

ORIGINAL



0000034785

RECEIVED

BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

2005 OCT 31 A 11: 47

JEFF HATCH-MILLER, Chairman  
WILLIAM A. MUNDELL AZ CORP COMMISSION  
MARC SPITZER DOCUMENT CONTROL  
MIKE GLEASON  
KRISTIN K. MAYES

IN THE MATTER OF THE APPLICATION OF  
NATIONAL BRANDS, INC. dba SHARENET  
COMMUNICATIONS COMPANY FOR A  
CERTIFICATE OF CONVENIENCE AND  
NECESSITY TO PROVIDE RESOLD LONG  
DISTANCE AND ALTERNATIVE OPERATORS  
SERVICES TELECOMMUNICATIONS  
SERVICES.

DOCKET NO. T-02580A-05-0383

PROCEDURAL ORDER

**BY THE COMMISSION:**

On December 4, 1990, National Brands, Inc. dba Sharenet Communications Company ("Sharenet" or "Applicant") submitted to the Arizona Corporation Commission ("Commission") an application for a Certificate of Convenience and Necessity ("Certificate") to provide resold long distance and alternative operator services ("AOS") within the State of Arizona. That application was assigned Docket No. T-02580A-90-0351. Between December 8, 1990 and October 20, 1995, the Applicant amended its application four times. On July 26, 2004, Sharenet submitted an updated application. Although Sharenet was not requesting additional services, it was assigned docket number T-02580A-04-0531. On May 27, 2005, Sharenet again filed an amendment to its application requesting authority to provide resold long distance, resold local exchange, facilities-based local exchange, alternative operator services and a determination that its proposed services be classified as competitive. This application was assigned to the above referenced docket number.

On October 26, 2005, the Commission's Utilities Division Staff ("Staff") filed a Staff Report recommending approval of Sharenet's application subject to certain conditions.

Accordingly, the matter should be set for hearing.

Pursuant to A.A.C. R14-3-101, 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

1 Applicant shall commence on **December 5, 2005 at 10:00 a.m.**, or as soon thereafter as is practical,  
2 at the Commission's offices, 1200 West Washington Street, Phoenix, Arizona 85007.

3 IT IS FURTHER ORDERED that Applicant shall publish notice of its filing and the hearing,  
4 as stated below, in a newspaper(s) of general circulation in every county in Arizona in which  
5 Applicant desires to provide service by November 18, 2005, and shall file Affidavits of Publication  
6 with the Commission no later than November 25, 2005.

7  
8 **IN THE MATTER OF THE APPLICATION OF NATIONAL BRANDS, INC. dba**  
9 **SHARENET COMMUNICATIONS COMPANY FOR A CERTIFICATE OF**  
10 **CONVENIENCE AND NECESSITY TO PROVIDE RESOLD LONG DISTANCE**  
11 **AND ALTERNATIVE OPERATOR SERVICES TELECOMMUNICATIONS**  
12 **SERVICES WITHIN THE STATE OF ARIZONA**  
13 **Docket No. T-02580A-05-0383**

14 National Brands, Inc. dba Sharenet Communications Company ("Applicant") has filed  
15 with the Arizona Corporation Commission ("Commission") an application for a  
16 Certificate of Convenience and Necessity ("Certificate") to provide resold long  
17 distance, resold local exchange, facilities-based local exchange, and alternative  
18 operator services in the State of Arizona. Additionally, Sharenet has petitioned to  
19 have a determination that its proposed services be classified as competitive. Applicant  
20 will be required by the Commission to provide this service under the rates and charges  
21 and terms and conditions established by the Commission.

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

26 Under appropriate circumstances, interested parties may intervene in the proceedings  
27 and participate as a party. You may have the right to intervene in the proceeding, or  
28 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 on or before  
November 25, 2005. 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

1 preclude any interested person or entity from appearing at the hearing and making a  
2 statement on their own behalf. The hearing is scheduled to commence on **December**  
3 **5, 2005 at 10:00 a.m.** at the Arizona Corporation Commission, 1200 West  
4 Washington Street, Phoenix, Arizona 85007. Please check with the Commission for  
5 any changes to the scheduled hearing date.

6 If you have any comments, mail them to:

7 The Arizona Corporation Commission  
8 Attention Docket Control  
9 re: National Brands, Inc. dba Sharenet Communications Company  
10 T-02580A-05-0383  
11 1200 West Washington Street  
12 Phoenix, Arizona 85007

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

16 The Commission does not discriminate on the basis of disability in admission to its  
17 public meetings. Persons with a disability may request a reasonable accommodation  
18 such as a sign language interpreter, as well as request this document in an alternative  
19 format, by contacting Linda Hogan, ADA Coordinator, Linda Hogan, at  
20 [LHogan@azcc.gov](mailto:LHogan@azcc.gov), voice phone number 602/542-3931. Requests should be made as  
21 early as possible to allow time to arrange the accommodation.

22 IT IS FURTHER ORDERED that intervention shall be in accordance with A.A.C. R14-3-105,  
23 except that all motions to intervene must be filed on or before November 25, 2005.

24 IT IS FURTHER ORDERED that any objections to motions to intervene must be filed on or  
25 before December 2, 2005.

26 IT IS FURTHER ORDERED that all parties must comply with Rule 33(c) and (d) of the  
27 Rules of the Arizona Supreme Court with respect to the practice of law and admission *pro hac vice*.

28 IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance  
with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Rule 42 of the  
Rules of the Arizona Supreme Court). Representation before the Commission includes the obligation  
to appear at all hearings and procedural conferences, as well as all Open Meetings for which the  
matter is scheduled for discussion, unless counsel has previously been granted permission to  
withdraw by the Administrative Law Judge or the Commission.

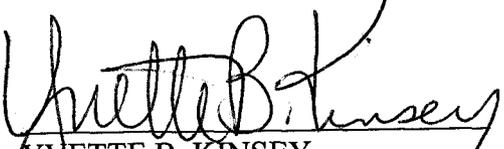
IT IS FURTHER ORDERED that the Presiding Officer may rescind, alter, amend, or waive  
any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

...

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113 - Unauthorized Communications) applies to this proceeding as the matter is now set for public hearing.

DATED this 31<sup>st</sup> day of October, 2005

  
YVETTE B. KINSEY  
ADMINISTRATIVE LAW JUDGE

Copies of the foregoing mailed/delivered this 31 day of October, 2005 to:

- Connie Wightman  
Technologies Management, Inc.  
210 North Park Avenue  
Winter Park, FL 32789
- Christopher Kempley, Chief Counsel  
Legal Division  
ARIZONA CORPORATION COMMISSION  
1200 West Washington Street  
Phoenix, Arizona 85007
- Ernest Johnson, Director  
Utilities Division  
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:   
Molly Johnson  
Secretary to Yvette B. Kinsey