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BEFORE THE ARIZONA CORPORATION COMMISSION RECEIVED

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

APR 03 2001

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DOCKETED BY [signature]

AZ CORP COMMISSION
DOCUMENT CONTROL

8 IN THE MATTER OF THE APPLICATION OF
9 NOVO NETWORKS METRO SERVICES, INC.
10 FOR A CERTIFICATE OF CONVENIENCE AND
11 NECESSITY TO PROVIDE COMPETITIVE
12 RESOLD INTEREXCHANGE
13 TELECOMMUNICATIONS SERVICES, EXCEPT
14 LOCAL EXCHANGE SERVICES

DOCKET NO. T-03997A-01-0177

PROCEDURAL ORDER

BY THE COMMISSION:

15 On February 28, 2001, Novo Networks Metro Services, Inc. ("Applicant" or "Novo") filed
16 with Docket Control of the Arizona Corporation Commission ("Commission") an application for a
17 Certificate of Convenience and Necessity ("Certificate") to provide competitive resold interexchange
18 telecommunications services, except local exchange services, within the State of Arizona.

19 On March 20, 2001, the Commission's Utilities Division Staff ("Staff") filed a Staff Report in
20 this matter.

21 Pursuant to Commission rules, Applicant is required to publish notice of its filing in
22 newspapers in all counties where service is to be provided. The record shows that Applicant has not
23 filed a Notice of Filing Affidavits of Publication that would indicate compliance with the publishing
24 requirement.

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

28 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 Novo shall file written exceptions to the Staff Report or
request that a hearing be set by July 6, 2001.

IT IS FURTHER ORDERED that intervention shall be in accordance with A.A.C. R14-2-105,

1 except that all motions to intervene must be filed on or before June 29, 2001.

2 IT IS FURTHER ORDERED that Novo shall publish notice, as stated below, in newspapers
3 in every county in Arizona in which Novo desires to provide service by **May 17, 2001**:

4 **NOTICE OF APPLICATION FOR A CERTIFICATE**
5 **OF CONVENIENCE AND NECESSITY TO PROVIDE COMPETITIVE RESOLD**
6 **INTEREXCHANGE TELECOMMUNICATIONS SERVICES BY**
7 **NOVO SERVICES TELEPHONE, LLC**

8 Novo Services Telephone, LLC ("Applicant") has filed with the Arizona
9 Corporation Commission ("Commission") an application for a Certificate of
10 Convenience and Necessity ("Certificate") to provide competitive resold interexchange
11 telecommunications services in the State of Arizona. Applicant will be required by the
12 Commission to provide this service under the rates and charges and terms and conditions
13 established by the 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 by July 6, 2001, or the Commission will rule on the application without a
18 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 on or before June 29, 2001.
26 You may have the right to intervene in the proceeding, or you may make a statement for
27 the record. If you have any comments, mail them to:

28
The Arizona Corporation Commission
Attention Docket Control
re: Novo Services Telephone, LLC
T-03997A-01-0177
1200 West Washington Street
Phoenix, Arizona 85007

All comments should be received by July 6, 2001.

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.

The Commission does not discriminate on the basis of disability in admission to
its public meetings. Persons with a disability may request a reasonable accommodations
such as sign language interpreter, as well as request this document in an alternative
format, by contacting Shelly Hood, ADA Coordinator, voice phone number 602/542-
0838, E-Mail shood@cc.state.az.us. Requests should be made as early as possible to
allow time to arrange the accommodation.

1 IT IS FURTHER ORDERED that Novo shall file Affidavits of Publication indicating that it
2 has published notice pursuant to Commission rules by **May 31, 2001**.

3 IT IS FURTHER ORDERED that the failure of Novo to comply with any or all of the
4 Ordering paragraphs set forth in this Procedural Order within the timeframes specified may result in
5 the denial of Novo's application.

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

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

10 DATED this 3rd day of April, 2001.

11
12 
13 _____
14 STEPHEN GIBELLI
15 ADMINISTRATIVE LAW JUDGE

16 Copies of the foregoing mailed this
17 3rd day of April, 2001 to:

18 David N. Link, Executive Vice President
19 Novo Network Metro Services, Inc.
20 300 Crescent Court, Suite 800
21 Dallas, Texas 75201

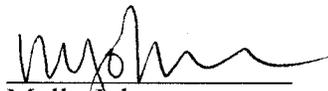
22 Thomas M. Forte
23 Technologies and Management, Inc.
24 210 North Park Ave.
25 Winter Park, Florida 32789

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

26 ...
27 ...
28 ...

1 Deborah Scott, Director
2 Utilities Division
3 ARIZONA CORPORATION COMMISSION
4 1200 West Washington Street
5 Phoenix, Arizona 85007

6 By:



7 Molly Johnson
8 Secretary to Stephen Gibelli
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