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BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission

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AZ CORP COMMISSION  
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2 COMMISSIONERS

- 3 MIKE GLEASON, Chairman
- 4 WILLIAM A. MUNDELL
- 5 JEFF HATCH-MILLER
- 6 KRISTIN K. MAYES
- 7 GARY PIERCE

8 IN THE MATTER OF THE APPLICATION OF  
 9 CURATEL, LLC, FOR APPROVAL OF A  
 10 CERTIFICATE OF CONVENIENCE AND  
 11 NECESSITY TO PROVIDE RESOLD LONG  
 12 DISTANCE TELECOMMUNICATIONS  
 13 SERVICES, RESOLD LOCAL EXCHANGE  
 14 TELECOMMUNICATIONS SERVICES,  
 15 FACILITIES-BASED LONG DISTANCE  
 16 TELECOMMUNICATIONS SERVICES, AND  
 17 FACILITIES-BASED LOCAL EXCHANGE  
 18 TELECOMMUNICATIONS SERVICES.

DOCKET NO. T-20579A-08-0084

PROCEDURAL ORDER

12 **BY THE COMMISSION:**

13 On February 12, 2008, Curatel, LLC ("Curatel" or "Company") submitted to the Arizona  
 14 Corporation Commission ("Commission") an application for a Certificate of Convenience and  
 15 Necessity ("Certificate") to provide resold long distance telecommunications services, resold local  
 16 exchange telecommunications services, facilities-based long distance telecommunications services,  
 17 and facilities-based local exchange telecommunications services in Arizona ("Application").

18 On June 17, 2008, the Commission's Utilities Division ("Staff") filed its First Set of Data  
 19 Requests ("Data Requests") in this matter.

20 On August 22, 2008, Curatel filed its response to the Data Requests.

21 On December 8, 2008, Staff filed its Staff Report recommending approval of the Application.

22 Pursuant to A.A.C. R14-3-101, the Commission now issues this Procedural Order to govern  
 23 the preparation and conduct of this proceeding.

24 IT IS THEREFORE ORDERED that the **hearing** on the above application shall commence  
 25 on **February 12, 2009, at 10:00 a.m.** or as soon thereafter as is practical, at the Commission's  
 26 offices, Hearing Room 1, 1200 West Washington Street, Phoenix, Arizona 85007.

27 IT IS FURTHER ORDERED that Company shall publish notice of the hearing as stated  
 28 below, in a newspaper(s) of general circulation in every county in Arizona in which Company desires

1 to provide service as soon as possible, but no later than January 12, 2009, and shall file Affidavits  
2 of Publication with the Commission no later than January 26, 2009.

3 **IN THE MATTER OF THE APPLICATION OF CURATEL, LLC FOR**  
4 **APPROVAL OF A CERTIFICATE OF CONVENIENCE AND NECESSITY**  
5 **TO PROVIDE TO PROVIDE RESOLD LONG DISTANCE**  
6 **TELECOMMUNICATIONS SERVICES, RESOLD LOCAL EXCHANGE**  
7 **TELECOMMUNICATIONS SERVICES, FACILITIES-BASED LONG**  
8 **DISTANCE TELECOMMUNICATIONS SERVICES, AND FACILITIES-**  
9 **BASED LOCAL EXCHANGE TELECOMMUNICATIONS SERVICES**  
10 **TELECOMMUNICATIONS SERVICES.**

11 **Docket No. T-20579A-08-0084**

12 On February 12, 2008, Curatel, LLC ("Company") submitted to the Arizona  
13 Corporation Commission ("Commission") an application for a Certificate of  
14 Convenience and Necessity ("Certificate") to provide resold long distance  
15 telecommunications services, resold local exchange telecommunications services,  
16 facilities-based long distance telecommunications services, and facilities-based local  
17 exchange telecommunications services. The Commission's Utilities Division ("Staff")  
18 has recommended approval of the Company's application. The Commission is not  
19 bound by the proposals made by the Company, Staff, or any intervenors, and the  
20 Company will be required to provide this service under the rates and charges and  
21 terms and conditions established by the Commission. Copies of the application, report  
22 of Staff, and any written exceptions to the report of Staff filed by the Company will be  
23 available at the Company's offices [insert address] and on the internet via the  
24 Commission website (www.azcc.gov) using the e-docket function.

25 The Commission will hold a hearing on this matter beginning **February 12, 2009, at**  
26 **10:00 a.m.**, at the Commission's offices, Hearing Room 1, 1200 West Washington,  
27 Phoenix, Arizona. Public comments will be taken on the first day of the hearing.  
28 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-20567A-07-0662 to: Arizona Corporation Commission,  
Consumer Services Section, 1200 West Washington, Phoenix, AZ 85007.

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 up to the day of the hearing. 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;
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.

1 The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except  
2 that all motions to intervene must be filed on or before **January 22, 2009**. If  
3 representation by counsel is required by Rule 31 of the Rules of the Arizona Supreme  
4 Court, intervention will be conditioned upon the intervenor obtaining counsel to  
5 represent the intervenor. For information about requesting intervention, visit the  
6 Arizona Corporation Commission's webpage at  
7 <http://www.azcc.gov/utility/forms/index.htm>. The granting of intervention, among  
8 other things, entitles a party to present sworn evidence at hearing and to cross-examine  
9 other witnesses.

6 If you have any questions about this application, you may contact the Company at  
7 **[insert telephone number]**. If you wish to file written comments on the application  
8 or want further information on intervention you may contact the Consumer Services  
9 Section of the Commission at 1200 West Washington Street, Phoenix, Arizona 85007,  
10 or call 1-800-222-7000.

9 The Commission does not discriminate on the basis of disability in admission to its  
10 public meetings. Persons with a disability may request a reasonable accommodation  
11 such as a sign language interpreter, as well as request this document in an alternative  
12 format, by contacting the ADA Coordinator, Linda Hogan, at [LHogan@azcc.gov](mailto:LHogan@azcc.gov),  
13 voice phone number 602-542-3931. Requests should be made as early as possible to  
14 allow time to arrange the accommodation.

13 IT IS FURTHER ORDERED that **intervention** shall be in accordance with A.A.C. R14-3-  
14 105, except that all motions to intervene shall be filed by **January 22, 2009**.

15 IT IS FURTHER ORDERED that any objections to interventions shall be filed by **February**  
16 **2, 2009**.

17 IT IS FURTHER ORDERED that Curatel or any intervenors shall file specific  
18 disagreements/comments, if any, regarding the Staff Report by **February 2, 2009**.

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 practice of law in Arizona and  
21 before the Commission and admission *pro hac vice*.

22 IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance  
23 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Rule 42 of the  
24 Rules of Arizona Supreme Court). Representation before the Commission includes appearance at all  
25 hearings and procedural conferences, as well as all Open Meetings for which the matter is scheduled  
26 for discussion, unless counsel has previously been granted permission to withdraw by the  
27 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 15<sup>th</sup> day of December, 2008.

7  
8   
9 BELINDA A. MARTIN  
10 ADMINISTRATIVE LAW JUDGE

11 Copies of the foregoing mailed/delivered  
12 this 15<sup>th</sup> day of December, 2008 to:

13 Michael T. Hallum, Esq.  
14 LEWIS AND ROCA, LLP  
15 40 North Central Avenue  
16 Phoenix, Arizona 85004

16 Daniel Margolis  
17 CURATEL, LLC  
18 1605 West Olympic Boulevard, Suite 800  
19 Los Angeles, California 90015

18 Janice Alward, Chief Counsel  
19 Legal Division  
20 ARIZONA CORPORATION COMMISSION  
21 1200 West Washington Street  
22 Phoenix, AZ 85007

21 Ernest G. Johnson, Director  
22 Utilities Division  
23 ARIZONA CORPORATION COMMISSION  
24 1200 West Washington Street  
25 Phoenix, AZ 85007

24 ARIZONA REPORTING SERVICE, INC.  
25 2200 North Central Ave., Suite 502  
26 Phoenix, Arizona 85004-1184

26 By:   
27 Belinda A. Martin  
28