



BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

JEFF HATCH-MILLER, CHAIRMAN
WILLIAM A. MUNDELL
MARC SPITZER
MIKE GLEASON
KRISTIN K. MAYES

2005 OCT 27 P 4: 34
AZ CORP COMMISSION
DOCUMENT CONTROL

IN THE MATTER OF THE FORMAL
COMPLAINT OF ACCIPITER
COMMUNICATIONS, INC. AGAINST
VISTANCIA COMMUNICATIONS, L.L.C.,
SHEA SUNBELT PLEASANT POINT, L.L.C.
AND COX ARIZONA TELCOM, LLC.

Docket No. T-03471A-05-0064

**COMMISSION STAFF REQUEST FOR A
PROCEDURAL CONFERENCE**

The Arizona Corporation Commission Staff ("Staff") respectfully requests that the Commission convene a procedural conference in this case to discuss the status of this proceeding and the procedure the Commission would like to utilize for further processing of this case. Cox Arizona Telcom, LLC and/or its affiliates, Accipiter Communications, Inc., Shea Sunbelt LLC Pleasant Point and Vistancia Communications, LLC met over a period of several months working toward a resolution of the issues in this case. They eventually entered into a Memorandum of Understanding ("MOU") regarding the agreements reached between them. A copy of the preliminary MOU was submitted to Staff. The final version of the MOU was not presented to the Staff.

Staff was recently informed that the parties will likely be executing a Settlement Agreement this week. While Staff participated in the parties' initial negotiations to resolve this matter, Staff has not seen the Settlement Agreement nor is it a signatory to the Settlement Agreement. A procedural conference would be helpful, in Staff's opinion, to give the parties' direction on the procedure the Commission would like to utilize for further processing of this case.

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