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BEFORE THE ARIZONA CORPORATION COMMISSION

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AZ CORP COMMISSION
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8 IN THE MATTER OF THE APPLICATION OF
9 IELEMENT TELEPHONE OF ARIZONA, INC.
10 FOR APPROVAL OF A CERTIFICATE OF
11 CONVENIENCE AND NECESSITY TO PROVIDE
12 FACILITIES BASED LOCAL EXCHANGE
13 TELECOMMUNICATIONS SERVICES AND
14 FACILITIES BASED LONG DISTANCE
15 TELECOMMUNICATIONS SERVICES.

DOCKET NO. T-20481A-06-0617

PROCEDURAL ORDER

11 **BY THE COMMISSION:**

12 On September 26, 2006, IElement Telephone of Arizona, Inc. ("IElement" or "Company")
13 submitted to the Arizona Corporation Commission ("Commission") an application for approval of a
14 Certificate of Convenience and Necessity ("Certificate") to provide facilities based local exchange
15 telecommunications services and facilities based long distance telecommunications services in
16 Arizona.

17 On October 5, 2006, the Commission's Utilities Division ("Staff") filed a Letter of
18 Insufficiency and first set of data requests in this matter.

19 On November 2, 2006, IElement filed its response to the data request.

20 On November 9, 2006, Staff filed a second Letter of Insufficiency and a second set of data
21 requests.

22 On November 22, 2006, IElement filed its Response to Staff's second set of data requests.

23 On June 6, 2007, Staff filed its Staff Report recommending approval of IElement's
24 application.

25 On June 27, 2007, by Procedural Order, the hearing in this matter was scheduled for August
26 15, 2007. The Procedural Order also instructed Applicant to publish notice of the hearing by July 13,
27 2007, and to file an Affidavit of Publication by July 31, 2007.

28 On July 16, 2007, Applicant's counsel filed a Request for Continuance ("Request") stating

1 that Applicant is unable to meet the specified publication date and requests the Commission grant it
2 additional time to publish notice of the hearing.

3 IT IS THEREFORE ORDERED that the **hearing** in this matter is **continued to September**
4 **27, 2007, at 10:00 a.m.** or as soon thereafter as is practical, at the Commission's offices, 1200 West
5 Washington Street, Phoenix, Arizona 85007.

6 IT IS FURTHER ORDERED that IElement shall **publish notice of the hearing** as stated
7 below, in a newspaper(s) of general circulation in every county in Arizona in which Applicant desires
8 to provide service by **September 4, 2007**, and shall file an **Affidavit of Publication** with the
9 Commission no later than **September 14, 2007**.

10 **IN THE MATTER OF THE APPLICATION OF IELEMENT TELEPHONE**
11 **OF ARIZONA, INC. FOR APPROVAL OF A CERTIFICATE OF**
12 **CONVENIENCE AND NECESSITY TO PROVIDE FACILITIES BASED**
13 **LOCAL EXCHANGE TELECOMMUNICATIONS SERVICES**
14 **AND FACILITIES BASED LONG DISTANCE**
15 **TELECOMMUNICATIONS SERVICES.**
16 **Docket No. T-20481A-06-0617**

17 On September 26, 2006, IElement Telephone of Arizona, Inc. ("IElement" or
18 "Applicant" or "Company") submitted to the Arizona Corporation Commission
19 ("Commission") an application for a Certificate of Convenience and Necessity
20 ("Certificate") to provide facilities based local exchange telecommunications services
21 as well as facilities based long distance telecommunications services. The
22 Commission's Utilities Division ("Staff") has recommended approval of the
23 Company's application. The Commission is not bound by the proposals made by the
24 Company, Staff, or any intervenors, and the Company will be required to provide this
25 service under the rates and charges and terms and conditions established by the
26 Commission. Copies of the application, report of Staff, and any written exceptions to
27 the report of Staff filed by the Company will be available at the Company's offices
28 [**insert address**] and on the internet via the Commission website (www.azcc.gov)
using the e-docket function.

The Commission will hold a hearing on this matter beginning **September 27, 2007, at 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.

The law provides for an open public hearing at which, under appropriate circumstances, interested parties may intervene. Intervention shall be permitted to any person entitled by law to intervene and having a direct and substantial interest in the matter. Persons desiring to intervene must file a written motion to intervene with the Commission no later than **September 14, 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. 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.

- 1 2. A short statement of the proposed intervenor's interest in the
2 proceeding (e.g., a customer of the Company, a shareholder of the
3 Company, etc.).
- 3 3. A statement certifying that a copy of the motion to intervene has been
4 mailed to the Company or its counsel and to all parties of record in the
5 case.

5 The granting of intervention, among other things, entitles a party to present sworn
6 evidence at the hearing and to cross-examine other witnesses. However, failure to
7 intervene will not preclude any interested person or entity from appearing at the
8 hearing and providing public comment on the application or from filing written
9 comments in the record of the case. You will not receive any further notice of this
10 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
14 Section of the Commission at 1200 West Washington Street, Phoenix, Arizona 85007,
15 or call 1-800-222-7000.

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

22 IT IS FURTHER ORDERED that **intervention** shall be in accordance with A.A.C. R14-3-
23 105, except that all motions to intervene must be filed on or before **September 14, 2007**.

24 IT IS FURTHER ORDERED that any **objections to motions to intervene** must be filed on or
25 before **September 21, 2007**.

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

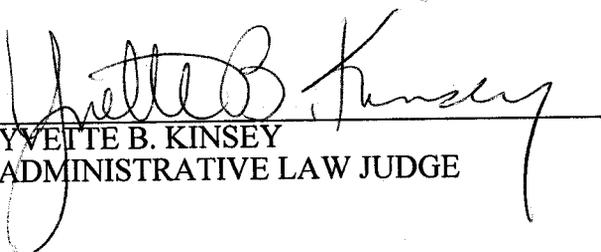
28 IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance
with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Rule 42 of the
Rules of Arizona Supreme Court). Representation before the Commission includes to appear at all
hearings and procedural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

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

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

6 Dated this 3rd day of August 2007.

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YVETTE B. KINSEY
ADMINISTRATIVE LAW JUDGE

Copies of the foregoing mailed/delivered
this 3rd day of August 2007 to:

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Brett Jensen, Director of Operations
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By: 
Debra Broyles
Secretary to Yvette B. Kinsey