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BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

WILLIAM A. MUNDELL
CHAIRMAN
JIM IRVIN
COMMISSIONER
MARC SPITZER
COMMISSIONER

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IN THE MATTER OF THE APPLICATION OF
MVX COMMUNICATIONS, LLC FOR
AUTHORITY TO TRANSFER ITS CERTIFICATE
OF CONVENIENCE AND NECESSITY TO
QUANTUMSHIFT COMMUNICATIONS, INC.,
F/K/A MVX.COM COMMUNICATIONS, INC.

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

PROCEDURAL ORDER

BY THE COMMISSION:

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

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

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

On February 12, 2002, a Procedural Order was issued setting this matter for hearing to commence on April 9, 2002, requiring Applicants to publish notice of the hearing by March 1, 2002, requiring Applicants to file an affidavit of publication no later than March 8, 2002, and requiring Staff to file an amendment to the Staff Report to include fair value rate base recommendations by March 15, 2002.

On March 15, 2002, Staff filed an amendment to its Staff Report in accordance with the February 12, 2002 Procedural Order.

Applicants did not file the required affidavit of publication.

The hearing was convened as scheduled on April 9, 2002 at 1:30 p.m. Staff appeared through

1 counsel. Applicants did not appear.

2 The hearing should therefore be continued, and the timeframe for processing this application
3 should be extended, in order to allow adequate time for MVX and QuantumShift to provide public
4 notice of the hearing.

5 IT IS THEREFORE ORDERED that the timeframe for processing this application shall be
6 extended to July 25, 2002.

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

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

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

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

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

25 Under appropriate circumstances, interested parties may intervene in the proceedings and
26 participate as a party. You may have the right to intervene in the proceeding. Intervention
27 shall be in accordance with A.A.C. R14-3-405, except that all motions to intervene must be
28 filed on or before **May 15, 2002**. Persons desiring to intervene must file a written motion to
intervene with the Commission and send such motion to Applicants or their counsel and to all
parties of record. The motion shall, at the minimum, contain the following:

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

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

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

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

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

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

21 IT IS FURTHER ORDERED that MVX Communications, LLC and QuantumShift
22 Communications, Inc. shall cause the above public notice to be published in a newspaper of statewide
23 circulation or in every county in Arizona no later than **May 3, 2002**.

24 IT IS FURTHER ORDERED that MVX Communications, LLC and QuantumShift
25 Communications, Inc. shall file an affidavit of publication in this docket no later than **May 15, 2002**.
26 The Affidavit of Publication shall verify where and when the above notice has been published.

27 IT IS FURTHER ORDERED that intervention shall be in accordance with A.A.C. R14-3-105,
28 except that all motions to intervene must be filed on or before May 15, 2002.

IT IS FURTHER ORDERED that any objections to motions to intervene must be filed on or
before May 24, 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 May 24, 2002.

IT IS FURTHER ORDERED that MVX Communications, LLC and QuantumShift
Communications, Inc., all intervenors, and Staff shall file, on or before **May 24, 2002**, a list of
witnesses and subject area(s) to be covered at the hearing in this matter.

1 IT IS FURTHER ORDERED that notice shall be deemed complete upon its publication,
2 notwithstanding the failure of an individual to read the notice.

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

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 10th day of April, 2002.

10
11 
12 TEENA WOLFE
ADMINISTRATIVE LAW JUDGE

13 Copies of the foregoing mailed
this 10th day of April, 2002 to:

14 Lance J.M. Steinhart, PC
15 Attorney at Law
16 6455 E. Johns Crossing, Suite 285
17 Duluth, Georgia 30097
Attorneys for MVX Communications, LLC and
QuantumShift Communications, Inc., fka MVX.COM Communications, Inc.

18 Christopher Kempley, Chief Counsel
19 Legal Division
20 ARIZONA CORPORATION COMMISSION
1200 West Washington
Phoenix, AZ 85007

21 Ernest Johnson, Director
22 Utilities Division
23 ARIZONA CORPORATION COMMISSION
1200 West Washington
24 Phoenix, AZ 85007

25 ARIZONA REPORTING SERVICE, INC
26 2627 N. Third Street, Suite Three
Phoenix, Arizona 85004-1103

27 By: 
28 Molly Johnson
Secretary to Teena Wolfe