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BEFORE THE ARIZONA CORPORATION COMMISSION

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AZ CORP COMMISSION
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5
6 IN THE MATTER OF THE APPLICATION OF
MVX COMMUNICATIONS, LLC FOR
7 AUTHORITY TO TRANSFER ITS CERTIFICATE
OF CONVENIENCE AND NECESSITY TO
8 QUANTUMSHIFT COMMUNICATIONS, INC.,
F/K/A MVX.COM COMMUNICATIONS, INC.

DOCKET NO. T-03793A-99-0608
DOCKET NO. T-03549A-99-0608

PROCEDURAL ORDER

9
10 **BY THE COMMISSION:**

11 On October 26, 1999, MVX Communications, LLC ("MVX") and MVX.COM
12 Communications, Inc. ("MVX.COM") filed an application with the Arizona Corporation
13 Commission ("Commission") requesting approval of the transfer of assets from MVX to MVX.COM,
14 and the transfer of MVX's Certificate of Convenience and Necessity ("CC&N") to MVX.COM.

15 Effective May 4, 2001, MVX.COM changed its name to QuantumShift Communications, Inc.
16 ("QuantumShift").

17 On December 24, 2001, the Commission's Utilities Division Staff ("Staff") filed a Staff
18 Report on the application recommending that the Commission approve, after a hearing, the transfer of
19 MVX's assets and CC&N to QuantumShift.

20 On March 15, 2002, Staff filed an amendment to its Staff Report to include a fair value
21 recommendation.

22 This matter was originally set for hearing by Procedural Order of February 12, 2002. The
23 hearing was convened as scheduled on April 9, 2002. Applicant failed to publish notice of the
24 hearing or to appear at the hearing. By Procedural Order of April 10, 2002, the hearing was
25 continued to May 29, 2002 and Applicant was again ordered to publish notice of the hearing.
26 Applicant again failed to publish notice or to appear at the hearing.

27 Applicant's letter requesting continuance of the May 28, 2002 hearing was docketed on May
28 29, 2002.

1 A Procedural Order was issued in these dockets on June 11, 2002, requiring Applicant to
2 either file a motion for admission *pro hac vice* or to obtain local counsel and have local counsel file a
3 Notice of Appearance no later than July 8, 2002

4 On July 8, 2002, local counsel filed a Notice of Appearance in this matter. Accordingly, the
5 matter should be set for hearing. The timeframe for processing this application should be extended in
6 order to allow adequate time for MVX and QuantumShift to provide public notice of the hearing.

7 IT IS THEREFORE ORDERED that the timeframe for processing this application shall be
8 extended to October 31, 2002.

9 IT IS FURTHER ORDERED that the hearing on the above application shall be continued to
10 **August 28, 2002 at 1:30 p.m.**, or as soon thereafter as is practical, at the Commission's offices, 1200
11 West Washington Street, Phoenix, Arizona 85007.

12 IT IS FURTHER ORDERED that MVX Communications, LLC and QuantumShift
13 Communications, Inc. shall provide public notice of the application and hearing in the following form
14 and style:

15 **NOTICE OF APPLICATION OF MVX COMMUNICATIONS, LLC FOR**
16 **AUTHORITY TO TRANSFER ITS CERTIFICATE OF CONVENIENCE AND NECESSITY**
17 **TO QUANTUMSHIFT COMMUNICATIONS, INC., FORMERLY KNOWN AS MVX.COM**
COMMUNICATIONS, INC. Docket No. T-03793A-99-0608

18 MVX Communications, LLC ("MVX") and MVX.COM Communications ("MVX.COM")
19 have filed an application with the Arizona Corporation Commission ("Commission")
20 requesting approval of the transfer of assets from MVX to QuantumShift Communications,
21 Inc., fka MVX.COM, and the transfer of MVX's Certificate of Convenience and Necessity
22 ("CC&N") to provide competitive intrastate toll telecommunications services throughout the
23 State of Arizona to QuantumShift Communications, Inc., fka MVX.COM. If the Application
24 is approved, QuantumShift Communications, Inc., fka MVX.COM will be required by the
25 Commission to provide this service under the rates and charges and terms and conditions
26 established by the Commission. The application, report of the Commission's Utilities
27 Division Staff on the application, and any written exceptions to the staff report will be
28 available for inspection during regular business hours at the offices of the Commission
located at 1200 West Washington Street, Phoenix, Arizona 85007. These documents will also
be available for inspection at the offices of QuantumShift Communications, Inc., [**Insert
address where documents will be available**].

25 The Commission will hold a hearing on this matter beginning **August 28, 2002 at 1:30 p.m.**,
26 at the Commission's offices, 1200 West Washington Street, Phoenix, Arizona. Public
comment will be taken on the first day of the hearing.

27 Under appropriate circumstances, interested parties may intervene in the proceedings and
28 participate as a party. You may have the right to intervene in the proceeding. Intervention
shall be in accordance with A.A.C. R14-3-405, except that all motions to intervene must be
filed on or before **August 12, 2002**. Persons desiring to intervene must file a written motion

1 to intervene with the Commission and send such motion to Applicants or their counsel and to
2 all parties of record. The motion shall, at the minimum, contain the following:

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

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

8 3. A statement certifying that a copy of the motion to intervene has been
9 mailed to Applicants or their counsel and to all parties of record in the case.

10 The granting of intervention, among other things, entitles a party to present sworn
11 evidence at the hearing and to cross-examine other witnesses. However, failure to
12 intervene will not preclude any interested person or entity from appearing at the
13 hearing and providing public comment on the application.

14 If you have any questions about this application, or want further information on
15 intervention, you may contact the Consumer Services Section of the Commission at
16 1200 West Washington Street, Phoenix, Arizona 85007 or call 1-800-222-7000.

17 The Commission does not discriminate on the basis of disability in admission to its public
18 meetings. Persons with a disability may request a reasonable accommodations such as sign
19 language interpreter, as well as request this document in an alternative format, by contacting
20 Shelly Hood, ADA Coordinator, voice phone number 602/542-3931, E-Mail
21 shood@cc.state.az.us. Requests should be made as early as possible to allow time to arrange
22 the accommodation.

23 IT IS FURTHER ORDERED that MVX Communications, LLC and QuantumShift
24 Communications, Inc. shall cause the above public notice to be published in a newspaper of statewide
25 circulation or in every county in Arizona no later than **July 29, 2002**.

26 IT IS FURTHER ORDERED that MVX Communications, LLC and QuantumShift
27 Communications, Inc. shall file an affidavit of publication in this docket no later than **August 19,**
28 **2002**. The Affidavit of Publication shall verify where and when the above notice has been published.

IT IS FURTHER ORDERED that 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 12, 2002.

IT IS FURTHER ORDERED that any objections to motions to intervene must be filed on or
before August 19, 2002.

IT IS FURTHER ORDERED that MVX Communications, LLC and QuantumShift
Communications, Inc. and all Intervenors shall file specific disagreements/comments, if any, to the
Staff Report as amended no later than August 26, 2002.

IT IS FURTHER ORDERED that notice shall be deemed complete upon its publication,

1 notwithstanding the failure of an individual to read the notice.

2 IT IS FURTHER ORDERED that as this matter is now set for hearing, the Ex Parte Rule
3 (A.A.C. R14-3-113-Unauthorized Communications) applies to this proceeding and shall remain in
4 effect until the Commission's Decision in this matter is final and non-appealable.

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

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

9 DATED this 19th day of July, 2002.

10 
11 TEENA WOLFE
12 ADMINISTRATIVE LAW JUDGE

13 Copies of the foregoing mailed
14 this 19th day of July, 2002 to:

14 Michael W. Patten, Esq.
15 ROSHKA HEYMAN & DEWULF, PLC
16 One Arizona Center
17 400 East Van Buren Street, Suite 800
18 Phoenix, AZ 85007
19 Attorneys for MVX Communications, LLC and
20 QuantumShift Communications, Inc., fka MVX.COM Communications, Inc.

21 Jenna Brown
22 QUANTUMSHIFT COMMUNICATIONS, INC.
23 101 Rowland Way, Ste. 300
24 Novato, CA 94945

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

25 ...
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27 ...
28 ...

1 Ernest Johnson, Director
2 Utilities Division
3 ARIZONA CORPORATION COMMISSION
4 1200 West Washington
5 Phoenix, AZ 85007

6 By:


Molly Johnson
Secretary to Teena Wolfe

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