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BEFORE THE ARIZONA CORPORATION COMMISSION  
Arizona Corporation Commission

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2 WILLIAM A. MUNDELL  
CHAIRMAN  
3 JIM IRVIN  
COMMISSIONER  
4 MARC SPITZER  
COMMISSIONER

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AZ CORP COMMISSION  
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6 IN THE MATTER OF THE APPLICATION OF  
WESTEL, INC. FOR A CERTIFICATE OF  
7 CONVENIENCE AND NECESSITY TO PROVIDE  
8 COMPETITIVE RESOLD INTEREXCHANGE  
TELECOMMUNICATIONS SERVICES, EXCEPT  
LOCAL EXCHANGE SERVICES.

DOCKET NO. T-02694A-96-0348

PROCEDURAL ORDER

9 **BY THE COMMISSION:**

10 On June 21, 1996, Westel Inc. ("Applicant" or "Westel") filed with the Arizona Corporation  
11 Commission ("Commission") an application for a Certificate of Convenience and Necessity  
12 ("Certificate") to provide competitive resold interexchange telecommunications services, except local  
13 exchange services, as a reseller within the State of Arizona.

14 On February 11, 2000, Applicant filed an amendment to its application.

15 On August 3, 2001, Staff filed a Staff Report recommending approval of Applicant's  
16 application subject to some conditions.

17 Pursuant to Commission rules, Applicant is required to publish notice of its filing in all  
18 counties where service is to be provided. The record shows that Applicant has not filed a Notice of  
19 Filing Affidavits of Publication that would indicate compliance with the publishing requirement.

20 Pursuant to A.R.S. § 40-282, the Commission may act on an application for a Certificate to  
21 provide resold telecommunications services without a hearing, or with a hearing if one is requested  
22 by any party.

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

25 IT IS THEREFORE ORDERED that Westel Inc. shall file with the Commission written  
26 exceptions, if any, to the Staff Report and any request for hearing on or before **October 22, 2001**.

27 IT IS FURTHER ORDERED that intervention shall be in accordance with A.A.C. R14-2-105,  
28 except that all motions to intervene must be filed on or before **October 22, 2001**.

1 IT IS FURTHER ORDERED that Westel Inc. shall publish notice, as stated below, in a  
 2 newspaper of general circulation in every county in Arizona in which Westel Inc. desires to provide  
 3 service on or before **September 28, 2001**:

4 **NOTICE OF APPLICATION FOR A CERTIFICATE OF CONVENIENCE AND**  
 5 **NECESSITY TO PROVIDE COMPETITIVE RESOLD**  
 6 **INTEREXCHANGE TELECOMMUNICATIONS SERVICES BY WESTEL, INC.**

7 Westel Inc. ("Applicant") has filed with the Arizona Corporation Commission  
 8 ("Commission") an application for a Certificate of Convenience and Necessity  
 9 ("Certificate") to provide competitive resold interexchange telecommunications services  
 10 in the State of Arizona. Applicant will be required by the Commission to provide this  
 11 service under the rates and charges and terms and conditions established by the  
 12 Commission.

13 A.R.S. § 40-282 provides that the Commission may act on an application for a  
 14 Certificate to provide resold telecommunications services without a hearing, or with a  
 15 hearing, if one is requested by any party. Applicant or any other party must request a  
 16 hearing by October 22, 2001, or the Commission will rule on the application without a  
 17 hearing.

18 The application, report of the Commission's Utilities Division Staff, and any  
 19 written exceptions to the staff report prepared by the applicant are available for  
 20 inspection during regular business hours at the offices of the Commission located at 1200  
 21 West Washington Street, Phoenix, Arizona 85007, and at Applicant's address, [list  
 22 Westel's address where such documents can be viewed].

23 Under appropriate circumstances, interested parties may intervene in the  
 24 proceedings and participate as a party. Intervention shall be in accordance with A.A.C.  
 25 R14-3-105, except that all motions to intervene must be filed on or before October 22,  
 26 2001. You may have the right to intervene in the proceeding, or you may make a  
 27 statement for the record. If you have any comments, mail them to:

28 The Arizona Corporation Commission  
 Attention Docket Control  
 re: Westel Inc.  
 T-02694A-96-0348  
 1200 West Washington Street  
 Phoenix, Arizona 85007

All comments should be received by October 22, 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 Shelley Hood, ADA Coordinator, voice phone number 602/542-  
 0838, E-Mail 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 Westel Inc. shall file with the Commission Affidavits of

1 Publication indicating that it has published notice pursuant to Commission rules on or before  
2 **October 22, 2001.**

3 IT IS FURTHER ORDERED that Westel Inc. shall file updated contact information for the  
4 company regarding its toll-free number on or before **October 22, 2001.**

5 IT IS FURTHER ORDERED that the failure of Westel Inc. to comply with any or all of the  
6 Ordering paragraphs set forth in this Procedural Order within the timeframes specified may result in  
7 the denial of Westel Inc.'s application.

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

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

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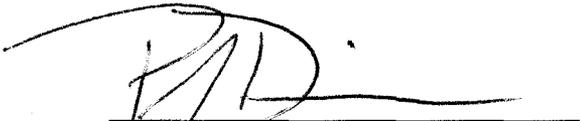
13 DATED this 30 day of August, 2001.

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PHILIP J. DION III  
ADMINISTRATIVE LAW JUDGE

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19 Copies of the foregoing mailed  
This 30 day of August, 2001 to:

20 Sarah Montgomery  
WESTEL, INC.  
21 Director of Government Relations  
9606 North Mopac, Suite 700  
22 Austin, Texas 78759

23 Susan Davis Morley  
WIGGINS & VILLACORTA P.A.  
24 501 East Tennessee Street  
Suite B  
25 Post Office Drawer 1657  
Tallahassee, Florida 32308

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

1 Steve Olea, Acting Director  
Utilities Division  
2 ARIZONA CORPORATION COMMISSION  
1200 West Washington Street  
3 Phoenix, Arizona 85007

4  
5 By:

  
Molly Johnson  
Secretary to Philip J. Dion III

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