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**ORIGINAL**

**BEFORE THE ARIZONA CORPORATION COMMISSION**

COMMISSIONERS

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

2009 FEB 13 P 2:30

AZ CORP COMMISSION  
DOCKET CONTROL

IN THE MATTER OF THE APPLICATION OF  
 TIME WARNER CABLE INFORMATION  
 SERVICES (ARIZONA), LLC, DBA TIME  
 WARNER CABLE, FOR APPROVAL OF A  
 CERTIFICATE OF CONVENIENCE AND  
 NECESSITY TO PROVIDE RESOLD AND  
 FACILITIES-BASED LOCAL EXCHANGE  
 TELECOMMUNICATIONS SERVICES AND  
 RESOLD AND FACILITIES-BASED LONG  
 DISTANCE TELECOMMUNICATIONS  
 SERVICES.

DOCKET NO. T-20449A-08-0044

Arizona Corporation Commission

**DOCKETED**

FEB 13 2009

DOCKETED BY	
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**PROCEDURAL ORDER**

**BY THE COMMISSION:**

On January 23, 2008, Time Warner Cable Information Services (Arizona), LLC, dba Time Warner Cable ("Time Warner"), filed with the Arizona Corporation Commission ("Commission") an application requesting a Certificate of Convenience and Necessity ("CC&N") to provide resold and facilities-based local exchange telecommunications services, resold and facilities-based long distance telecommunications services, and alternative operator services ("AOS").

On April 18, 2008, the Commission's Utilities Division Staff ("Staff") issued a Letter of Insufficiency and First Set of Data Requests.

On July 9, 2008, Time Warner filed Responses to the First Set of Data Requests, in which Time Warner requested removal of its request for authorization to provide AOS.

On February 12, 2009, Staff issued its Staff Report recommending approval of Time Warner's CC&N application, subject to certain conditions.

Thus, it is now appropriate to schedule a hearing in this matter and establish other procedural requirements and deadlines.

IT IS THEREFORE ORDERED that a hearing in this matter shall commence on April 23, 2009, at 10:00 a.m., or as soon thereafter as is practicable, in the 2<sup>nd</sup> Floor Conference Room at the

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1 Commission's offices, 1200 West Washington Street, Phoenix, Arizona 85007.

2 IT IS FURTHER ORDERED that Time Warner shall, by March 13, 2009, publish notice  
3 of the application and hearing, as stated below, with a heading no less than 12-point bold type and the  
4 body no less than 10-point regular type, in a newspaper(s) of general circulation in every county in  
5 Arizona in which Time Warner requests to provide services.

6 **PUBLIC NOTICE OF A HEARING ON THE APPLICATION OF**  
7 **TIME WARNER CABLE INFORMATION SERVICES (ARIZONA), LLC, DBA TIME**  
8 **WARNER CABLE, FOR APPROVAL OF A CERTIFICATE OF CONVENIENCE AND**  
9 **NECESSITY TO PROVIDE RESOLD AND FACILITIES-BASED LOCAL EXCHANGE**  
10 **TELECOMMUNICATIONS SERVICES AND RESOLD AND FACILITIES-BASED LONG**  
11 **DISTANCE TELECOMMUNICATIONS SERVICES.**  
12 **(Docket No. T-20449A-08-0044)**

11 **Summary**

12 Time Warner Cable Information Services (Arizona), LLC, dba Time Warner Cable  
13 ("Time Warner"), has filed with the Arizona Corporation Commission  
14 ("Commission") an application requesting a Certificate of Convenience and Necessity  
15 ("CC&N") to provide resold and facilities-based local exchange telecommunications  
16 services and resold and facilities-based long distance telecommunications services.

17 The Commission's Utilities Division Staff ("Staff") has recommended approval of the  
18 application, subject to certain conditions. The Commission will issue a decision  
19 regarding the application following consideration of testimony and evidence presented  
20 at an evidentiary hearing. The Commission is not bound by the proposals made by  
21 Time Warner, Staff, or any intervenors.

18 **How You Can View or Obtain a Copy of the Application and Other Documents**

19 Copies of the Application and the other documents filed in this matter are available at  
20 the offices of Time Warner [COMPANY INSERT ADDRESS HERE]; at the  
21 Commission's Docket Control Center at 1200 West Washington, Phoenix, Arizona, for  
22 public inspection during regular business hours; and on the Internet via the  
23 Commission's website ([www.azcc.gov](http://www.azcc.gov)) using the e-Docket function.

21 **Arizona Corporation Commission Public Hearing Information**

22 The Commission will hold a hearing on this matter beginning April 23, 2009, at  
23 10:00 a.m., in the 2<sup>nd</sup> Floor Conference Room at the Commission's offices, 1200 West  
24 Washington Street, Phoenix, Arizona. Public comments will be taken on the first day  
25 of the hearing. Written public comments may be submitted by mailing a letter  
26 referencing Docket No. T-20449A-08-0044 to Arizona Corporation Commission,  
27 Consumer Services Section, 1200 West Washington, Phoenix, AZ 85007, or by e-  
28 mail. For a form to use and instructions on how to e-mail comments to the  
Commission, go to [http://www.azcc.gov/divisions/utilities/forms/public\\_comment.pdf](http://www.azcc.gov/divisions/utilities/forms/public_comment.pdf).  
If you require assistance, you may contact the Consumer Services Section at 1-800-  
222-7000 or 602-542-4251.

27 **About Intervention**

28 The law provides for an open public hearing at which, under appropriate  
circumstances, interested parties may intervene. Any person or entity entitled by law

1 to intervene and having a direct and substantial interest in the matter will be permitted  
2 to intervene. If you desire to intervene, you must file an original and 13 copies of a  
3 written motion to intervene with the Commission no later than **April 10, 2009**. You  
4 must send a copy of the motion to intervene to Time Warner or its counsel and to all  
5 parties of record. Your motion to intervene must contain the following:

- 6 1. Your name, address, and telephone number and the name, address, and  
7 telephone number of any party upon whom service of documents is to be made,  
8 if not yourself;
- 9 2. A short statement of your interest in the proceeding (e.g., a customer of Time  
10 Warner, etc.); and
- 11 3. A statement certifying that you have mailed a copy of the motion to intervene  
12 to Time Warner or its counsel and to all parties of record in the case.

13 The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except  
14 that all motions to intervene must be filed on or before April 10, 2009. If  
15 representation by counsel is required by Rule 31 of the Rules of the Arizona Supreme  
16 Court, intervention will be conditioned upon the intervenor's obtaining counsel to  
17 represent the intervenor. For information about requesting intervention, visit the  
18 Commission's website at <http://www.azcc.gov/divisions/utilities/forms/interven.pdf>.  
19 The granting of intervention, among other things, entitles a party to present sworn  
20 evidence at the hearing and to cross-examine other witnesses. However, failure to  
21 intervene will not preclude any interested person or entity from appearing at the  
22 hearing and providing public comment on the application or from filing written  
23 comments in the record of the case.

#### 24 ADA/Equal Access Information

25 The Commission does not discriminate on the basis of disability in admission to its  
26 public meetings. Persons with a disability may request a reasonable accommodation  
27 such as a sign language interpreter and may request this document in an alternative  
28 format by contacting the ADA Coordinator, Shaylin Bernal, at [sbernal@azcc.gov](mailto:sbernal@azcc.gov),  
voice phone number (602) 542-3931. Requests should be made as early as possible to  
allow time to arrange the accommodation.

IT IS FURTHER ORDERED that Time Warner shall file specific disagreements/comments, if  
any, regarding the Staff Report by **March 13, 2009**.

IT IS FURTHER ORDERED that Time Warner shall, **no later than April 3, 2009**, file  
certification of publication with the Commission.

IT IS FURTHER ORDERED that **intervention** shall be in accordance with A.A.C. R14-3-  
105, except that all motions to intervene must be filed on or before **April 10, 2009**.

IT IS FURTHER ORDERED that any objections to motions to intervene must be filed on or  
before **April 20, 2009**.

IT IS FURTHER ORDERED that intervenors shall file specific disagreements/comments, if  
any, regarding the application and Staff Report by **April 20, 2009**.

IT IS FURTHER ORDERED that all parties must comply with Rules 31 and 38 of the Rules

1 of the Arizona Supreme Court and A.R.S. § 40-243 with respect to the practice of law and admission  
2 *pro hac vice*.

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

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

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

14 Dated this 13th day of February, 2009.

17   
18 SARAH N. HARPRING  
ADMINISTRATIVE LAW JUDGE

19 Copies of the foregoing mailed/delivered  
20 this 13th day of February, 2009, to:

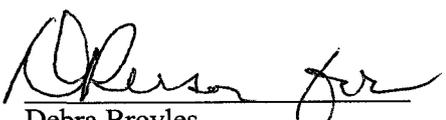
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By:   
Debra Broyles  
Secretary to Sarah N. Harpring