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Arizona Corporation Commission

- 2 CARL J. KUNASEK
CHAIRMAN
- 3 JIM IRVIN
COMMISSIONER
- 4 WILLIAM A. MUNDELL
COMMISSIONER

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ARIZONA CORPORATION COMMISSION
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6 IN THE MATTER OF THE APPLICATION OF
7 ICG TELECOM GROUP, INC. FOR A
8 CERTIFICATE OF CONVENIENCE AND
9 NECESSITY TO PROVIDE COMPETITIVE
10 FACILITIES-BASED AND RESOLD
11 INTRASTATE TELECOMMUNICATIONS
12 SERVICES IN ARIZONA

DOCKET NO. T-03566A-99-0743

PROCEDURAL ORDER

BY THE COMMISSION:

10 On December 23, 1999, ICG Telecom Group, Inc. ("Applicant" or "ICG") submitted to
11 Docket Control of the Arizona Corporation Commission ("Commission") an application for a
12 Certificate of Convenience and Necessity ("Certificate") to provide competitive facilities-based and
13 resold intrastate telecommunications services in Arizona.

14 On May 24, 2000 and July 5, 2000, ICG filed Amendments to its application.

15 On June 22, 2000, ICG filed Affidavits of Publication indicating compliance with the
16 Commission's notice requirements.

17 On August 23, 2000, the Commission's Utilities Division Staff ("Staff") filed a Staff Report.

18 On August 29, 2000, the Court of Appeals, Division One, ("Court") issued its Opinion in
19 Cause No. 1 CA-CV 98-0672 ("Opinion"). The Court determined that Article XV, Section 14 of the
20 Arizona Constitution requires the Commission to "determine fair value rate base ("FVRB") for all
21 public service corporations in Arizona prior to setting their rates and charges." Although that
22 Opinion will more than likely be appealed to the Arizona Supreme Court, we are going to request
23 FVRB information at this time to insure compliance with the Constitution should the ultimate
24 decision of the Supreme Court affirm the Court's interpretation of Section 14. We also are concerned
25 that the cost and complexity of FVRB determinations must not offend the Telecommunications Act
26 of 1996.

27 On September 22, 2000, a Procedural Order was issued scheduling this matter for hearing on
28

1 November 30, 2000.

2 On October 10, 2000, ICG filed a Motion to Continue. ICG is requesting a continuance of all
3 deadlines, filings, and hearing dates.

4 On October 19, 2000, Staff filed a Response to ICG's Motion to Continue and indicated that it
5 does not oppose ICG's Motion.

6 IT IS THEREFORE ORDERED that ICG's Motion to Continue is hereby granted as
7 conditioned below.

8 IT IS FURTHER ORDERED that all filing deadlines and hearing dates from the September
9 22, 2000 Procedural Order shall be continued indefinitely, until further notice.

10 IT IS FURTHER ORDERED that ICG shall file with the Commission by January 19, 2001 an
11 update concerning the status of its application, including its readiness for a scheduled hearing date.

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

14 DATED this 20th day of October, 2000.

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STEPHEN GIBELLI
ADMINISTRATIVE LAW JUDGE

20 Copies of the foregoing mailed/delivered
this 20th day of October, 2000, to:

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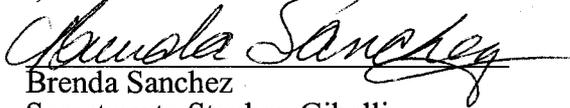
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10 By: 
11 Brenda Sanchez
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