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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

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

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ALL CASES BEING HANDLED
BY TELEPHONE

IN THE MATTER OF THE FORMAL
COMPLAINT OF ACCIPITER
COMMUNICATIONS, INC. AGAINST
VESTANCIA COMMUNICATIONS, LLC,
SHEA SUNBELT PLEASANT POINT, LLC
AND COX ARIZONA TELCOM, LLC

DOCKET NO. T-03471A-05-0064

**STAFF'S REPLY TO COX'S RESPONSE
TO STAFF'S REQUEST FOR A
PROCEDURAL CONFERENCE**

Arizona Corporation Commission Staff ("Staff") hereby replies to Cox Arizona Telcom, LLC's ("Cox") "Response to Request for Procedural Schedule." Staff renews its request that the Hearing Division resume hearings in this matter so that a recommended opinion can be issued without further delay.

Staff is prepared to have hearing dates set before the attorney/client privilege issue has been resolved. Because (1) the parties have already identified witnesses; and (2) Staff is prepared to move forward with the hearing without inquiring into issues alleged by Cox to be privileged attorney/client communication, setting hearing dates now is an appropriate action.

The fact that Cox may appeal the attorney/client privilege ruling dependent on the outcome is not sufficient reason to postpone this matter further. This matter has been pending since October 2005. Cox has had adequate time to prepare for this hearing, and the impact of the attorney/client privilege ruling should have minimal impact on Cox's preparation for the hearing.

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Arizona Corporation Commission

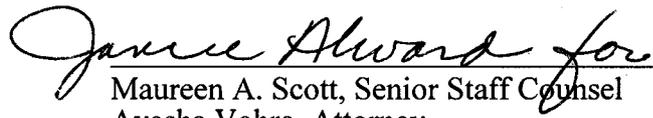
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1 WHEREFORE, Staff respectfully renews its request that the Commission issue a Procedural
2 Order scheduling the remainder of the hearing in this matter for October 6 through October 10, 2008
3 or at the earliest convenience to the Hearing Division.

4 RESPECTFULLY SUBMITTED this 16th day of September, 2008.
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12 Original and thirteen (13) copies
13 of the foregoing filed this 16th
14 day of September, 2008 with:

14 Docket Control
15 Arizona Corporation Commission
16 1200 West Washington Street
17 Phoenix, Arizona 85007

16 Copies of the foregoing mailed this
17 16th day of September, 2008 to:

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