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ARIZONA CORPORATION COMMISSION

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AZ CORP COMMISSION
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5 IN THE MATTER OF THE APPLICATION AND
6 PETITION OF EXCEL
7 TELECOMMUNICATIONS, INC. FOR
8 CERTIFICATE OF CONVENIENCE AND
NECESSITY TO PROVIDE INTRASTATE
TELECOMMUNICATIONS SERVICES.

DOCKET NO. T-02584A-02-0268

9 IN THE MATTER OF THE APPLICATION AND
10 OF EXCEL TELECOMMUNICATIONS, INC. FOR
11 CERTIFICATE OF CONVENIENCE AND
NECESSITY AS A TELECOMMUNICATIONS
RESELLER WITHIN THE STATE OF ARIZONA

DOCKET NO. T-02584A-91-0016

PROCEDURAL ORDER

12 **BY THE COMMISSION:**

13 On January 16, 1991, Excel Telecommunications, Inc. ("Excel") filed with the Arizona
14 Corporation Commission ("Commission") an application for a Certificate of Convenience and
15 Necessity ("Certificate" or "CC&N") as a long-distance reseller in Docket No. T-02584A-91-0016.

16 On December 1, 1995, Excel amended its application.

17 On December 1, 2000, Excel filed updated information in response to a request from the
18 Commission's Utilities Division ("Staff").

19 On April 8, 2002, Excel filed an application for a CC&N as a facilities-based local exchange
20 carrier in Docket No. T-02584A-02-0268.

21 On May 3, 2002, Staff filed a Motion to Consolidate Excel's applications as Staff stated it is a
22 sound policy to review all pending CC&N applications for a company at the same time.

23 On June 11, 2002, a Procedural Order was issued which consolidated the above-captioned
24 matters.

25 On July 26, 2002, Applicant amended its application in Docket No. T-02584A-02-0268 to
26 include a request for authority to provide resold local exchange telecommunications services.

27 Pursuant to Commission rules, Applicant is required to publish notice of its filing in a
28

1 newspaper(s) in all counties where service is to be provided. The record shows that Applicant has
2 not filed a Notice of Filing Affidavits of Publication that would indicate compliance with the
3 publishing requirement.

4 Pursuant to A.A.C. R14-2-1106 and R14-2-1108, the Commission now issues this Procedural
5 Order to govern the preparation and conduct of this proceeding.

6 IT IS THEREFORE ORDERED that the hearing on the above application shall commence on
7 November 12, 2002, at 10:00 a.m. or as soon thereafter as is practical, at the Commission's offices,
8 1200 West Washington Street, Phoenix, Arizona 85007.

9 IT IS FURTHER ORDERED that Staff shall file its Staff Report by October 1, 2002.

10 IT IS FURTHER ORDERED that Excel shall file a letter listing a toll free telephone number
11 at which its customers may contact it, by September 3, 2002.

12 IT IS FURTHER ORDERED that Excel shall file written exceptions to the Staff Report by
13 October 21, 2002.

14 IT IS FURTHER ORDERED that intervention shall be in accordance with A.A.C. R14-2-105,
15 except that all motions to intervene must be filed on or before October 14, 2002.

16 IT IS FURTHER ORDERED that Excel shall publish notice, as stated below, in a
17 newspaper(s) in every county in Arizona in which Excel desires to provide service by September 3,
18 2002.

19 **NOTICE OF APPLICATION FOR A CERTIFICATE**
20 **OF CONVENIENCE AND NECESSITY TO PROVIDE COMPETITIVE**
21 **FACILITIES-BASED LOCAL EXCHANGE, RESOLD LOCAL EXCHANGE**
22 **TELECOMMUNICATIONS SERVICES AND RESOLD**
23 **INTEREXCHANGE TELECOMMUNICATIONS SERVICES BY**
24 **EXCEL TELECOMMUNICATIONS, INC**
25 **Docket Nos. T-02584A-91-0016 and T-02584A-02-0268**

26 Excel Telecommunications, Inc. ("Applicant") has filed with the Arizona
27 Corporation Commission ("Commission") an application for a Certificate of
28 Convenience and Necessity ("Certificate") to provide competitive facilities-based local
exchange, resold local exchange telecommunications services and resold 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

1 West Washington Street, Phoenix, Arizona 85007, and at Applicant, [insert company's
address].

2 Under appropriate circumstances, interested parties may intervene in the
3 proceedings and participate as a party. You may have the right to intervene in the
4 proceeding, or you may make a statement for the record. Intervention shall be in
5 accordance with A.A.C. R14-3-105, except that all motions to intervene must be filed on
or before October 14, 2002. 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:

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

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

10 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.

11 A.A.C. R14-3-105 shall govern the granting of motions to intervene. The
12 granting of intervention, among other things, entitles a party to present sworn evidence
13 at the hearing and to cross-examine other witnesses. However, failure to intervene
14 will not preclude any interested person or entity from appearing at the hearing and
making a statement on their own behalf. The hearing is scheduled to commence on
15 **November 12, 2002 at 10:00 a.m.** at the Arizona Corporation Commission, 1200
West Washington Street, Phoenix, Arizona 85007. Please check with the Commission
for any changes to the scheduled hearing date.

16 If you have any comments, mail them to:

17 The Arizona Corporation Commission
18 Attention Docket Control
re: Excel Telecommunications, Inc.
19 T-02584A-02-0268 and T-0-2584A-91-0016
1200 West Washington Street
20 Phoenix, Arizona 85007

21 All comments should be received by November 7, 2002.

22 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
23 West Washington Street, Phoenix, Arizona 85007 or call 1-800-222-7000.

24 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
25 such as sign language interpreter, as well as request this document in an alternative
format, by contacting Shelley Hood, ADA Coordinator, voice phone number 602/542-
26 0838, E-Mail shood@cc.state.az.us. Requests should be made as early as possible to
allow time to arrange the accommodation.

27 IT IS FURTHER ORDERED that Excel shall file Affidavits of Publication indicating that it
28 has published notice pursuant to Commission rules by October 1, 2002.

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

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

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

8 DATED this 7 day of August, 2002.

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11 
12 PHILIP J. DION III
ADMINISTRATIVE LAW JUDGE

13 Copies of the foregoing mailed
14 this 7 day of August, 2002 to:

15 Robbin Johnson
16 EXCEL TELECOMMUNICATIONS, INC.
17 8750 N. Central Express Way, Ste. 2000
18 Dallas, TX 75231

19 Dana Hoyle
20 EXCEL COMMUNICATIONS, INC.
21 8750 N. Central Expressway, Ste. 2000
22 Dallas, TX 75231

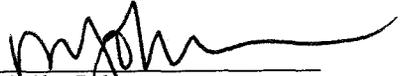
23 CT Corporation Systems
24 3225 N. Central Avenue
25 Phoenix, AZ 85012

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

Ernest Johnson, Director
Utilities Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, Arizona 85007

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1 ARIZONA REPORTING SERVICE, INC.
2 2627 N. Third Street, Suite Three
3 Phoenix, Arizona 85004-1104

4 By: 
5 Molly Johnson
6 Secretary to Philip J. Dion III
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