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BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission

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AZ CORP COMMISSION
DOCKET CONTROL

DOCKETED BY

COMMISSIONERS

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

DOCKET NO. T-04310A-05-0127

IN THE MATTER OF THE APPLICATION OF
ATX LICENSING, INC. FOR A CERTIFICATE
OF CONVENIENCE AND NECESSITY TO
PROVIDE RESOLD LONG DISTANCE
TELECOMMUNICATIONS SERVICES.

PROCEDURAL ORDER

BY THE COMMISSION:

On February 28, 2005, ATX Licensing, Inc. ("Applicant" or "ATX") submitted to the Arizona Corporation Commission ("Commission") an application for a Certificate of Convenience and Necessity ("Certificate") to provide resold long distance telecommunications services within the State of Arizona.

On March 2, 2005, the Commission's Utilities Division Staff ("Staff") filed a Letter of Insufficiency and its First Set of Data Requests in this docket.

On March 28, 2005, Applicant filed a response to Staff's First Set of Data Requests.

On March 30, 2005, Applicant filed an Affidavit of Publication showing notice of the application had been published in the *Arizona Republic* on March 23, 2005.

On April 8, 2005, Applicant filed supplemental responses to Staff's First Set of Data Requests.

On April 13, 2005, Applicant filed complaint information which had been requested by Staff in an informal data request.

On April 27, 2005, Applicant filed a letter informing the Commission that ATX, its shareholders; its parent company, ATX Communications, Inc.; and its affiliates emerged from bankruptcy after the Applicant entered into a merger agreement with Broadview Networks Holding, Inc. ("BNHI").

1 No filings were made in this docket between April 27, 2005 and June 26, 2006.

2 On June 26, 2006, Staff filed a Letter of Insufficiency and Second Set of Data Requests.

3 On July 26, 2006, ATX filed responses to Staff's Second Set of Data Requests.

4 No filings were made in this docket between July 26, 2006 and June 7, 2007.

5 On June 7, 2007, Applicant filed financial statements for BNHI for the year ending December
6 31, 2006.

7 No filings were made in this docket between June 7, 2007, and June 16, 2008.

8 On June 16, 2008, a Procedural Order was issued directing Staff to file an update on the status
9 of this case.

10 On August 18, 2008, Staff filed an update on ATX's application, stating BNHI had entered
11 into a merger agreement with the Applicant, which became effective in September 2006. Staff noted
12 that ATX's application has not been updated to reflect that its ownership has changed and that ATX
13 should be required to amend its application to reflect any and all changes relating to the merger with
14 BNHI. Staff further stated that upon completion of discovery, Staff will prepare a Staff Report in this
15 matter.

16 IT IS THEREFORE ORDERED that **ATX shall amend its application, on or before**
17 **December 31, 2008**, to reflect any and all changes relating to its merger with BNHI and shall, update
18 all of its responses to Staff's data requests.

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

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

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

3 DATED this 23rd day of September, 2008.

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5 
6 YVETTE B. KINSEY
7 ADMINISTRATIVE LAW JUDGE
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9
10

11 Copies of the foregoing mailed/delivered
12 this 23rd day of September, 2008 to:

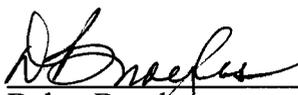
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By: 
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Secretary to Yvette B. Kinsey