



BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

JEFF HATCH-MILLER, Chairman
WILLIAM A. MUNDELL
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KRISTIN K. MAYES

2006 JUN 26 P 1:39
AZ CORP COMMISSION
DOCUMENT CONTROL

IN THE MATTER OF THE JOINT APPLICATION
OF COMTEL TELCOM ASSETS LP, VARTEC
TELECOM, INC., EXCEL
TELECOMMUNICATIONS, INC., AND VARTEC
SOLUTIONS, INC. FOR APPROVAL OF A
TRANSFER OF ASSETS.

DOCKET NO. T-20423A-05-0677
T-03401A-05-0677
T-02584A-05-0677
T-03188A-05-0677

PROCEDURAL ORDER

BY THE COMMISSION:

On September 25, 2005, Comtel Telcom Assets LP ("Comtel"), VarTec Telecom, Inc. ("VarTec Telcom"), Excel Telecommunications, Inc. ("Excel") and VarTec Solutions, Inc. ("VarTec Solutions") (collectively "Applicants") filed with the Arizona Corporation Commission ("Commission") an application for approval of the acquisition of certain of the VarTec companies' assets by Comtel.

On May 16, 2006, Applicants filed a Supplemental Application to provide additional information to support Comtel's application for a Certificate of Convenience and Necessity ("Certificate") and clarifying that applicants have no assets in Arizona and that the application is a request to transfer customers from the VarTec companies to Comtel.

On June 21, 2006, the Commission's Utilities Division ("Staff") filed its Staff Report recommending approval of the application with conditions.

IT IS THEREFORE ORDERED that the hearing on the above-captioned matter shall commence on August 14, 2006, at 10:00 a.m., or as soon thereafter as is practical, at the Commission's offices, 1200 West Washington Street, Phoenix, Arizona 85007.

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 21, 2006.

IT IS FURTHER ORDERED that any objections to Motions to Intervene must be filed on or before August 4, 2006.

1 IT IS FURTHER ORDERED that the Applicants shall provide public notice of the hearing in
2 this matter, in the following form and style:

3
4 **PUBLIC NOTICE OF HEARING ON THE JOINT APPLICATION OF**
5 **COMTEL TELCOM ASSETS LP, VARTEC TELECOM, INC., EXCEL**
6 **TELECOMMUNICATIONS, INC., AND VARTEC SOLUTIONS, INC.**
7 **FOR APPROVAL OF A TRANSFER OF ASSETS.**
8 **(T-20432A-05-0677 et al.)**

9 On September 25, 2005, Comtel Telcom Assets LP ("Comtel"), VarTec Telecom, Inc.
10 ("VarTec Telecom"), Excel Telecommunications, Inc. ("Excel") and VarTec Solutions, Inc.
11 ("VarTec Solutions") filed with the Arizona Corporation Commission ("Commission") an
12 application for approval to transfer assets.

13 On May 16, 2006, the Applicants filed a Supplemental Application to provide additional
14 information to support Comtel's application for a Certificate of Convenience and Necessity
15 ("Certificate") and clarifying that the Applicants have no assets in Arizona and that the
16 application is a request to transfer customers from the VarTec companies to Comtel.

17 The application, report of the Commission's Utilities Division Staff, and any written
18 exceptions to the Staff Report prepared by the Applicants are available for inspection
19 during regular business hours at the offices of the Commission located at 1200 West
20 Washington Street, Phoenix, Arizona 85007, and at the Applicants, [address].

21 Under appropriate circumstances, interested parties may intervene in the proceedings
22 and participate as a party. You may have the right to intervene in the proceeding, or
23 you may make a statement for the record. Intervention shall be in accordance with
24 A.A.C. R14-3-105, except that all Motions to Intervene must be filed on or before
25 **July 21, 2006**. Persons desiring to intervene must file a written Motion to Intervene
26 with the Commission and send such motion to the Company or its counsel and to all
27 parties of record, and which at the minimum, shall contain the following:

- 28 1. The name, address, and telephone number of the proposed intervenor and of
any party upon whom service of documents is to be made if different than the
intervenor.
2. A short statement of the proposed intervenor's interest in the proceeding (e.g. a
customer of the company, a shareholder of the company, a competitor, etc.).
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.

A.A.C. R14-3-105 shall govern the granting of Motions to Intervene. The 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 will not
preclude any interested person or entity from appearing at the hearing and providing
public comment on the application. The hearing is scheduled to commence on **August
14, 2006 at 10:00 a.m.** at the Arizona Corporation Commission, 1200 West
Washington Street, Phoenix, Arizona 85007. Please check with the Commission for
any changes to the scheduled hearing date.

If you have any comments, mail them to:

The Arizona Corporation Commission
Attention Docket Control
re: Comtel Telcom Assets LP, Vartec Telecom, Inc., Excel
Telecommunications Inc., and Vartec Solutions, Inc.
T-20423A-05-0677
1200 West Washington Street
Phoenix, Arizona 85007

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 accommodation such as a sign language interpreter, as well as request this document in an alternative format, by contacting Linda Hogan, ADA Coordinator, Linda Hogan, at LHogan@azcc.gov, voice phone number 602/542-3931. Requests should be made as early as possible to allow time to arrange the accommodation.

IT IS FURTHER ORDERED that the Applicants shall cause a copy of the above notice to be published in a newspaper of general circulation in all the affected areas by July 10, 2006.

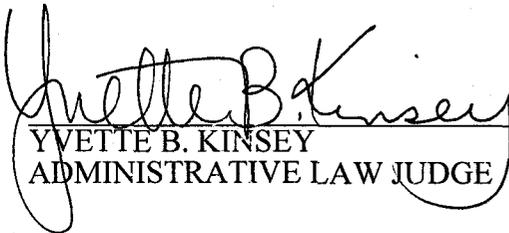
IT IS FURTHER ORDERED that the Applicants shall file Certification of Publication as soon as practicable after the mailing and publication have been completed, but not later than July 28, 2006.

IT IS FURTHER ORDERED that notice shall be deemed complete upon mailing and publication of same, notwithstanding the failure of an individual to read or receive the notice.

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

IT IS FURTHER ORDERED that the Presiding Officer may rescind, alter, amend, or waive

Dated this 26th day of June, 2006


YVETTE B. KINSEY
ADMINISTRATIVE LAW JUDGE

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28 ...

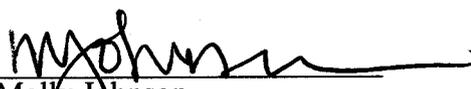
1 Copies of the foregoing mailed/delivered
this 26 day of June, 2006 to:

2 Jeffrey W. Crockett
3 Marcie Montgomery
4 SNELL & WILMER
5 400 E. Van Buren
6 Phoenix, AZ 85004
7 Attorneys for Applicants

8 Christopher Kempley, Chief Counsel
9 Legal Division
10 ARIZONA CORPORATION COMMISSION
11 1200 West Washington Street
12 Phoenix, AZ 85007

13 Ernest G. Johnson, Director
14 Utilities Division
15 ARIZONA CORPORATION COMMISSION
16 1200 West Washington
17 Phoenix, AZ 85007

18 ARIZONA REPORTING SERVICE, INC.
19 2627 N. Third Street, Ste. Three
20 Phoenix, Arizona 85004-1126

21 By: 
22 Molly Johnson
23 Secretary to Yvette B. Kinsey
24
25
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