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Arizona Corporation Commission

BEFORE THE ARIZONA CORPORATION COMMISSION

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WILLIAM A. MUNDELL
CHAIRMAN
JIM IRVIN
COMMISSIONER
MARC SPITZER
COMMISSIONER

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AZ CORP COMMISSION
DOCUMENT CONTROL

DOCKETED BY [Signature]

IN THE MATTER OF THE APPLICATION OF
DYNAMIC TELCOM ENGINEERING I, LLC FOR
A CERTIFICATE OF CONVENIENCE AND
NECESSITY TO PROVIDE COMPETITIVE
FACILITIES-BASED AND RESOLD LOCAL
EXCHANGE AND INTEREXCHANGE
TELECOMMUNICATIONS SERVICES IN
ARIZONA

DOCKET NO. T-03940A-00-0771

PROCEDURAL ORDER

BY THE COMMISSION:

On October 2, 2001, Dynamic Telcom Engineering I, LLC ("Applicant" or "DTE") 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 and interexchange telecommunications services in Arizona.

On January 22, 2001, the Commission's Utilities Division Staff ("Staff") filed a Staff Report. DTE has not filed Affidavits of Publication.

Pursuant to Commission rules, 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 **May 30, 2001 at 1:00 p.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 DTE shall mail Qwest Corporation, formerly U S WEST Communications, Inc., notice of its pending application by March 2, 2001.

IT IS FURTHER ORDERED that the Applicant shall publish notice, as stated below, in newspapers in every county in Arizona in which Applicant desires to provide service by March 23, 2001, and shall file Affidavits of Publication with the Commission by **12:00 noon** on April 20, 2001.

...
...

1 **NOTICE OF APPLICATION FOR A CERTIFICATE OF CONVENIENCE AND**
2 **NECESSITY TO PROVIDE COMPETITIVE FACILITIES-BASED AND RESOLD LOCAL**
3 **EXCHANGE AND INTEREXCHANGE TELECOMMUNICATIONS SERVICES BY**
4 **DYNAMIC TELCOM ENGINEERING I, LLC**

5 Dynamic Telcom Engineering I, LLC ("Applicant") has filed with the Arizona
6 Corporation Commission ("Commission") an application for a Certificate of
7 Convenience and Necessity ("Certificate") to provide facilities-based and resold local
8 exchange and interexchange telecommunications services in the State of Arizona.
9 Applicant will be required by the Commission to provide this service under the rates
10 and charges and terms and conditions established by the Commission.

11 The application, report of the Commission's Utilities Division Staff, and any
12 written exceptions to the staff report prepared by the applicant are available for
13 inspection during regular business hours at the offices of the Commission located at
14 1200 West Washington Street, Phoenix, Arizona 85007, and at Applicant, [address].

15 Under appropriate circumstances, interested parties may intervene in the
16 proceedings and participate as a party. You may have the right to intervene in the
17 proceeding, or you may make a statement for the record. Intervention shall be in
18 accordance with A.A.C. R14-3-105, except that all motions to intervene must be filed
19 by **12:00 noon on May 18, 2001**. Persons desiring to intervene must file a written
20 motion to intervene with the Commission and send such motion to the Company or its
21 counsel and to all parties of record, and which at the minimum, shall contain the
22 following:

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

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

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

A.A.C. R14-3-105 shall govern the granting of motions to intervene. The
granting of intervention, among other things, entitles a party to present sworn evidence
at the hearing and to cross-examine other witnesses. However, failure to intervene
will not preclude any interested person or entity from appearing at the hearing and
making a statement on their own behalf.

If you have any comments, mail them to:

The Arizona Corporation Commission
Attention Docket Control
re: Dynamic Telcom Engineering I, LLC
T-03940A-00-0771
1200 West Washington Street
Phoenix, Arizona 85007

The hearing in this matter shall commence on **May 30, 2001** at 1:00 p.m. at the
Commission's offices. All comments should be received by **12:00 noon on May 25,**
2001 or can be made orally at the commencement of the hearing.

1 If you have any questions about this application, or want information on
2 intervention, you may contact the Consumer Services Section of the Commission at
3 1200 West Washington Street, Phoenix, Arizona 85007 or call 1-800-222-7000.

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

10 IT IS FURTHER ORDERED that intervention shall be in accordance with A.A.C. R14-3-105,
11 except that all motions to intervene must be filed by **12:00 noon on May 18, 2001**.

12 IT IS FURTHER ORDERED that any objections to motions to intervene shall be filed by
13 **12:00 noon on May 23, 2001**.

14 IT IS FURTHER ORDERED that all intervenors shall file specific disagreements/comments
15 regarding the application and Staff Report by **12:00 noon on May 25, 2001**.

16 IT IS FURTHER ORDERED that the Applicant shall file specific disagreements/comments,
17 if any, to the Staff Report by **12:00 noon on May 25, 2001**.

18 IT IS FURTHER ORDERED that all intervenors, Staff and Applicant shall file by **12:00**
19 **noon on May 25, 2001**, a list of witnesses and subject area(s) to be covered at the hearing in this
20 matter.

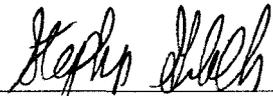
21 IT IS FURTHER ORDERED that discovery shall be as permitted by law and the rules and
22 regulations of the Commission, except that every effort shall be made to respond within 48 hours of
23 receipt; the response time may be extended by mutual agreement of the parties involved if the request
24 requires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

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

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

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

3 DATED this 30th day of January, 2001.

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6 
7 STEPHEN GIBELLI
8 ADMINISTRATIVE LAW JUDGE

9 Copies of the foregoing mailed/delivered
10 this 30th day of January, 2001 to:

11 Jay Birnbaum
12 John Beahn
13 SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP
14 1440 New York Avenue, N.W.
15 Washington, D.C. 20005-2111

16 Timothy Berg
17 FENNEMORE CRAIG
18 3003 North Central Avenue, Suite 2600
19 Phoenix, Arizona 85012-2913
20 Attorneys for Qwest Corporation

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

26 Deborah Scott, Director
27 Utilities Division
28 ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, Arizona 85007

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

By:


Brenda Sanchez
Secretary to Stephen Gibelli