

# INTERVENTION



0000095329

ORIGINAL

LAW OFFICES  
 SHERMAN & HOWARD L.L.C.  
 7047 EAST GREENWAY PARKWAY, SUITE 155  
 SCOTTSDALE, ARIZONA 85254-8110  
 TELEPHONE (480) 624-2710  
 FACSIMILE (480) 624-2029  
 (AZ BAR FIRM NO. 00441000)  
 Thomas K. Chenal (AZ Bar No. 006070)  
 (tchenal@ShermanHoward.com)  
 Attorneys for the Town of Carefree

RECEIVED

Arizona Corporation Commission

2009 APR 10 P 3: 23

DOCKETED

AZ CORP COMMISSION  
DOCKET CONTROL

APR 10 2009

DOCKETED BY	
-------------	--

## BEFORE THE ARIZONA CORPORATION COMMISSION

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.

<sup>20567A</sup>  
 No. T-02567A-07-0662

**APPLICATION TO INTERVENE OF  
THE TOWN OF CAREFREE**

**(HEARING: 04-27-09 @10:00 A.M.)**

### I.

The Town of Carefree (the "Town") hereby applies to the Arizona Corporation Commission (the "Commission") for an order granting it leave to intervene in the above-encaptioned proceeding.

### II.

On November 26, 2007, NewPath Networks, LLC ("NewPath" or "Company") filed with the Commission an Application and Petition for Certificate of Convenience and Necessity to Provide Intrastate Telecommunications Services (the "CC&N") to include support and backhaul telecommunications services to wireless carriers in Arizona.

### III.

On March 18, 2009, a Procedural Order Setting Additional Hearing Date was issued requiring that all motions to intervene shall be filed by April 10, 2009.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

IV.

Upon information and belief, the CC&N filed by NewPath seeks a service area that will include the limits of the Town. The Town has a direct and substantial interest in protecting the health, safety, and welfare interests of its residents and ensuring that its residents are provided quality utility services for a competitive price. Therefore, it is necessary and proper that the Town intervene in this proceeding.

V.

In order to protect its interests, as well as those of the residents of the Town, the Town reserves the right to examine materials presented by the Company, to cross-examine the witnesses appearing on behalf of the Company and any other parties, and to present testimony and exhibits of its own in any hearings conducted by the Commission in this matter.

VI.

The name, mailing address, and telephone number of the Town is: Town of Carefree, P.O. Box 740, Carefree, AZ 85377, (480)488-3686. The person upon whom service of all documents is to be made is: Thomas K. Chenal, Sherman & Howard L.L.C., 7047 East Greenway Parkway, Suite 155, Scottsdale, AZ 85254, (480)624-2714.

VII.

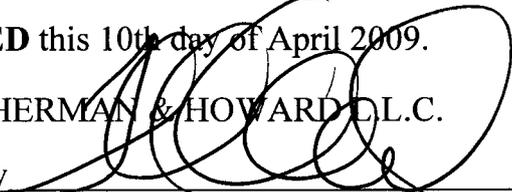
The Town hereby certifies that a copy of this Application to Intervene has been mailed to counsel for NewPath, as set forth in the mailing certificate below.

Based upon the foregoing, the Town of Carefree requests that an Order be entered permitting the Town to intervene in these proceedings.

**RESPECTFULLY SUBMITTED** this 10th day of April 2009.

SHERMAN & HOWARD L.L.C.

By

  
Thomas K. Chenal  
7047 East Greenway Parkway, Suite 155  
Scottsdale, AZ 85254-8110  
Attorneys for Town of Carefree

1 **ORIGINAL AND 13 COPIES** of  
the foregoing filed this 10th  
2 day of April 2009 with:

3 **ARIZONA CORPORATION COMMISSION**  
Docket Control  
4 1200 West Washington Street  
Phoenix, AZ 85007

5  
6 **COPY** of the foregoing hand-delivered  
this 10th day of April 2009 to:

7 The Honorable Yvette B. Kinsey  
Administrative Law Judge  
8 Hearing Division  
**ARIZONA CORPORATION COMMISSION**  
9 1200 West Washington Street  
Phoenix, AZ 85007

10  
11 **COPY** of the foregoing mailed/  
hand-delivered this 10th day  
of April 2009 to:

12 Jamie T. Hall  
13 Martha Hudak  
**CHANNEL LAW GROUP, LLP**  
14 100 Oceangate, Suite 1400  
Long Beach, CA 90802  
15 Attorneys for NewPath Networks, LLC

16 J. Gregory Lake  
Suite 206  
17 1095 West Rio Salado Parkway  
Tempe, AZ 85281  
18 Attorney for NewPath Networks, LLC

19 Deborah Robberson  
City Attorney  
20 **CITY OF SCOTTSDALE**  
3939 North Drinkwater Blvd.  
21 Scottsdale, AZ 85251

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

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

28

1 Lyn Farmer  
ARIZONA CORPORATION COMMISSION  
2 1200 West Washington Street  
Phoenix, AZ 85007

3  
4 Arizona Reporting Service, Inc.  
Suite 502  
2200 North Central Avenue  
5 Phoenix, AZ 85004-1481

6  
7 Reborah M Alexander

8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28