

ORIGINAL

25H



0000027722

RECEIVED

BEFORE THE ARIZONA CORPORATION COMMISSION  
DOCKETED

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

WILLIAM A. MUNDELL  
CHAIRMAN  
JIM IRVIN  
COMMISSIONER  
MARC SPITZER  
COMMISSIONER

APR 04 2001

2001 APR -4 P 2:09

DOCKETED BY

AZ CORP COMMISSION  
DOCUMENT CONTROL

IN THE MATTER OF THE APPLICATION OF  
VIVO COMMUNICATIONS-AZ, LLC FOR A  
CERTIFICATE OF CONVENIENCE AND  
NECESSITY TO PROVIDE COMPETITIVE  
FACILITIES-BASED AND RESOLD LOCAL  
EXCHANGE, INTEREXCHANGE, AND  
EXCHANGE ACCESS,  
TELECOMMUNICATIONS SERVICES.

DOCKET NO. T-03973A-00-1038

PROCEDURAL ORDER

**BY THE COMMISSION:**

On December 19, 2000, Vivo Communications-AZ, LLC ("Applicant" or "Vivo") submitted to Docket Control of the Arizona Corporation Commission ("Commission") an application for a Certificate of Convenience and Necessity ("Certificate") to provide competitive facilities-based and resold local exchange, interexchange, and exchange access telecommunications services statewide.

Applicant is required to publish notice of its filing in newspapers in all counties where service is to be provided. The record shows that the Applicant filed Affidavits of Publication indicating compliance with the Commission's notice requirements on January 22, 2001.

The Commission's Utilities Division Staff ("Staff") filed a Staff Report on March 23, 2001. 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 June 21, 2001 at 10:00 a.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 intervention shall be in accordance with A.A.C. R14-3-105, except that all motions to intervene must be filed on or before May 31, 2001.

IT IS FURTHER ORDERED that any objections to motions to intervene must be filed on or before June 7, 2001.

1 IT IS FURTHER ORDERED that all intervenors shall file specific disagreements/comments,  
2 if any, regarding the application and Staff Report by **12:00 noon on June 1, 2001.**

3 IT IS FURTHER ORDERED that the Applicant shall file specific disagreements/comments,  
4 if any, to the Staff Report by **12:00 noon on June 1, 2001.**

5 IT IS FURTHER ORDERED that all intervenors, Staff, and Applicant shall file by **12:00**  
6 **noon on June 1, 2001,** a list of witnesses and subject area(s) to be covered at the hearing in this  
7 matter.

8 IT IS FURTHER ORDERED that discovery shall be as permitted by law and the rules and  
9 regulations of the Commission, except that every effort shall be made to respond within 48 hours of  
10 receipt; the response time may be extended by mutual agreement of the parties involved if the request  
11 requires an extensive compilation effort.

12 IT IS FURTHER ORDERED that in the alternative to filing a written motion to compel  
13 discovery, any party seeking discovery may telephonically contact the Commission's Hearing  
14 Division to request a date for a procedural hearing to resolve the discovery dispute; that upon such  
15 request, a procedural hearing will be convened as soon as practicable; and that the party making such  
16 a request shall forthwith contact all other parties to advise them of the hearing date and shall at the  
17 hearing provide a statement confirming that the other parties were contacted.<sup>1</sup>

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

20 DATED this 4th day of April, 2001.

21  
22  
23 

24  
25 STEPHEN GIBELLI  
26 ADMINISTRATIVE LAW JUDGE

27  
28 <sup>1</sup> The parties are encouraged to attempt to settle discovery disputes through informal, good-faith negotiations before seeking Commission resolution of the controversy.

1 Copies of the foregoing mailed/delivered  
2 this 9<sup>th</sup> day of April, 2001 to:

3 Lance J.M. Steinhart  
4 ATTORNEY AT LAW  
5 6455 E. Johns Crossing, Suite 285  
6 Duluth, Georgia 30097

7 Timothy Berg  
8 FENNEMORE CRAIG  
9 3003 N. Central Avenue, Suite 2600  
10 Phoenix, Arizona 85012  
11 Attorneys for Qwest Corporation

12 Christopher Kempsey, Chief Counsel  
13 Legal Division  
14 ARIZONA CORPORATION COMMISSION  
15 1200 West Washington Street  
16 Phoenix, Arizona 85007

17 Deborah Scott, Director  
18 Utilities Division  
19 ARIZONA CORPORATION COMMISSION  
20 1200 West Washington Street  
21 Phoenix, Arizona 85007

22 ARIZONA REPORTING SERVICE, INC.  
23 2627 N. Third Street, Suite Three  
24 Phoenix, Arizona 85004-1104

25 By: \_\_\_\_\_  
26 Debbi Person  
27 Secretary to Stephen Gibelli  
28