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BEFORE THE ARIZONA CORPORATION COMMISSION

25H

COMMISSIONERS

JEFF HATCH-MILLER, Chairman
WILLIAM A. MUNDELL
MIKE GLEASON
KRISTIN K. MAYES
BARRY WONG

2006 OCT 13 P 3:09

AZ CORP COMMISSION
DOCUMENT CONTROL

IN THE MATTER OF THE APPLICATION OF
NEUTRAL TANDEM-ARIZONA, LLC FOR A
CERTIFICATE OF CONVENIENCE AND
NECESSITY TO PROVIDE RESOLD AND
FACILITIES-BASED LOCAL EXCHANGE AND
LONG DISTANCE TELECOMMUNICATIONS
SERVICES WITHIN ARIZONA.

DOCKET NO. T-04298A-04-0930

PROCEDURAL ORDER

BY THE COMMISSION:

On December 27, 2004, Neutral Tandem-Arizona, LLC, ("Applicant") submitted to the Arizona Corporation Commission ("Commission") an application for a Certificate of Convenience and Necessity ("Certificate") to provide resold and facilities-based local exchange and long distance telecommunications services within the State of Arizona.

On October 3, 2006, the Commission's Utilities Division ("Staff") filed a letter of administrative completeness.

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

IT IS THEREFORE ORDERED that the hearing on the above application and petition of Applicant shall commence on **December 4, 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 Applicant shall **publish notice of its filing and the hearing**, as stated below, in a newspaper(s) of general circulation in every county in Arizona in which Applicant desires to provide service by **November 10, 2006**, and shall **file Affidavits of Publication** with the Commission no later than **November 24, 2006**.

Arizona Corporation Commission

DOCKETED

OCT 13 2006

DOCKETED BY [Signature]

1 **IN THE MATTER OF THE APPLICATION OF NEUTRAL TANDEM-ARIZONA,**
2 **LLC FOR A CERTIFICATE OF CONVENIENCE AND NECESSITY TO PROVIDE**
3 **RESOLD AND FACILITIES-BASED LOCAL EXCHANGE AND LONG DISTANCE**
4 **TELECOMMUNICATIONS SERVICES**
5 **WITHIN THE STATE OF ARIZONA**
6 **Docket No. T-04298A-04-0930**

7 On December 27, 2004, Neutral Tandem-Arizona, LLC ("Company") filed with the
8 Arizona Corporation Commission ("Commission") an application Certificate of
9 Convenience and Necessity ("Certificate") to provide resold and facilities-based local
10 exchange and long distance telecommunications services in the State of Arizona. The
11 Commission is not bound by the proposals made by the Company, Staff, or any
12 intervenors, and the Company will be required to provide this service under the rates
13 and charges and terms and conditions established by the Commission. Copies of the
14 application, report of the Commission's Utilities Division Staff, and any written
15 exceptions to the report of the Commission's Utilities Division Staff filed by the
16 Company are available at the Company's offices [insert address] and on the internet
17 via the Commission website (www.azcc.gov) using the e-docket function.

18 The Commission will hold a hearing on this matter beginning **December 4, 2006 at**
19 **10:00 a.m.**, at the Commission's offices, 1200 West Washington, Phoenix, Arizona.
20 Public comments will be taken on the first day of the hearing.

21 The law provides for an open public hearing at which, under appropriate
22 circumstances, interested parties may intervene. Intervention shall be permitted to any
23 person entitled by law to intervene and having a direct and substantial interest in the
24 matter. Persons desiring to intervene must file a written motion to intervene with the
25 Commission no later than November 17, 2006. The motion to intervene must be sent
26 to the Company or its counsel and to all parties of record, and must contain the
27 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 from 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, 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.

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 or from filing written
comments in the record of the case. You will not receive any further notice of this
proceeding unless you request it.

If you have any questions about this application, you may contact the Company at
[insert telephone number]. If you wish to file written comments on the application
or want further 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.

1 The Commission does not discriminate on the basis of disability in admission to its
2 public meetings. Persons with a disability may request a reasonable accommodation
3 such as a sign language interpreter, as well as request this document in an alternative
4 format, by contacting the ADA Coordinator, Linda Hogan, at LHogan@azcc.gov,
5 voice phone number 602/542-3931. Requests should be made as early as possible to
6 allow time to arrange the accommodation.

7 IT IS FURTHER ORDERED that **intervention** shall be in accordance with A.A.C. R14-3-
8 105, except that all motions to intervene must be filed on or before **November 17, 2006**.

9 IT IS FURTHER ORDERED that any **objections to motions to intervene** must be filed on or
10 before **November 27, 2006**.

11 IT IS FURTHER ORDERED that Staff shall file a **Staff Report** by **November 10, 2006**.

12 IT IS FURTHER ORDERED that Applicant and intervenors shall file specific objections,
13 disagreements or comments, if any, regarding the application and Staff Report by **November 24,**
14 **2006**.

15 IT IS FURTHER ORDERED that all parties must comply with Rule 38 of the Rules of the
16 Arizona Supreme Court with respect to practice of law and admission *pro hac vice*.

17 IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance
18 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Rule 42 of the
19 Rules of Arizona Supreme Court). Representation before the Commission includes the obligation to
20 appear at all hearings and procedural conferences, as well as all Open Meetings for which the matter
21 is scheduled for discussion, unless counsel has previously been granted permission to withdraw by
22 the Administrative Law Judge or the Commission.

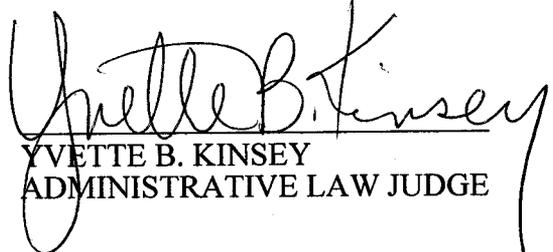
23 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113 - Unauthorized
24 Communications) applies to this proceeding and shall remain in effect until the Commission's
25 Decision in this matter is final and non-appealable.

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

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

3 DATED this 13th day of October, 2006

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6 
7 YVETTE B. KINSEY
ADMINISTRATIVE LAW JUDGE

8 Copies of the foregoing mailed/delivered
9 this 13 day of October, 2006 to:

10 Patrick D. Crocker
EARLY, LENNON, CROCKER &
11 BARTOSIEWICZ
900 Comerica Building
Kalamazoo, MI 49007

12 Christopher Kempley, Chief Counsel
13 Legal Division
ARIZONA CORPORATION COMMISSION
14 1200 West Washington Street
Phoenix, Arizona 85007

15 Ernest Johnson, Director
16 Utilities Division
ARIZONA CORPORATION COMMISSION
17 1200 West Washington Street
Phoenix, Arizona 85007

18 ARIZONA REPORTING SERVICE, INC.
19 2627 N. Third Street, Suite Three
Phoenix, Arizona 85004-1104

20
21 By: 
22 Molly Johnson
Secretary to Yvette B. Kinsey