

ORIGINAL



0000028300

BEFORE THE ARIZONA CORPORATION COMMISSION

RECEIVED

252#

COMMISSIONERS

2005 SEP 12 A 9:52

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
CHARTER FIBERLINK AZ-CCVII, LLC FOR A
CERTIFICATE OF CONVENIENCE AND
NECESSITY TO PROVIDE RESOLD LONG
DISTANCE AND LOCAL EXCHANGE,
FACILITIES-BASED LONG DISTANCE AND
LOCAL EXCHANGE, ALTERNATIVE
OPERATOR SERVICES AND PRIVATE LINE
TELECOMMUNICATIONS SERVICES.

DOCKET NO. T-04260A-04-0383

PROCEDURAL ORDER

BY THE COMMISSION:

On May 20, 2004, Charter Fiberlink AZ-CCVII, LLC ("Applicant") submitted to the Arizona Corporation Commission ("Commission") an application for a Certificate of Convenience and Necessity ("Certificate") to provide resold long distance, facilities-based long distance, resold local exchange, facilities-based local exchange, alternative operator services and private line telecommunications services within the State of Arizona. The application petitioned the Commission for determination that its proposed services should be classified as competitive.

On December 10, 2004, the Commission's Utilities Division Staff ("Staff") filed a Staff Report recommending approval of the application subject to certain conditions.

By Procedural Order issued December 17, 2004, the matter was set for hearing to commence on March 10, 2005.

Applicant caused notice of the hearing to be published in the *Arizona Republic*, a newspaper of general circulation in the requested Certificate service area. No requests for intervention were filed.

On March 10, 2005 the hearing convened as scheduled. No members of the public appeared to provide public comment.

At the hearing, Applicant requested an indefinite continuance of the hearing pending a possible amendment to its application.

1 By Procedural Order issued April 6, 2005, the hearing was continued for a period of 180 days,
2 and Applicant was informed that if no amendment to the application or request for hearing was filed
3 by September 6, 2005, that the docket would be administratively closed.

4 On September 1, 2005, Applicant filed a Request for Hearing. Applicant indicated therein
5 that it would not be filing an amendment to its application.

6 Accordingly, a new hearing date should be set.

7 IT IS THEREFORE ORDERED that the **hearing** on this matter is hereby set to recommence
8 on **September 30, 2005 at 10:00 a.m.**

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

11 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113 - Unauthorized
12 Communications) applies to this proceeding and shall remain in effect until the Commission's
13 Decision in this matter is final and non-appealable.

14 DATED this 12th day of September, 2005.

15
16 
17 TEENA WOLFE
ADMINISTRATIVE LAW JUDGE

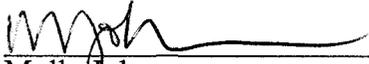
18 Copies of the foregoing mailed/delivered
19 this 12 day of September, 2005 to:

20 Michael W. Patten
ROSHKA HEYMAN & DeWULF
One Arizona Center
21 400 East Van Buren Street, Ste. 800
Phoenix, AZ 85004
22 Attorney for Fiberlink AZ-CCVII, LLC

Ernest Johnson, Director
Utilities Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, Arizona 85007

23 Christopher Kempley, Chief Counsel
Legal Division
24 ARIZONA CORPORATION COMMISSION
1200 West Washington Street
25 Phoenix, Arizona 85007

ARIZONA REPORTING SERVICE, INC.
2627 N. Third Street, Ste. Three
Phoenix, Arizona 85004-1104

26 By: 
Molly Johnson
Secretary to Teena Wolfe