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BEFORE THE ARIZONA CORPORATION COMMISSION RECEIVED

1
2 WILLIAM A. MUNDELL
CHAIRMAN
3 JIM IRVIN
COMMISSIONER
4 MARC SPITZER
COMMISSIONER

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AZ CORP COMMISSION
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5
6 IN THE MATTER OF THE APPLICATION OF
KMC DATA, L.L.C. FOR A CERTIFICATE OF
7 CONVENIENCE AND NECESSITY TO PROVIDE
COMPETITIVE FACILITIES-BASED AND
8 RESOLD LOCAL EXCHANGE AND RESOLD
INTEREXCHANGE TELECOMMUNICATIONS
9 SERVICES IN THE STATE OF ARIZONA AND
PETITION FOR COMPETITIVE
10 CLASSIFICATION OF PROPOSED SERVICES.

DOCKET NO. T-04014A-01-0340

PROCEDURAL ORDER

11 **BY THE COMMISSION:**

12 On April 20, 2001, KMC Data L.L.C. ("Applicant" or "KMC") submitted to the Arizona
13 Corporation Commission ("Commission") an application for a Certificate of Convenience and
14 Necessity ("Certificate") to provide competitive facilities-based and resold local exchange and
15 exchange access telecommunications services statewide. The Application petitioned the Commission
16 for determination that its proposed services should be classified as competitive.

17 Applicant is required to publish notice of its filing in newspapers in all counties where service
18 is to be provided. The record shows that the Applicant has not published notice.

19 The Commission's Utilities Division Staff ("Staff") filed a Staff Report on April 1, 2002.
20 Accordingly, the matter should be set for hearing.

21 Pursuant to A.A.C. R14-3-101, the Commission now issues this Procedural Order to govern
22 the preparation and conduct of this proceeding.

23 IT IS THEREFORE ORDERED that the hearing on the above application and petition of
24 Applicant shall commence on **July 17, 2002 at 10:00 a.m.**, or as soon thereafter as is practical, at the
25 Commission's offices, 1200 West Washington Street, Phoenix, Arizona 85007.

26 IT IS FURTHER ORDERED that Applicant shall publish notice of its filing, as stated below,
27 in a newspaper of general circulation in every county in Arizona in which Applicant desires to
28

1 provide service by **June 7, 2002**, and shall file Affidavits of Publication with the Commission no
 2 later than **July 5, 2002**.

3 **NOTICE OF APPLICATION FOR A CERTIFICATE**
 4 **OF CONVENIENCE AND NECESSITY TO PROVIDE**
 5 **COMPETITIVE FACILITIES-BASED AND RESOLD**
 6 **LOCAL EXCHANGE AND EXCHANGE ACCESS,**
 7 **TELECOMMUNICATIONS SERVICES**
 8 **BY KMC DATA, L.L.C.**
 9 **Docket No. T-04014A-01-0340**

7 KMC Data, L.L.C. ("Applicant") has filed with the Arizona Corporation
 8 Commission ("Commission") an application for a Certificate of Convenience and
 9 Necessity ("Certificate") to provide competitive facilities-based and resold local
 10 exchange and exchange access telecommunications services in the State of Arizona.
 Applicant will be required by the Commission to provide this service under the rates
 and charges and terms and conditions established by the Commission.

11 The application, report of the Commission's Utilities Division Staff, and any
 12 written exceptions to the staff report prepared by the applicant are available for
 inspection during regular business hours at the offices of the Commission located at
 1200 West Washington Street, Phoenix, Arizona 85007, and at Applicant, [address].

13 Under appropriate circumstances, interested parties may intervene in the
 14 proceedings and participate as a party. You may have the right to intervene in the
 15 proceeding, or you may make a statement for the record. Intervention shall be in
 accordance with A.A.C. R14-3-105, except that all motions to intervene must be filed
 16 on or before **July 10, 2002**. Persons desiring to intervene must file a written motion to
 intervene with the Commission and send such motion to the Company or its counsel
 and to all parties of record, and which at the minimum, shall contain the following:

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

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

21 3. A statement certifying that a copy of the motion to intervene has been
 mailed to the Company or its counsel and to all parties of record in the case.

22 A.A.C. R14-3-105 shall govern the granting of motions to intervene. The
 23 granting of intervention, among other things, entitles a party to present sworn evidence
 at the hearing and to cross-examine other witnesses. However, failure to intervene
 24 will not preclude any interested person or entity from appearing at the hearing and
 making a statement on their own behalf. The hearing is scheduled to commence on
 25 **July 17, 2002 at 10:00 a.m.** at the Arizona Corporation Commission, 1200 West
 Washington Street, Phoenix, Arizona 85007. Please check with the Commission for
 26 any changes to the scheduled hearing date.

27 If you have any comments, mail them to:

28 The Arizona Corporation Commission
 Attention Docket Control

re: KMC Data, L.L.C.
T-04014A-01-0340
1200 West Washington Street
Phoenix, Arizona 85007

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If you have any questions about this application, or want information on intervention, 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 Shelly Hood, ADA Coordinator, voice phone number 602/542-3931, E-Mail shood@cc.state.az.us. Requests should be made as early as possible to allow time to arrange the accommodation.

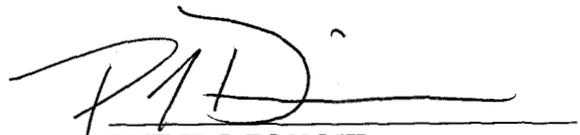
IT IS FURTHER ORDERED that intervention shall be in accordance with A.A.C. R14-3-105, except that all motions to intervene must be filed on or before **July 10, 2002**.

IT IS FURTHER ORDERED that any objections to motions to intervene must be filed on or before **July 16, 2002**.

IT IS FURTHER ORDERED that Applicant and intervenors shall file specific disagreements/comments, if any, regarding the application and Staff Report by **July 10, 2002**.

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

DATED this 7 day of May, 2002.


PHILIP J. DION III
ADMINISTRATIVE LAW JUDGE

Copies of the foregoing mailed/delivered this 7 day of May, 2002 to:

Michael W. Patten
One Arizona Center
400 East Van Buren, Ste. 800
Phoenix, AZ 85004
Attorneys for KMC Data, L.L.C.

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

1 Ernest Johnson, Director
2 Utilities Division
3 ARIZONA CORPORATION COMMISSION
4 1200 West Washington Street
5 Phoenix, Arizona 85007

6 ARIZONA REPORTING SERVICE, INC.
7 2627 N. Third Street, Suite Three
8 Phoenix, Arizona 85004-1104

9 By: 
10 Molly Johnson
11 Secretary to Philip J. Dion III
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