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BEFORE THE ARIZONA CORPORATION COMMISSION RECEIVED

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3 WILLIAM A. MUNDELL
Chairman
4 JIM IRVIN
Commissioner
5 MARC SPITZER
Commissioner

Arizona Corporation Commission

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UTILITIES DIVISION STAFF,
Complainant,
vs.
MAX-TEL COMMUNICATIONS, INC.
Respondent.

DOCKET NO. T03532A-02-0443

MOTION

Staff, for Utilities Division of the Arizona Corporation Commission ("Staff"), hereby comes before the Arizona Corporation Commission ("Commission") to request the Honorable Administrative Law Judge Dwight Nodes postpone the scheduling of the hearing on Staff's Complaint, provided in Arizona Revised Statute § 40-246 (c). Staff respectfully requests to postpone the scheduling for 30 days from the date of this filing.

BACKGROUND

On June 14, 2002, Staff filed a Complaint against Max-Tel Communications, Inc. ("Respondent", "Max-Tel", or "Company") which requests the rescission of Commission Decision No. 61601.

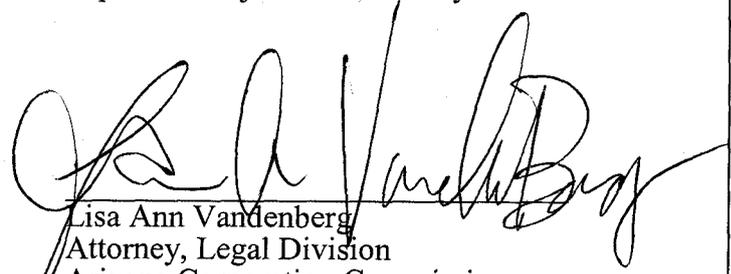
Apparently on June 20, 2002, Max-Tel filed a request for a waiver of the bond requirement. However, this request was filed under Docket No. T-03532A-98-0134, which was the docket in which Decision 61601 was issued. On June 26, 2002, Staff member John Bostwick sent the Company a data request. However, the Company failed to respond. Despite Max-Tel's failure, Staff was able to determine that the company is a local exchange reseller. As such, Max-Tel must maintain a performance bond of at least \$25,000.00. Thus, on October 2, 2002, Staff issued a letter denying

1 Max-Tel's request for a bond waiver. The letter went on to indicate that the Company must provide
2 proof to Staff of a current \$25,000 performance bond with 30 days of the date of Staff's letter.

3 **CONCLUSION**

4 Thus, Staff requests that the scheduling of a hearing on the Complaint be postponed for 30
5 days to provide Max-Tel a final opportunity to provide proof of a current performance bond. Staff
6 believes that this postponement is in the interest of the public and judicial economy.

7 DATED this 4th day of October, 2002,

8 
9
10 Lisa Ann Vandenberg
11 Attorney, Legal Division
12 Arizona Corporation Commission
13 1200 W. Washington
14 Phoenix, Arizona 85007
15 (602) 542-3402

14
15 Original and ten copies of
16 the foregoing filed this 4th
17 day of October, 2002 with:

17 Docket Control
18 Arizona Corporation Commission
19 1200 West Washington Street
20 Phoenix, Arizona 85007

21 COPY mailed this 4th day
22 of October, 2002 to:

23 Mr. Mark Maxey
24 Max-Tel Communication, Inc.
25 103 N. Wickham
26 Alvord, Texas 76225

27 Rickey Davis
28 Max-Tel Communications, Inc.
105 North Wickham
P.O. Box 280
Alvord, Texas 76225

