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JAN 30 2001 BEFORE THE ARIZONA CORPORATION COMMISSION

WILLIAM A. MUNDALL
CHAIRMAN

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JIM IRVIN
COMMISSIONER

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MARC SPITZER
COMMISSIONER

IN THE MATTER OF THE APPLICATION OF
DOMINO NETWORKS COMMUNICATIONS,
INC. FOR A CERTIFICATE OF CONVENIENCE
AND NECESSITY TO PROVIDE COMPETITIVE
FACILITIES-BASED AND RESOLD LOCAL
EXCHANGE, EXCHANGE ACCESS, AND
INTEREXCHANGE TELECOMMUNICATIONS
SERVICES IN ARIZONA

DOCKET NO. T-03981A-01-0032

PROCEDURAL ORDER

BY THE COMMISSION:

On January 10, 2001, Domino Networks Communications, Inc. ("Applicant" or "DNC") 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, exchange access, and interexchange telecommunications services in Arizona.

On January 23, 2001, the Commission's Utilities Division Staff ("Staff") filed a Staff Report. DNC 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 10:00 a.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 DNC 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.

**NOTICE OF APPLICATION FOR A CERTIFICATE OF CONVENIENCE AND
NECESSITY TO PROVIDE COMPETITIVE FACILITIES-BASED AND RESOLD LOCAL
EXCHANGE, EXCHANGE ACCESS, AND INTEREXCHANGE
TELECOMMUNICATIONS SERVICES BY
DOMINO NETWORKS COMMUNICATIONS, INC.**

Domino Networks Communications, Inc. ("Applicant") has filed with the Arizona Corporation Commission ("Commission") an application for a Certificate of Convenience and Necessity ("Certificate") to provide facilities-based and resold local exchange, exchange access, and interexchange telecommunications services in the State of Arizona. Applicant will be required by the Commission to provide this service under the rates and charges and terms and conditions established by the Commission.

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

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

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

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

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: Domino Networks Communications, Inc.
T-03981A-01-0032
1200 West Washington Street
Phoenix, Arizona 85007

The hearing in this matter shall commence on **May 30, 2001** at 10:00 a.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
1200 West Washington Street, Phoenix, Arizona 85007 or call 1-800-222-7000.

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

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 by **12:00 noon on May 18, 2001**.

9 IT IS FURTHER ORDERED that any objections to motions to intervene shall be filed by
10 **12:00 noon on May 23, 2001**.

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

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

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

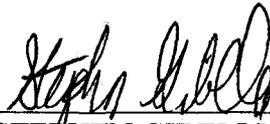
18 IT IS FURTHER ORDERED that discovery shall be as permitted by law and the rules and
19 regulations of the Commission, except that every effort shall be made to respond within 48 hours of
20 receipt; the response time may be extended by mutual agreement of the parties involved if the request
21 requires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

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

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

4 DATED this 30th day of January, 2001.



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8 STEPHEN GIBELLI
ADMINISTRATIVE LAW JUDGE

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

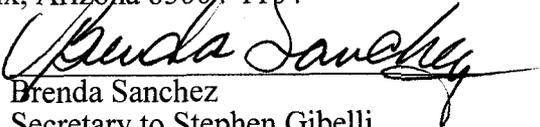
11 Russell M. Blau
12 Michael J. Mendelson
13 SWIDLER BERLIN SHEREFF FRIEDMAN, LLP
14 3000 K Street, NW, Suite 300
15 Washington, D.C. 20007-5116

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

25 By: 
26 Brenda Sanchez
27 Secretary to Stephen Gibelli

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