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BEFORE THE ARIZONA CORPORATION COMMISSION

WILLIAM A. MUNDELL  
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COMMISSIONER

2001 JUN 27 P 2:28

AZ CORP COMMISSION  
DOCUMENT CONTROL

IN THE MATTER OF THE APPLICATION OF  
TALK.COM HOLDING CORPORATION D/B/A  
THE PHONE COMPANY AND ALSO D/B/A  
NETWORK SERVICES OF NEW HOPE FOR A  
CERTIFICATE OF CONVENIENCE AND  
NECESSITY TO PROVIDE COMPETITIVE  
RESOLD INTRASTATE  
TELECOMMUNICATIONS SERVICES IN  
ARIZONA

Arizona Corporation Commission 0129  
DOCKET NO. 0300000129

DOCKETED

JUN 27 2001

DOCKETED BY  
*sd*

PROCEDURAL ORDER

BY THE COMMISSION:

On March 13, 1997, Talk.com Holding Corporation d/b/a The Phone Company and also d/b/a Network Services of New Hope ("Talk.com" or "Applicant") filed with Docket Control of the Arizona Corporation Commission ("Commission") an application for a Certificate of Convenience and Necessity ("Certificate") to provide intrastate telecommunications services as a reseller within the State of Arizona.

Pursuant to Commission Rules, Applicant is required to publish notice of its filing in newspapers in all counties where service is to be provided. The record shows that Applicant has failed to publish notice.

On August 12, 1999, the Applicant filed with docket control notice that it does not currently, and does not intend in the future, to charge its customers for prepayments, advances, or deposits.

On August 27, 1999, the Commission's Utilities Division Staff ("Staff") filed its Staff Report in this matter.

On October 21, 1999, Talk.com filed an amendment to its application.

On February 14, 2000, Talk.com filed another amendment to its application.

On January 23, 2001, Staff filed an amended Staff Report.

On May 1, 2001, Talk.com indicated that its new name is Talk America. Talk.com has not

1 contacted Staff regarding the name change.

2 Pursuant to Commission Rules, the Commission may act on an application for a Certificate  
3 to provide resold telecommunications services without a hearing, or with a hearing if one is  
4 requested by any party.

5 Pursuant to Commission Rules, the Commission now issues this Procedural Order to govern  
6 the preparation and conduct of this proceeding.

7 IT IS THEREFORE ORDERED that Applicant shall file a letter indicating its name change,  
8 its address, a toll free customer service number, and under which name it desires to obtain a  
9 certificate by **July 11, 2001**.

10 IT IS FURTHER ORDERED that Applicant shall file written exceptions, if any, to the Staff  
11 Report or request that a hearing be set by September 7, 2001.

12 IT IS FURTHER ORDERED that since the Applicant has not published notice of its filing  
13 in accord with Commission Rules, Applicant shall publish notice, as stated below, in newspapers  
14 in every county in Arizona in which Applicant desires to provide by August 3, 2001, and shall file  
15 Affidavits of Publication with Docket Control of the Commission no later than August 17, 2001.

16 **NOTICE OF APPLICATION FOR A CERTIFICATE**  
17 **OF CONVENIENCE AND NECESSITY TO PROVIDE**  
18 **RESOLD INTRASTATE TOLL TELECOMMUNICATIONS SERVICES BY**  
19 **TALK.COM D/B/A THE PHONE COMPANY D/B/A NETWORK**  
20 **SERVICES OF NEW HOPE**

21 Talk.com d/b/a The Phone Company d/b/a Network Services of New Hope  
22 has filed with the Arizona Corporation Commission an application for a Certificate  
23 of Convenience and Necessity to provide resold intrastate toll telecommunications  
24 services in the State of Arizona. Applicant will be required by the Commission to  
25 provide this service under the rates and charges and terms and conditions established  
26 by the Commission.

27 A.R.S. 40-282 provides that the Commission may act on an application for  
28 a Certificate to provide resold telecommunications services without a hearing, or with  
a hearing, if one is requested by any party. Applicant or any other party must request  
a hearing by September 7, 2001, or the Commission will rule on the application  
without a hearing.

The application, report of the Commissions 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. Intervention shall be in accordance with A.A.C. R14-3-105, except that all motions to intervene must be filed on or before August 24, 2001. You may have the right to intervene in the proceeding, or you may make a statement for the record. If you have any comments, mail them to:

The Arizona Corporation Commission  
Attention Docket Control  
re: Talk.com Holding Corporation d/b/a The Phone Company  
d/b/a Network Services of New Hope  
T-03342A-97-0129  
1200 West Washington Street  
Phoenix, Arizona 85007

All comments should be received by September 7, 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 602/542-3931, E-Mail [shood@cc.state.az.us](mailto:shood@cc.state.az.us). Requests should be made as early as possible to allow time to arrange the accommodation.

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

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

IT IS FURTHER ORDERED that the failure of the Applicant to comply with any of the terms of this Procedural Order may result in the denial of the Applicant's certificate.

DATED this 9<sup>th</sup> day of June, 2001.

  
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STEPHEN GIBELLI  
ADMINISTRATIVE LAW JUDGE

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Copies of the foregoing mailed/delivered this  
27<sup>th</sup> day of June, 2001 to:

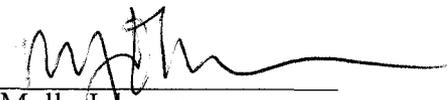
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By:   
Molly Johnson  
Secretary for Stephen Gibelli