approval, may  
9 result in the denial of dPi's application.

10 IT IS FURTHER ORDERED that the failure of dPi to comply with any or all of the Ordering  
11 paragraphs set forth in this Procedural Order within the timeframes specified may result in the denial  
12 of dPi's application.

13 DATED this 18 day of September, 2001.

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17 PHILIP J. DION III  
ADMINISTRATIVE LAW JUDGE

18 Copies of the foregoing mailed/delivered  
19 this 18 day of September, 2001 to:

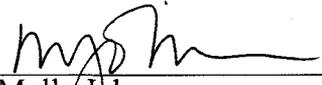
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6 By:   
7 Molly Johnson  
8 Secretary to Philip J. Dion III  
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