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BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

WILLIAM A. MUNDELL CHAIRMAN DOCKETED

JIM IRVIN COMMISSIONER

MARC SPITZER COMMISSIONER

FEB 02 2001

DOCKETED BY [Signature]

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AZ CORP COMMISSION DOCUMENT CONTROL

IN THE MATTER OF THE APPLICATION OF ARIZONA DIAL TONE, INC. FOR A CERTIFICATE OF CONVENIENCE AND NECESSITY TO PROVIDE COMPETITIVE RESOLD INTRASTATE TELECOMMUNICATIONS SERVICES

DOCKET NO. T-03608A-98-0442

PROCEDURAL ORDER

BY THE COMMISSION:

On August 5, 1998, Arizona Dial Tone, Inc. ("Applicant") filed with Docket Control of the Arizona Corporation Commission ("Commission") an application for a Certificate of Convenience and Necessity ("Certificate") to provide competitive resold interexchange telecommunications services within the State of Arizona.

On March 16, 2000, Arizona Dial Tone, Inc. filed Affidavits of Publication indicating compliance with the Commission's notice requirements.

On January 24, 2001, Arizona Corporation Commission Staff ("Staff") filed a Staff Report in this matter.

On August 29, 2000, the Court of Appeals, Division One, ("Court") issued its Opinion in Cause No. 1 CA-CV 98-0672 ("Opinion"). The Court determined that Article XV, Section 14 of the Arizona Constitution requires the Commission to "determine fair value rate base ("FVRB") for all public service corporations in Arizona prior to setting their rates and charges." Although the Commission filed a Petition for Review to the Arizona Supreme Court, we are requesting FVRB information at this time to insure compliance with the Constitution should the ultimate decision of the Supreme Court affirm the Court's interpretation of Section 14. We also are concerned that the cost and complexity of FVRB determinations must not offend the Telecommunications Act of 1996.

Pursuant to A.R.S. § 40-282, the Commission may act on an application for a Certificate to provide resold telecommunications services without a hearing, or with a hearing if one is requested by any party.

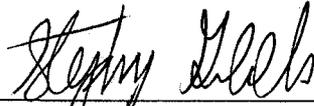
1 Pursuant to Commission rules, the Commission now issues this Procedural Order to govern
2 the preparation and conduct of this proceeding.

3 IT IS THEREFORE ORDERED that Arizona Dial Tone, Inc. shall file written exceptions, if
4 any, to the Staff Report or make a request for a hearing by **12 noon** on March 2, 2001.

5 IT IS FURTHER ORDERED that the time periods specified herein shall not be extended
6 pursuant to Rule 6(a) or (e) of the Arizona Rules of Civil Procedure.

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

9 DATED this 2nd day of February, 2001.

10 
11 _____
12 STEPHEN GIBELLI
ADMINISTRATIVE LAW JUDGE

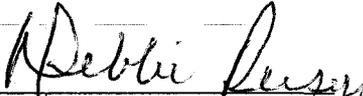
13 Copies of the foregoing mailed/delivered
14 This 2nd day of February, 2001 to:

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