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BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

2006 APR -6 A 10: 06

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

AZ CORP COMMISSION
DOCUMENT CONTROL

IN THE MATTER OF THE FORMAL
COMPLAINT OF ACCIPITER
COMMUNICATIONS, INC., AGAINST
VISTANCIA, L.L.C., AND COX ARIZONA
TELCOM, L.L.C.

DOCKET NO. T-03471A-05-0064

PROCEDURAL ORDER

BY THE COMMISSION:

On January 31, 2005, Accipiter Communications, Inc. ("Accipiter") filed with the Arizona Corporation Commission ("Commission") a formal complaint against Vistancia Communications, L.L.C., Shea Sunbelt Pleasant Point, L.L.C.¹, and Cox Arizona Telcom, L.L.C. ("Cox") (collectively "respondents").

Various pleadings and letters have been filed in this docket, and several procedural conferences have been conducted to discuss the legal issues raised by the Complaint.

By Procedural Order issued February 6, 2006, a hearing was scheduled for August 14, 2006 and other testimony filing dates were established.

On March 30, 2006, Cox filed a Motion for Extension of Time to File Testimony, requesting that deadlines for direct testimony and responsive testimony be extended. Cox received telephonic authorization for the proposed extension and filed its Direct Testimony on April 5, 2006 in accordance with its proposed extension.

IT IS THEREFORE ORDERED that consistent with the prior telephonic authorization, Cox's Direct Testimony filing deadline is extended to April 5, 2006.

IT IS FURTHER ORDERED that Staff shall file its Rebuttal Testimony by 4:00 p.m., on June 1, 2006.

¹ Vistancia Communications, L.L.C. and Shea Sunbelt Pleasant Point, L.L.C. are now known as Vistancia, L.L.C ("Vistancia"). The case caption has been amended accordingly.

1 IT IS FURTHER ORDERED that in all other respects the procedural dates set forth in the
2 February 6, 2006, Procedural Order shall remain in full force and effect.

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 Administrative Law Judge may rescind, alter, amend,
6 or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at
7 hearing.

8 Dated this 6th day of April, 2006



DWIGHT D. NODES
ASSISTANT CHIEF ADMINISTRATIVE LAW JUDGE

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13 Copies of the foregoing mailed/delivered
this 4 day of April, 2006 to:

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