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BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

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

2009 MAY 12 P 12: 51
 AZ CORP COMMISSION
 DOCKET CONTROL

Arizona Corporation Commission

DOCKETED

MAY 12 2009

DOCKETED BY

IN THE MATTER OF THE FORMAL
 COMPLAINT OF QWEST CORPORATION
 AGAINST ARIZONA DIALTONE, INC. TO
 ENFORCE ITS INTERCONNECTION
 AGREEMENT.

DOCKET NO. T-03608A-07-0694

DOCKET NO. T-01051B-07-0694

PROCEDURAL ORDER

BY THE COMMISSION:

On May 7, 2009, Arizona Dialtone, Inc. ("Arizona Dialtone") filed an Emergency Motion for Order Enjoining Qwest Corporation from Disconnecting Service and Request for Expedited Ruling, in response to Qwest Corporation's ("Qwest's") notice to Arizona Dialtone that service would be disconnected on May 14, 2009, if Arizona Dialtone did not pay Qwest the undisputed amount of back-billing for the transition period by May 13, 2009. Qwest filed a response on May 11, 2009, opposing Arizona Dialtone's Motion.

On May 11, 2009, a procedural conference was held to address Arizona Dialtone's Motion. At the procedural conference, Qwest, Arizona Dialtone, and counsel for the Commission's Utilities Division Staff ("Staff") were provided an opportunity to engage in discussions with the goal of reaching an agreement either as to how notice would be provided to Arizona Dialtone's customers if Qwest is to disconnect service or as to how Arizona Dialtone would pay Qwest the undisputed amount of back-billing for the transition period. Because the parties were not able to reach an agreement at the procedural conference, it was determined that they would continue their discussions and would file, by May 19, 2009, a plan or plans addressing either how notice would be provided to Arizona Dialtone's customers in the event of disconnection¹ or how Arizona Dialtone would pay Qwest the undisputed amount of back-billing for the transition period. The parties were informed that a joint filing is

¹ Notice needs to be sufficient to allow customers to transition to alternate service providers before any disconnection.

1 preferred, although separate filings will be accepted. Staff counsel agreed to participate in the
2 discussions. Qwest agreed not to disconnect service until a ruling is made on Arizona Dialtone's
3 Motion.

4 During the procedural conference, Arizona Dialtone was unable to quantify how many Arizona
5 customers would be impacted by Qwest's disconnection of service, although it believed that both
6 payphone service providers and residential customers would be impacted. Because this information
7 would be helpful in considering Arizona Dialtone's Motion and has not already been requested to be
8 included in the May 19, 2009, filing, it is appropriate to require Arizona Dialtone to include in that
9 filing specific information concerning its customers.

10 IT IS THEREFORE ORDERED that **Arizona Dialtone shall, in the filing to be made on**
11 **May 19, 2009, provide accurate figures for its Arizona customers, including at least the**
12 **following information:** (1) number of Arizona customers (all classes), (2) number of Arizona
13 payphone service provider customers, (3) number of Arizona payphones served by those payphone
14 service provider customers, (4) number of Arizona residential customers, (5) number of Arizona
15 customers (all classes) that would lose service through Qwest disconnection, (6) number of Arizona
16 payphone service provider customers that would lose service through Qwest disconnection, (7)
17 number of Arizona payphones that would lose service through Qwest disconnection, and (8) number
18 of Arizona residential customers that would lose service through Qwest disconnection.

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

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

28 ...

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

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

6 DATED this 12th day of May, 2009.

7
8 
9 SARAH N. HARPRING
10 ADMINISTRATIVE LAW JUDGE

11 Copies of the foregoing mailed/delivered
12 this 12th day of May, 2009, to:

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By: 
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Secretary to Sarah N. Harpring