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BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission

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COMMISSIONERS

KRISTIN K. MAYES, Chairman
GARY PIERCE
PAUL NEWMAN
SANDRA D. KENNEDY
BOB STUMP

STAFF of the Utilities Division,

Complainant,

v.
TEL LOGIC dba QUALITY TELEPHONE,

Respondent.

DOCKET NO. T-04172A-03-0153

PROCEDURAL ORDER

BY THE COMMISSION:

On September 29, 2008, the Commission's Utilities Division ("Staff") of the Arizona Corporation Commission ("Commission") filed a Complaint against Tel Logic dba Quality Telephone ("Company" or "Quality"), an Arizona public service corporation, for non-compliance with the conditions set forth in Commission Decision No. 66611 (December 9, 2003), which conditionally granted Quality a Certificate of Convenience and Necessity ("CC&N") to provide competitive resold local exchange telecommunications services in Arizona ("Complaint"). The Decision ordered Quality to obtain a performance bond in the amount of \$25,000 within 365 days from the effective date of the Order or 30 days prior to beginning service in Arizona, whichever occurred first. The Decision further ordered that if Quality failed to meet the timeframe for compliance, the CC&N conditionally granted would become null and void without further Order of the Commission.

Between December 2004 thru July 2008, Staff contacted Quality to inquire about the Company's failure to obtain and file proof of its performance bond in compliance with Decision No. 66611. Staff's Complaint alleges that Quality is conducting business in Arizona in violation of Decision No. 66611. After receiving numerous non-satisfactory responses from the Company, at Staff's request, the Commission issued Decision No. 70566 (October 23, 2008), ordering Quality to

1 appear and show cause why Quality's actions do not constitute a violation of Decision No. 66611,
2 why Quality has failed to procure and file proof its performance bond, why sanctions should not be
3 imposed against Quality, and why the Commission should not render Decision No. 66611 null and
4 void and cancel the conditionally granted CC&N. Decision No. 70566 further ordered the Hearing
5 Division to conduct further proceedings in this matter. To date, Quality has not filed an Answer to
6 Staff's Complaint.

7 Accordingly, a procedural conference should be set in this matter and Quality should be
8 ordered to file an Answer to Staff's Complaint.

9 IT IS THEREFORE ORDERED that a **procedural conference** shall be set for **February 12,**
10 **2009, at 10:00 a.m.** in Room 100, or as soon thereafter as is practicable, at the Commission's offices,
11 1200 West Washington Street, Phoenix, Arizona.

12 IT IS FURTHER ORDERED that **Quality shall file an Answer to Staff's Complaint on or**
13 **before February 5, 2009.**

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

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

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

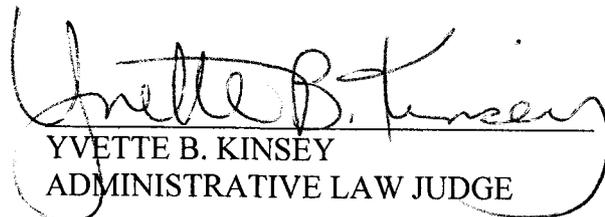
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1 IT IS FURTHER ORDERED that the Presiding Officer may rescind, alter, amend, or waive
2 any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

3 DATED this 26th day of January, 2009.

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5
6 
7 YVETTE B. KINSEY
ADMINISTRATIVE LAW JUDGE

8 Copies of the foregoing mailed/delivered
9 this 26th day of January, 2009 to:

10 Frank McGovern, Senior Manager
11 TEL LOGIC dba QUALITY TELEPHONE
12 P.O. Box 7310
13 Dallas, Texas 75209-0310

14 **Via First Class Mail and Certified Mail**
15 **Return Receipt Requested**

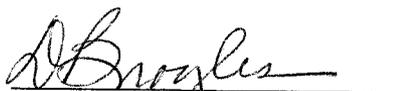
16 TEL LOGIC dba QUALITY TELEPHONE
17 P.O. Box 7310
18 Dallas, Texas 75209-0310

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20 **Return Receipt Requested**

21 Janice Alward, Chief Counsel
22 Legal Division
23 ARIZONA CORPORATION COMMISSION
24 1200 West Washington Street
25 Phoenix, AZ 85007-2927

26 Ernest G. Johnson, Director
27 Utilities Division
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2627 North Third Street, Suite Three
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26 By: 
27 Debra Broyles
28 Secretary to Yvette B. Kinsey