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BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

2006 MAY -9 P 2: 29

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 in this matter was scheduled to commence on August 14, 2006, and testimony filing dates² were established. Due to a scheduling conflict, the hearing will be rescheduled to begin on February 28, 2006, and the filing dates for testimony will be adjusted accordingly. Because Cox has already completed publication of the public notice, public comment will be taken on the previously scheduled August 14, 2006 hearing date.

IT IS THEREFORE ORDERED that the hearing in this matter shall be rescheduled to commence on August 28, 2006, at 10:00 a.m., at the offices of the Commission, 1200 West Washington Street, Phoenix, Arizona 85007.

IT IS FURTHER ORDERED that public comment will be taken on the previously scheduled hearing date of August 14, 2006, at 10:00 a.m., at the offices of the Commission, 1200 West

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.

² By procedural order issued April 6, 2006, certain of the testimony filing dates were amended.

1 Washington Street, Phoenix, Arizona 85007.

2 IT IS FURTHER ORDERED that Staff and Accipiter shall file Rebuttal Testimony by 4:00
3 p.m., on June 15, 2006.

4 IT IS FURTHER ORDERED that Cox shall file its Surrebuttal Testimony by 4:00 p.m., on
5 July 26, 2006.

6 IT IS FURTHER ORDERED that Staff and Accipiter shall file Rejoinder Testimony by 4:00
7 p.m., on August 10, 2006.

8 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113 – Unauthorized
9 Communications) continues to apply to this proceeding as the matter is set for public hearing.

10 IT IS FURTHER ORDERED that the Administrative Law Judge may rescind, alter, amend,
11 or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at
12 hearing.

13 Dated this 9th day of May, 2006

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15 

16 DWIGHT D. NODES
17 ASSISTANT CHIEF ADMINISTRATIVE LAW JUDGE

18 Copies of the foregoing mailed/delivered
19 this 9th day of May, 2006 to:

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By: 
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Secretary to Dwight D. Nodes