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BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

COMMISSIONERS

2009 FEB 24 A 9:45

DOCKETED

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

AZ CORP COMMISSION
DOCKET CONTROL

FEB 24 2009

DOCKETED BY

IN THE MATTER OF THE APPLICATION OF
ACCESS POINT, INC., FOR APPROVAL OF A
CERTIFICATE OF CONVENIENCE AND
NECESSITY TO PROVIDE RESOLD LOCAL
EXCHANGE TELECOMMUNICATIONS
SERVICES AND FACILITIES-BASED LOCAL
EXCHANGE TELECOMMUNICATIONS
SERVICES.

DOCKET NO. T-03446A-08-0055

PROCEDURAL ORDER

BY THE COMMISSION:

On January 29, 2008, Access Point, Inc., ("API" or "Company"), submitted to the Arizona Corporation Commission ("Commission") an application for a Certificate of Convenience and Necessity ("Certificate") to provide resold local exchange telecommunications services and facilities-based local exchange telecommunications services in Arizona ("Application").

On January 16, 2009, Staff filed its Staff Report recommending approval of the Application.

On January 28, 2009, a Procedural Order was issued setting a hearing in this matter for March 18, 2009.

On February 9, 2009, API filed correspondence requesting that the hearing be conducted telephonically ("Request").

Because the Company is requesting a Certificate for facilities-based telecommunications services, it is reasonable to require the Company to appear personally for the hearing.

IT IS THEREFORE ORDERED that API's Request to hold the hearing telephonically is denied.

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

IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance

1 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Rule 42 of the
2 Rules of Arizona Supreme Court). Representation before the Commission includes appearance at all
3 hearings and procedural conferences, as well as all Open Meetings for which the matter is scheduled
4 for discussion, unless counsel has previously been granted permission to withdraw by the
5 Administrative Law Judge or the Commission.

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

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

11 Dated this 20th day of February, 2009.

12 
13 _____
14 BELINDA A. MARTIN
ADMINISTRATIVE LAW JUDGE

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

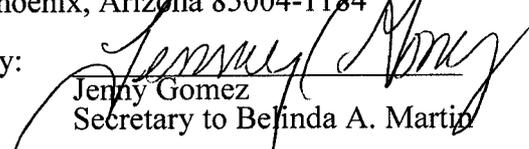
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