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BEFORE THE ARIZONA CORPORATION COMMISSION

DOCKETED

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2 WILLIAM A. MUNDELL
CHAIRMAN
3 JIM IRVIN
COMMISSIONER
4 MARC SPITZER
COMMISSIONER

JAN 22 2001

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DOCKETED BY

ARIZONA CORPORATION COMMISSION
DOCUMENT CONTROL

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6 IN THE MATTER OF THE APPLICATION OF
USA DIGITAL COMMUNICATIONS, INC. FOR A
7 CERTIFICATE OF CONVENIENCE AND
NECESSITY TO PROVIDE COMPETITIVE
8 RESOLD INTRASTATE
TELECOMMUNICATIONS SERVICES EXCEPT
9 LOCAL EXCHANGE SERVICE

DOCKET NO. T-03933A-00-0714

PROCEDURAL ORDER

10 **BY THE COMMISSION:**

11 On September 19, 2000, USA Digital Communications, Inc. ("USA Digital" or "Applicant")
12 filed with Docket Control of the Arizona Corporation Commission ("Commission") an application
13 for a Certificate of Convenience and Necessity ("Certificate") to provide competitive resold intrastate
14 telecommunications services, except local exchange service, within the State of Arizona. The
15 Applicant is required to publish notice of its filing in newspapers in all counties where service is to be
16 provided. The record shows that the Applicant has not published notice.

17 On January 8, 2001, the Commission's Utilities Division Staff ("Staff") filed its Staff Report
18 in this matter.

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

22 The time frame for processing this application is June 19, 2001.

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

25 IT IS THEREFORE ORDERED that the timeframe for processing the application shall be
26 June 19, 2001.

27 IT IS FURTHER ORDERED that the Applicant shall publish notice, as stated below, in
28 newspapers in every county in Arizona in which Applicant desires to provide service by February 16,

1 2001, and shall file Affidavits of Publication no later than March 9, 2001.

2
3 **NOTICE OF APPLICATION FOR A CERTIFICATE**
4 **OF CONVENIENCE AND NECESSITY TO PROVIDE**
5 **RESOLD COMPETITIVE INTRASTATE**
6 **TELECOMMUNICATIONS SERVICES BY**
7 **USA DIGITAL COMMUNICATIONS, INC.**

8 USA Digital Communications, Inc. ("Applicant") has filed with the Arizona
9 Corporation Commission ("Commission") an application for a Certificate of Convenience
10 and Necessity ("Certificate") to provide resold intrastate telecommunications services in
11 the State of Arizona. Applicant will be required by the Commission to provide this
12 service under the rates and charges and terms and conditions established by the
13 Commission.

14 A.R.S. § 40-282 provides that the Commission may act on an application for a
15 Certificate to provide resold telecommunications services without a hearing, or with a
16 hearing, if one is requested by any party. Applicant or any other party must request a
17 hearing within 21 days from the date of this publication, or the Commission will rule on
18 the application without a hearing.

19 The application, report of the Commission's Utilities Division Staff, and any
20 written exceptions to the Staff Report prepared by the Applicant are available for
21 inspection during regular business hours at the offices of the Commission located at 1200
22 West Washington Street, Phoenix, Arizona 85007, and at Applicant [address].

23 Under appropriate circumstances, interested parties may intervene in the
24 proceedings and participate as a party. Intervention shall be in accordance with A.A.C.
25 R14-3-105, except that all motions to intervene must be filed within 21 days from the
26 date of this publication. You may have the right to intervene in the proceeding, or you
27 may make a statement for the record. If you have any comments, mail them to:

28
The Arizona Corporation Commission
Attention Docket Control
Re: USA Digital Communications, Inc.
T-03933A-00-0714
1200 West Washington Street
Phoenix, Arizona 85007

All comments should be received within 21 days from the date of this publication.

If you have any questions about this application or have any objections to its
approval, you may contact the Consumer Services Section of the Commission at 1200
West Washington Street, Phoenix, Arizona 85007 or call 1-800-222-7000.

1 The Commission does not discriminate on the basis of disability in admission to
2 its public meetings. Persons with a disability may request reasonable accommodations
3 such as a sign language interpreter, as well as request this document in an alternative
4 format, by contacting Shelly Hood, ADA Coordinator, voice phone number 602/542-
5 3931, E-Mail shood@cc.state.az.us. Requests should be made as early as possible to
6 allow time to arrange the accommodations.

7 IT IS FURTHER ORDERED that intervention shall be in accordance with A.A.C. R14-3-105
8 except that all motions to intervene must be filed on or before March 6, 2001.

9 IT IS FURTHER ORDERED that USA Digital shall file written exceptions, if any, to the
10 Staff Report or a request that a hearing be set by **12 noon** on March 6, 2001.

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

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

15 DATED this 22nd day of January, 2001.

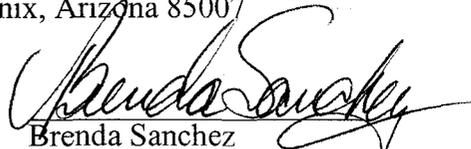
16 
17 ALICIA GRANTHAM
18 ADMINISTRATIVE LAW JUDGE

19 Copies of the foregoing mailed/delivered
20 this 22nd day of January, 2001 to:

21 David D. Williamsson
22 USA DIGITAL COMMUNICATIONS, INC.
23 1603 SE 19th St. Suite 120
24 Edmond, Oklahoma 73013

25 Chris Kempley, Chief Counsel
26 Legal Division
27 ARIZONA CORPORATION COMMISSION
28 1200 West Washington Street
Phoenix, Arizona 85007

Deborah Scott, Director
Utilities Division
ARIZONA CORPORATION COMMISSION
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Phoenix, Arizona 85007

By: 
Brenda Sanchez
Secretary for Alicia Grantham