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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

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

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Arizona Corporation Commission

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AZ CORP COMMISSION
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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
GRANTING INTERVENTION

BY THE COMMISSION:

On November 26, 2007, NewPath Networks, LLC ("NewPath" or "Company") filed with the Arizona Corporation Commission ("Commission") an application for a Certificate of Convenience and Necessity ("CC&N") to provide transport and backhaul telecommunications services to wireless carriers in Arizona.

On October 31, 2008, Staff filed a Staff Report recommending approval of NewPath's application, subject to certain conditions.

On February 18, 2009, a hearing was held before a duly authorized Administrative Law Judge of the Commission. NewPath and Staff appeared through counsel and presented testimony. During the hearing, several members of the public provided public comment raising concerns that the hearing date had been expedited and stating that they desired to file for intervention in this matter.

On March 18, 2009, by Procedural Order, a second day of hearing in this matter was scheduled for April 27, 2009.

On April 10, 2009, the Town of Carefree, the Town of Paradise Valley and the City of Scottsdale filed Motions to Intervene ("Motions") in this matter.

No objections to the Motions have been filed. Accordingly, the Town of Carefree, the Town of Paradise Valley, and the City of Scottsdale should be granted intervention.

IT IS THEREFORE ORDERED that the Town of Carefree, the Town of Paradise Valley, and

1 the City of Scottsdale are hereby granted intervention in this matter.

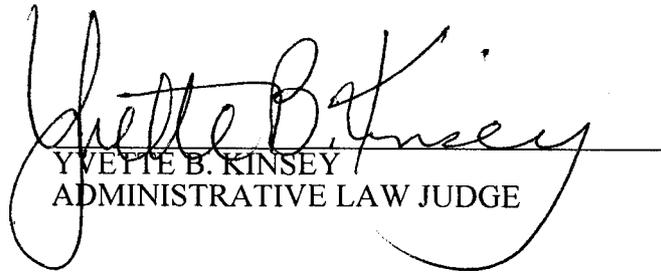
2 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized
3 Communications) continues to apply to this proceeding as the matter is now set for public hearing.

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

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

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

15 Dated this 17th day of April, 2009.

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YVETTE B. KINSEY
ADMINISTRATIVE LAW JUDGE

23 Copies of the foregoing mailed/delivered
24 this 17th day of April, 2009 to:

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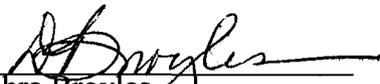
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18 By: 
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20 Secretary to Yvette B. Kinsey
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