

ORIGINAL



0000028035

RECEIVED

BEFORE THE ARIZONA CORPORATION COMMISSION

254

COMMISSIONERS

2005 AUG 30 P 1:42

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

AZ CORP COMMISSION
DOCUMENT CONTROL

IN THE MATTER OF THE APPLICATION OF
COMMPARTNERS, LLC FOR A CERTIFICATE
OF CONVENIENCE AND NECESSITY TO
PROVIDE COMPETITIVE FACILITIES-BASED
INTEREXCHANGE AND LOCAL EXCHANGE
TELECOMMUNICATIONS SERVICES IN THE
STATE OF ARIZONA.

DOCKET NO. T-04251A-04-0257

PROCEDURAL ORDER

BY THE COMMISSION:

On April 5, 2004, CommPartners, LLC (“Applicant” or “CommPartners”) submitted to the Arizona Corporation Commission (“Commission”) an application for a Certificate of Convenience and Necessity (“Certificate”) to provide facilities-based interexchange and local exchange telecommunications services within the State of Arizona. The application petitioned the Commission for determination that its proposed services should be classified as competitive.

On June 14, 2005, the Commission’s Utilities Division Staff (“Staff”) filed a Staff Report recommending approval of CommPartners’s application subject to certain conditions.

On June 22, 2005, by Procedural Order, the matter was set for hearing to commence on August 11, 2005. The Procedural Order also set forth associated deadlines which ordered Applicant to publish notice of the hearing by July 11, 2005 and docket its Affidavit of Publication on or before July 29, 2005.

On August 11, 2005, a full public hearing was conducted before a duly authorized Administrative Law Judge. Applicant appeared telephonically and the Legal Division appeared on behalf of Staff. At the commencement of the hearing, it was noted that the record did not reflect that notice of the hearing had been published pursuant to the Procedural Order. Accordingly, the matter was continued and the matter was reset for hearing.

On August 12, 2005, by Procedural Order, the matter was set for hearing to commence on October 4, 2005.

1 On August 24, 2005, Staff filed a Request to Reschedule Hearing. In it Staff noted that its
2 witness, Adam Lebrecht, was not available on October 4th and requested that the matter be reset to
3 another date. Staff's request also noted that Applicant had no objection to the continuance. Therefore,
4 the matter is continued and is being reset for hearing.

5 Pursuant to A.A.C. R14-3-101, the Commission now issues this Procedural Order to govern
6 the preparation and conduct of this proceeding.

7 IT IS THEREFORE ORDERED that the **hearing** on the above application and petition of
8 Applicant shall commence on **October 13, 2005 at 10:00 a.m.**, or as soon thereafter as is practical, at
9 the Commission's offices, 1200 West Washington Street, Phoenix, Arizona 85007.

10 IT IS FURTHER ORDERED that Applicant shall publish notice of its filing and the hearing,
11 as stated below, in a newspaper(s) of general circulation in every county in Arizona in which
12 Applicant desires to provide service by **September 15, 2005**, and shall file Affidavits of Publication
13 with the Commission no later than September 30, 2005.

14 IT IS FURTHER ORDERED that Applicant or an attorney for Applicant **shall personally**
15 **appear** for the October 13, 2005 hearing date.

16
17 **IN THE MATTER OF THE APPLICATION OF COMMPARTNERS LLC FOR A**
18 **CERTIFICATE OF CONVENIENCE AND NECESSITY TO PROVIDE**
19 **FACILITIES-BASED INTEREXCHANGE AND LOCAL EXCHANGE SERVICES**
20 **AND PETITION FOR COMPETITIVE CLASSIFICATION OF PROPOSED**
21 **SERVICES WITHIN THE STATE OF ARIZONA**

22 **Docket No. T-04251A-04-0257**

23 CommPartners, LLC ("Applicant") has filed with the Arizona Corporation
24 Commission ("Commission") an application for a Certificate of Convenience and
25 Necessity ("Certificate") to provide competitive facilities-based interexchange and
26 local exchange telecommunications services in the State of Arizona. Applicant will be
27 required by the Commission to provide this service under the rates and charges and
28 terms and conditions established by the Commission.

29 The application, report of the Commission's Utilities Division Staff, and any
30 written exceptions to the staff report prepared by the applicant are available for
31 inspection during regular business hours at the offices of the Commission located at
32 1200 West Washington Street, Phoenix, Arizona 85007, and at Applicant, [address].

33 Under appropriate circumstances, interested parties may intervene in the
34 proceedings and participate as a party. You may have the right to intervene in the
35 proceeding, or you may make a statement for the record. Intervention shall be in
36 accordance with A.A.C. R14-3-105, except that all motions to intervene must be filed
37 on or before **September 23, 2005**. Persons desiring to intervene must file a written

1 motion to intervene with the Commission and send such motion to the Company or its
2 counsel and to all parties of record, and which at the minimum, shall contain the
3 following:

4 1. The name, address, and telephone number of the proposed intervenor and of
5 any party upon whom service of documents is to be made if different than the
6 intervenor.

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

9 3. A statement certifying that a copy of the motion to intervene has been
10 mailed to the Company or its counsel and to all parties of record in the case.

11 A.A.C. R14-3-105 shall govern the granting of motions to intervene. The
12 granting of intervention, among other things, entitles a party to present sworn evidence
13 at the hearing and to cross-examine other witnesses. However, failure to intervene
14 will not preclude any interested person or entity from appearing at the hearing and
15 making a statement on their own behalf. The hearing is scheduled to commence on
16 **October 13, 2005 at 10:00 a.m.** at the Arizona Corporation Commission, 1200 West
17 Washington Street, Phoenix, Arizona 85007. Please check with the Commission for
18 any changes to the scheduled hearing date.

19 If you have any comments, mail them to:

20 The Arizona Corporation Commission
21 Attention Docket Control
22 re: CommPartners, LLC
23 T-04251A-04-0257
24 1200 West Washington Street
25 Phoenix, Arizona 85007

26 If you have any questions about this application, or want information on
27 intervention, you may contact the Consumer Services Section of the Commission at
28 1200 West Washington Street, Phoenix, Arizona 85007 or call 1-800-222-7000.

The Commission does not discriminate on the basis of disability in admission
to its public meetings. Persons with a disability may request a reasonable
accommodation such as sign language interpreter, as well as request this document in
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.

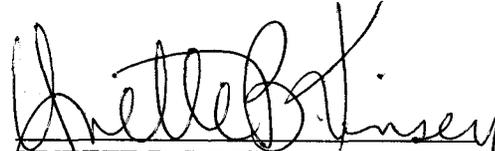
IT IS FURTHER ORDERED that intervention shall be in accordance with A.A.C. R14-3-105,
except that all motions to intervene must be filed on or before **September 23, 2005**.

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

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

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

3 DATED this 30th day of August, 2005.

4
5 
6 YVETTE B. KINSEY
7 ADMINISTRATIVE LAW JUDGE
8

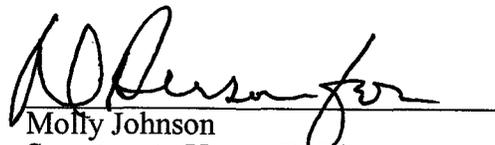
9 Copies of the foregoing mailed/delivered
10 this 30th day of August, 2005 to:

11 Kristopher Twomey
12 1519 East 14th Street, Suite A
13 San Leandro, California 94577

14 Christopher Kempley, Chief Counsel
15 Legal Division
16 ARIZONA CORPORATION COMMISSION
17 1200 West Washington Street
18 Phoenix, Arizona 85007

19 Ernest Johnson, Director
20 Utilities Division
21 ARIZONA CORPORATION COMMISSION
22 1200 West Washington Street
23 Phoenix, Arizona 85007

24 ARIZONA REPORTING SERVICE, INC.
25 2627 N. Third Street, Suite Three
26 Phoenix, Arizona 85004-1104
27

28
By: 
Molly Johnson
Secretary to Yvette B. Kinsey