



0000078038

ORIGINAL

BEFORE THE ARIZONA CORPORATION COMMISSION

RECEIVED

Arizona Corporation Commission

DOCKETED

2007 OCT 19 A 9:54

OCT 19 2007

AZ CORP COMMISSION
DOCKET CONTROL

DOCKETED BY	<i>nr</i>
-------------	-----------

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

COMMISSIONERS

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

DOCKET NO. T-20457A-06-0294

IN THE MATTER OF THE APPLICATION OF IPC NETWORK SERVICES, INC. FOR A CERTIFICATE OF CONVENIENCE AND NECESSITY TO PROVIDE RESOLD POINT-TO-POINT PRIVATE LINE TELECOMMUNICATION SERVICES IN THE STATE OF ARIZONA.

PROCEDURAL ORDER

BY THE COMMISSION:

On April 28, 2006, IPC Network Services, Inc. ("IPC" or "Applicant") submitted to the Arizona Corporation Commission ("Commission") an application for a Certificate of Convenience and Necessity ("Certificate") to provide resold point-to-point private line telecommunications services in Arizona.

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

On July 5, 2006, IPC filed its response to the data request.

On June 4, 2007, IPC filed its Updated Information to Staff's data requests.

On June 26, 2007, Staff filed its Staff Report recommending approval of IPC's application.

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 shall commence on **November 29, 2007, 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 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 **October 31, 2007**, and shall file Affidavits of Publication with the Commission no later than **November 19, 2007**.

254

1
2
3
4

**IN THE MATTER OF THE APPLICATION OF IPC NETWORK SERVICES,
INC.. FOR APPROVAL OF A CERTIFICATE OF CONVENIENCE AND
NECESSITY TO PROVIDE RESOLD POINT-TO-POINT PRIVATE LINE
TELECOMMUNICATIONS SERVICES.
Docket No. T-20457A-06-0294**

5
6
7
8
9
10

On April 28, 2006, IPC Network Services, Inc. ("IPC" or "Applicant") submitted to the Arizona Corporation Commission ("Commission") an application for a Certificate of Convenience and Necessity ("Certificate") to provide resold point-to-point private line telecommunications services. The Commission's Utilities Division ("Staff") has recommended approval of IPC's application. The Commission is not bound by the proposals made by IPC, Staff, or any intervenors, and IPC will be required to provide this service under the rates 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 IPC will be available at IPC's offices [insert address] and on the internet via the Commission website (www.azcc.gov) using the e-docket function.

11
12
13
14
15

The Commission will hold a hearing on this matter beginning **November 29, 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. Written public comments may be submitted via email (visit <http://www.azcc.gov/utility/cons/index.htm> for instructions), or by mailing a letter referencing Docket Number T-20457A-06-0294 to: Arizona Corporation Commission, Consumer Services Section, 1200 West Washington, Phoenix, AZ 85007.

16
17
18
19

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 **November 9, 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:

- 20
21
22
23
24
25
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.); and
 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.

26
27
28

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

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

2 If you have any questions about this application, you may contact the Company at
3 **[insert telephone number]**. If you wish to file written comments on the application
4 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.

5 The Commission does not discriminate on the basis of disability in admission to its
6 public meetings. Persons with a disability may request a reasonable accommodation
7 such as a sign language interpreter, as well as request this document in an alternative
8 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.

9 IT IS FURTHER ORDERED that **intervention** shall be in accordance with A.A.C. R14-3-
10 105, except that all motions to intervene must be filed on or before **November 9, 2007**.

11 IT IS FURTHER ORDERED that any objections to motions to intervene must be filed on or
12 before **November 19, 2007**.

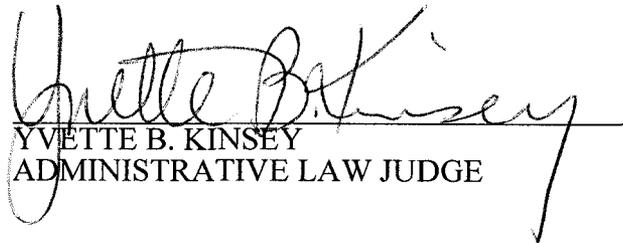
13 IT IS FURTHER ORDERED that all parties must comply with Rules 31 and 38 of the Rules
14 of the Arizona Supreme Court and A.R.S. § 40-243 with respect to practice of law and admission *pro*
15 *hac vice*.

16 IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance
17 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Rule 42 of the
18 Rules of Arizona Supreme Court). Representation before the Commission includes to appear at all
19 hearings and procedural conferences, as well as all Open Meetings for which the matter is scheduled
20 for discussion, unless counsel has previously been granted permission to withdraw by the
21 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 19th day of October, 2007.

7
8
9 
10 YVETTE B. KINSEY
ADMINISTRATIVE LAW JUDGE

11 Copies of the foregoing mailed/delivered
12 this 19th day of October 2007 to:

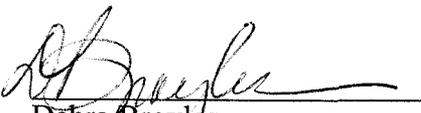
13 Thomas M. Lynch
14 LAW OFFICES OF THOMAS M. LYNCH
252 Providence Road, Suite 100
15 Annapolis, MD 21409

16 Donna Dubreuil
17 IPC NETWORK SERVICES, INC.
1 State Street Plaza
New York, NY 10004

18 Christopher Kempley, Chief Counsel
19 Legal Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
20 Phoenix, AZ 85007

21 Ernest G. Johnson, Director
22 Utilities Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
23 Phoenix, AZ 85007

24 ARIZONA REPORTING SERVICE, INC.
25 2200 N. Central Ave., Suite 502
Phoenix, Arizona 85004

26
27 By: 
Debra Broyles
28 Secretary to Yvette B. Kinsey