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BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

JEFF HATCH-MILLER, Chairman
WILLIAM A. MUNDELL
MIKE GLEASON
KRISTIN K. MAYES
GARY PIERCE

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Arizona Corporation Commission

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AZ CORP COMMISSION
DOCUMENT CONTROL

JAN 05 2007

DOCKETED BY [Signature]

DOCKET NO. T-04293A-04-0870

IN THE MATTER OF THE APPLICATION OF
COMCAST PHONE OF ARIZONA, LLC DBA
COMCAST DIGITAL PHONE FOR APPROVAL
OF A CERTIFICATE OF CONVENIENCE AND
NECESSITY TO PROVIDE RESOLD LONG
DISTANCE, RESOLD LOCAL EXCHANGE AND
FACILITIES -BASED LONG DISTANCE AND
LOCAL EXCHANGE TELECOMMUNICATIONS
SERVICES IN ARIZONA.

PROCEDURAL ORDER

BY THE COMMISSION:

On December 6, 2004, Comcast Phone of AZ, LLC dba Comcast Digital Phone ("Comcast" or "Applicant") submitted to the Arizona Corporation Commission ("Commission") an application for a Certificate of Convenience and Necessity ("Certificate" or "CC&N") to provide resold long distance, resold local exchange and facilities-based long distance and local exchange telecommunications services within the State of Arizona. The Applicant also requested that its services be classified as competitive.

On December 13, 2004, the Commission's Utilities Division Staff ("Staff) filed a Letter of Insufficiency stating that the Applicant's application had not met the sufficiency requirements as outlined in the Arizona Administrative Code. ("A.A.C.)

On February 2, 2005, Comcast filed responses to Staff's data requests.

On February 7, 2005, Staff filed a second Letter of Insufficiency.

On April 27, 2005, Comcast filed additional information in support of its application.

On March 21, 2006, Staff filed a third Letter of Insufficiency.

On October 6, 2006, Staff filed a fourth Letter of Insufficiency.

On November 6, 2006, Comcast filed a Supplement to its application.

On December 28, 2006, Staff filed a Staff Report recommending approval of Comcast's application subject to certain conditions.

1 Accordingly, the matter should be set for hearing.

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

4 IT IS THEREFORE ORDERED that the **hearing** on the above application and petition of
5 Applicant shall commence on **March 1, 2007 at 10:00 a.m.**, or as soon thereafter as is practical, at
6 the Commission’s offices, 1200 West Washington Street, Phoenix, Arizona 85007.

7 IT IS FURTHER ORDERED that Applicant shall publish notice of its filing and the hearing,
8 as stated below, in a newspaper(s) of general circulation in every county in Arizona in which
9 Applicant desires to provide service by **January 31, 2007**, and shall file Affidavits of Publication
10 with the Commission no later than **February 16, 2007**.

11
12 **IN THE MATTER OF THE APPLICATION OF COMCAST PHONE OF ARIZONA,**
13 **LLC DBA COMCAST DIGITAL PHONE FOR A CERTIFICATE OF**
14 **CONVENIENCE AND NECESSITY TO PROVIDE RESOLD LONG**
15 **DISTANCE, RESOLD LOCAL EXCHANGE, FACILITIES BASED**
16 **LONG DISTANCE AND FACILITIES BASED LOCAL**
17 **EXCHANGE TELECOMMUNICATIONS SERVICES**
18 **IN ARIZONA.**

19 **Docket No. T-04293A-04-0870**

20 On December 6, 2004, Comcast Phone of AZ, LLC dba Comcast Digital Phone.
21 (“Company”) filed with the Arizona Corporation Commission (“Commission”) an
22 application Certificate of Convenience and Necessity (“Certificate”) to provide
23 competitive facilities-based long distance, facilities-based local exchange and private
24 line service telecommunications services in the State of Arizona. The Commission’s
25 Utilities Division Staff has recommended approval of the Company’s application. The
26 Commission is not bound by the proposals made by the Company, Staff, or any
27 intervenors, and the Company will be required to provide this service under the rates
28 and charges and terms and conditions established by the Commission. Copies of the
application, report of the Commission’s Utilities Division Staff, and any written
exceptions to the report of the Commission’s Utilities Division Staff filed by the
Company are available at the Company’s offices [insert address] and on the internet
via the Commission website (www.azcc.gov) using the e-docket function.

23 The Commission will hold a hearing on this matter beginning **March 1, 2007, at**
24 **10:00 a.m.**, at the Commission’s offices, 1200 West Washington, Phoenix, Arizona.
Public comments will be taken on the first day of the hearing.

25 The law provides for an open public hearing at which, under appropriate
26 circumstances, interested parties may intervene. Intervention shall be permitted to any
27 person entitled by law to intervene and having a direct and substantial interest in the
28 matter. Persons desiring to intervene must file a written motion to intervene with the
Commission no later than **February 16, 2007**. The motion to intervene must be sent
to the Company or its counsel and to all parties of record, and must contain the
following:

- 1 1. The name, address, and telephone number of the proposed intervenor
2 and of any party upon whom service of documents is to be made if
 different from the intervenor.
- 3 2. A short statement of the proposed intervenor's interest in the
4 proceeding (e.g., a customer of the Company, a shareholder of the
 Company, etc.).
- 5 3. A statement certifying that a copy of the motion to intervene has been
6 mailed to the Company or its counsel and to all parties of record in the
 case.

7 The granting of intervention, among other things, entitles a party to present sworn
8 evidence at the hearing and to cross-examine other witnesses. However, failure to
9 intervene will not preclude any interested person or entity from appearing at the
10 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.

11 If you have any questions about this application, you may contact the Company at
12 [insert telephone number]. If you wish to file written comments on the application
13 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.

14 The Commission does not discriminate on the basis of disability in admission to its
15 public meetings. Persons with a disability may request a reasonable accommodation
16 such as a sign language interpreter, as well as request this document in an alternative
 format, by contacting the 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.

17 IT IS FURTHER ORDERED that **intervention** shall be in accordance with A.A.C. R14-3-
18 105, except that all motions to intervene must be filed on or before **February 16, 2007**.

19 IT IS FURTHER ORDERED that any objections to motions to intervene must be filed on or
20 before **February 23, 2007**.

21 IT IS FURTHER ORDERED that Applicant and intervenors shall file specific
22 disagreements/comments, if any, regarding the application and Staff Report by **February 16, 2007**.

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

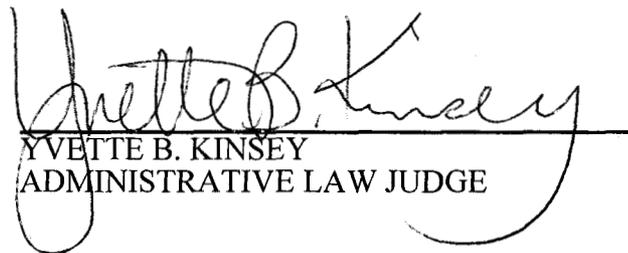
25 IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance
26 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Rule 42 of the
27 Rules of Arizona Supreme Court). Representation before the Commission includes to appear at all
28

1 hearings and procedural conferences, as well as all Open Meetings for which the matter is scheduled
2 for discussion, unless counsel has previously been granted permission to withdraw by the
3 Administrative Law Judge or the Commission.

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

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

9 Dated this 5th day of January, 2007.

10
11 
12 YVETTE B. KINSEY
13 ADMINISTRATIVE LAW JUDGE

14 Copies of the foregoing mailed/delivered
15 this 5th day of January, 2007 to:

16 Michael W. Patten
17 ROSHKA, DEWULF & PATTEN
18 400 E. Van Buren, Suite 800
19 Phoenix, AZ 85004
20 Attorneys for Comcast Phone of AZ, LLC

21 Christopher Kempley, Chief Counsel
22 Legal Division
23 ARIZONA CORPORATION COMMISSION
24 1200 West Washington Street
25 Phoenix, AZ 85007

26 Ernest G. Johnson, Director
27 Utilities Division
28 ARIZONA CORPORATION COMMISSION
1200 West Washington
Phoenix, AZ 85007

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

27 By: 
28 Diane Rodriguez
Secretary to Yvette B. Kinsey