



BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

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

2006 FEB -6 P 1:52

AZ CORP COMMISSION
DOCUMENT CONTROL

IN THE MATTER OF THE REQUEST OF
AUTOTEL FOR INTERCONNECTION,
SERVICES AND NETWORK ELEMENTS WITH
CITIZENS UTILITIES RURAL COMPANY, INC.
AND FOR AN INQUIRY BY THE ARIZONA
CORPORATION COMMISSION AND
TERMINATION OF THE EXEMPTION OF
CITIZENS UTILITIES RURAL COMPANY, INC.
PURSUANT TO SECTION 251(f)(1)(B) OF THE
TELECOMMUNICATIONS ACT OF 1996.

DOCKET NO. T-01954B-05-0852

PROCEDURAL ORDER

BY THE COMMISSION:

On November 21, 2005, Autotel filed with the Arizona Corporation Commission ("Commission") a Notice of its Bona Fida Request for interconnection, services and network elements with Citizens Utilities Rural Company, Inc. ("Citizens") pursuant to A.A.C. R14-2-1505 and Section 252(b) of the Communications Act of 1934, as amended by the Telecommunications Act of 1996 ("the Act") and for an inquiry by the Commission and termination of the exemption of Citizens pursuant to section 251(f)(1)(B) of the Telecommunications Act of 1996.

Pursuant to the Act, the Commission must act on the request within 120 days.¹

On December 12, 2005, pursuant to Procedural Order, a procedural conference was held. Two legal issues were discussed at the conference. The first issue discussed was whether Autotel is precluded from filing the application in this docket due to its pending appeal in Decision No. 67273 (October 5, 2004). The second issue relates to the rationale or necessity of terminating Citizens' exemption under the Act with regard to the requested Interconnection Agreement.

On February 6, 2006, pursuant to Procedural Order, a procedural conference was held for the purpose of oral argument. Mr. Oberdorfer, President of Autotel, unexpectedly failed to make an

¹ The timeclock was suspended by Procedural Order on December 16, 2005.

1 appearance.² Monica Davis, office manager for Mr. Oberdorfer, was present via telephone on behalf
2 of Autotel, but stated that she is not an attorney. Counsel for Citizens and counsel for the
3 Commission's Utilities Division ("Staff") were both present.

4 At the time appointed for oral argument, Ms. Davis stated that Mr. Oberdorfer was out of the
5 country and Autotel was satisfied with the existing record and would not object to going forward
6 solely on the record.

7 IT IS THEREFORE ORDERED that, unless a party notifies the Commission by **Wednesday,**
8 **February 15, 2006** that it requires oral argument on the legal issues, this matter will be taken under
9 advisement pending issuance of a decision on the legal issues as raised in the existing record.

10 IT IS FURTHER ORDERED that given the necessity of consideration of the legal issues in
11 this matter, the timeclock continues to be suspended.

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

14 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113 - Unauthorized
15 Communications) applies to this proceeding and shall remain in effect until the Commission's
16 Decision in this matter is final and non-appeable.

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

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27 ² Mr. Oberdorfer had specifically contacted counsel for Citizens on January 24, 2006 to request the opportunity to
28 participate telephonically. The request was received from counsel for Citizens and granted by the Administrative Law
Judge on February 1, 2006.

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

3 Dated this 6 day of February, 2006

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7 AMY BJELLAND
8 ARBITRATOR

9 Copies of the foregoing mailed/delivered
10 this 6 day of February, 2006 to:

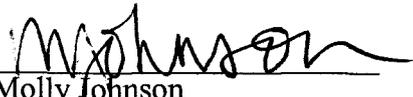
11 Richard L. Oberdorfer
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18 Christopher Kempley, Chief Counsel
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23 Ernest G. Johnson, Director
24 Utilities Division
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28 By:


Molly Johnson
Secretary to Amy Bjelland