

ORIGINAL



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BARRY WONG



ARIZONA CORPORATION COMMISSION

30me

August 22, 2006

Via E-mail and United States Mail

Michael W. Patten
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400 East Van Buren Street
Suite 800
Phoenix, Arizona 85004

Arizona Corporation Commission
DOCKETED
AUG 23 2006

DOCKETED BY *nr*

Re: Docket No. T-03471A-05-0064

Dear Mike:

As we discussed, attached is a summary of the nature of the testimony to be given by the Accipiter witnesses. It is my understanding from your August 16, 2006 letter that you do not object to Staff calling the Accipiter representatives as witnesses in this case.

Please let me know if you need anything further.

Sincerely,

Maureen A. Scott
Senior Staff Counsel

MAS:klc

Attachment

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TESTIMONY SUMMARY

The nature of the testimony Staff intends to elicit from the Accipiter witnesses listed on its Notice include their responsibilities with Accipiter, their dealings with others involving the Vistancia development and the provision of service to the development, the financial repercussions of the private easement arrangement, and the impact of the arrangement on their ability to provide service to the development. Staff also intends to elicit testimony on the Company's meetings with the DOJ on this issue.

ACCIPITER

Lewis van Amerongen

- Chairman of the Board
- Referenced in data responses from Accipiter
- Met with DOJ
- Direct involvement

Phillip Sotel

- General Counsel and member of Board of Directors
- Involvement as General Counsel and Board Member
- Met with DOJ
- Direct involvement

Charles Gowder

- President/CEO of Accipiter Communications
- Involvement with all parties involved in the Vistancia matter
- Direct involvement

Original and 13 copies of the foregoing
filed this 23rd day of August, 2006, with:

Docket Control
Arizona Corporation Commission
1200 West Washington
Phoenix, Arizona 85007

Copies of the foregoing mailed this
23rd day of August, 2006, to:

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