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**BEFORE THE ARIZONA CORPORATION COMMISSION**

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Arizona Corporation Commission

**DOCKETED**

2003 DEC 17 P 2:51

- MARC SPITZER, Chairman
- WILLIAM A. MUNDELL
- JEFF HATCH-MILLER
- MIKE GLEASON
- KRISTIN K. MAYES

DEC 17 2003

AZ CORP COMMISSION  
DOCUMENT CONTROL

DOCKETED BY	<i>[Signature]</i>
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IN THE MATTER OF THE APPLICATION OF CITYNET ARIZONA, LLC FOR A CERTIFICATE OF CONVENIENCE AND NECESSITY TO PROVIDE FACILITIES-BASED AND RESOLD LONG DISTANCE AND FACILITIES-BASED AND RESOLD LOCAL EXCHANGE SERVICES AND PETITION FOR COMPETITIVE CLASSIFICATION OF PROPOSED SERVICES WITH THE STATE OF ARIZONA.

DOCKET NO. T-04201A-03-0552

**PROCEDURAL ORDER**

**BY THE COMMISSION:**

On August 7, 2003, Citynet Arizona, LLC ("Applicant" or "Citynet") submitted to the Arizona Corporation Commission ("Commission") an application for a Certificate of Convenience and Necessity ("Certificate") to provide resold and facilities-based long distance and resold and facilities-based local exchange services within the State of Arizona. The Application petitioned the Commission for determination that its proposed services should be classified as competitive.

On December 15, 2003, the Commission's Utilities Division Staff ("Staff") filed its Staff Report.

Accordingly, the matter should be set for hearing.

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 **January 29, 2004 at 2:00 p.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 **December 24, 2003**, and shall file Affidavits of Publication with the Commission no later than **January 13, 2004**.

**IN THE MATTER OF THE APPLICATION OF CITYNET ARIZONA, LLC FOR A  
CERTIFICATE OF CONVENIENCE AND NECESSITY  
TO PROVIDE FACILITIES-BASED AND RESOLD LONG DISTANCE AND  
FACILITIES-BASED AND RESOLD LOCAL EXCHANGE SERVICES AND  
PETITION FOR COMPETITIVE CLASSIFICATION OF PROPOSED SERVICES  
WITHIN THE STATE OF ARIZONA**  
**Docket No. T-04201A-03-0552**

Citynet Arizona, LLC ("Applicant") has filed with the Arizona Corporation Commission ("Commission") an application for a Certificate of Convenience and Necessity ("Certificate") to provide facilities-based and resold long distance and facilities-based and resold local exchange services. Applicant will be required by the Commission to provide this service under the rates and charges and terms and conditions established by the Commission.

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

Under appropriate circumstances, interested parties may intervene in the proceedings and participate as a party. You may have the right to intervene in the proceeding, or you may make a statement for the record. Intervention shall be in accordance with A.A.C. R14-3-105, except that all motions to intervene must be filed on or before **January 23, 2004**. Persons desiring to intervene must file a written motion to intervene with the Commission and send such motion to the Company or its counsel and to all parties of record, and which at the minimum, shall contain the following:

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 making a statement on their own behalf. The hearing is scheduled to commence on **January 29, 2004 at 2:00 p.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: Citynet Arizona, LLC  
T-04201A-03-0552  
1200 West Washington Street

Phoenix, Arizona 85007

1  
2 If you have any questions about this application, or want information on  
3 intervention, you may contact the Consumer Services Section of the Commission at  
4 1200 West Washington Street, Phoenix, Arizona 85007 or call 1-800-222-7000.

5 The Commission does not discriminate on the basis of disability in admission to  
6 its public meetings. Persons with a disability may request reasonable accommodations  
7 such as sign language interpreter, as well as request this document in an alternative  
8 format, by contacting Yvonne McFarlin, ADA Coordinator, voice phone number  
9 602/542-3931. Requests should be made as early as possible to allow time to arrange  
10 the accommodation.

11 IT IS FURTHER ORDERED that intervention shall be in accordance with A.A.C. R14-3-105,  
12 except that all motions to intervene must be filed on or before **January 23, 2004**.

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

15 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113 - Unauthorized  
16 Communications) applies to this proceeding as the matter is not set for public hearing.

17 DATED this 17 day of December, 2003.

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PHILIP J. DION III  
ADMINISTRATIVE LAW JUDGE

18 Copies of the foregoing mailed/delivered  
19 this 17 day of December, 2003 to:

20 Steven Hershey  
21 Echert Seaman's Cherin & Mellott, LLC  
22 15115 Market Street, 9<sup>th</sup> Floor  
23 Philadelphia, PA 19102

24 Christopher Kempley, Chief Counsel  
25 Legal Division  
26 ARIZONA CORPORATION COMMISSION  
27 1200 West Washington Street  
28 Phoenix, Arizona 85007

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

1  
2 ARIZONA REPORTING SERVICE, INC.  
3 2627 N. Third Street, Suite Three  
4 Phoenix, Arizona 85004-1104

5 By:   
6 Molly Johnson  
7 Secretary to Philip J. Dion III  
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