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BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission

DOCKETED

MAR - 3 2009

COMMISSIONERS

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

2009 MAR -3 A 9: 00

AZ CORP COMMISSION
DOCKET CONTROL

DOCKETED BY [Signature]

IN THE MATTER OF THE APPLICATION OF
NEWPATH NETWORKS, LLC, FOR APPROVAL
OF A CERTIFICATE OF CONVENIENCE AND
NECESSITY TO PROVIDE TRANSPORT AND
BACKHAUL TELECOMMUNICATIONS
SERVICES.

DOCKET NO. T-20567A-07-0662

PROCEDURAL ORDER

BY THE COMMISSION:

On November 26, 2007, NewPath Networks, LLC ("NewPath" or "Company") submitted to the Arizona Corporation Commission ("Commission") an application for a Certificate of Convenience and Necessity ("Certificate") to provide transport and backhaul telecommunications services in Arizona ("Application").

On August 7, 2008, the Commission's Utilities Division ("Staff") filed a Letter of Insufficiency and First Set of Data Requests ("Data Requests") in this matter.

On August 15, 2008, NewPath filed its response to the Data Requests.

On October 31, 2008, Staff filed its Staff Report recommending approval of the Application.

On November 12, 2008, a Procedural Order was issued setting a hearing in this matter for March 25, 2009, and establishing certain deadlines and procedural guidelines.

On November 19, 2008, NewPath filed correspondence requesting that the March 25, 2009, hearing in this matter be vacated and that an earlier hearing date be set. Staff did not object to the Company's request.

On December 10, 2008, by Procedural Order the March 25, 2009, hearing date was vacated and the hearing was rescheduled to begin on February 18, 2009.

On February 18, 2009, the hearing was held as scheduled before a duly authorized Administrative Law Judge of the Commission. NewPath and Staff appeared through counsel and

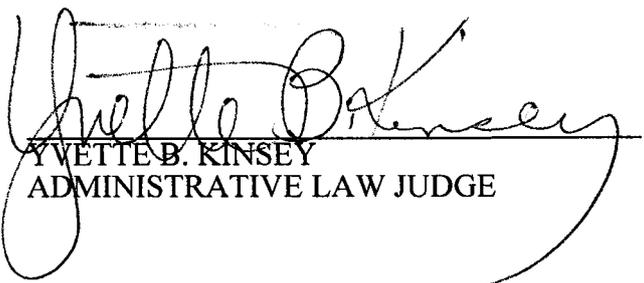
1 presented testimony. During the hearing, several members of the public appeared to give public
2 comments and raised concerns that the hearing date had been accelerated in this matter. Proper
3 notice of the change in hearing date was given; however, the record should be held open for
4 additional public comments on the application.

5 IT IS THEREFORE ORDERED that the record in this matter shall remain open until
6 **March 9, 2009**, for any **additional public comments**.

7 IT IS FURTHER ORDERED that **NewPath** may **file responses to the public comments** on
8 or before **March 13, 2009**.

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 3rd day of March, 2009.

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14 
15 YVETTE B. KINSEY
16 ADMINISTRATIVE LAW JUDGE

17 Copies of the foregoing mailed/delivered
18 this 3rd day of March, 2009 to:

18 Jamie T. Hall, Esq.
19 Martha Hudak, Esq.
20 CHANNEL LAW GROUP, LLP
100 Oceangate, Suite 1400
Long Beach, CA 90802

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

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

27 By: 
28 Debra Broyles
Secretary to Yvette B. Kinsey