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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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AZ CORP COMMISSION
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Arizona Corporation Commission
DOCKETED

MAY 21 2009

DOCKETED BY [Signature]

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, a Procedural Order was issued in this matter scheduling a procedural conference to be held on June 3, 2009.

Also 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, it was determined that Qwest, Arizona Dialtone, and the Commission's Utilities Division Staff ("Staff") would engage in 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 disconnection or how Arizona Dialtone would pay Qwest the undisputed amount of back-billing for the transition period. Qwest agreed not to disconnect service until after a ruling on Arizona Dialtone's Motion.

On May 12, 2009, a Procedural Order was issued memorializing the requirement for Qwest, Arizona Dialtone, and Staff to file the plan or plans described above and further requiring Arizona Dialtone to include specified information about its customers. No ruling has been made on Arizona

1 Dialtone's Motion at this time.

2 On May 18, 2009, Arizona Dialtone filed a notice stating that it had filed a Chapter 11 Petition
3 in Bankruptcy that day and that this matter is subject to the automatic stay provisions of 11 U.S.C. §
4 362.

5 On May 19, 2009, Qwest filed a Motion for Stay of Procedural Order, requesting that the filing
6 requirement of the Procedural Order issued on May 12, 2009, be stayed because of Arizona Dialtone's
7 Bankruptcy Petition. Qwest stated that it needs time to review the Bankruptcy Petition and consider
8 how it affects this proceeding.

9 Qwest's Motion is reasonable and should be granted. In addition, the procedural conference
10 scheduled for June 3, 2009, should be vacated.

11 IT IS THEREFORE ORDERED that **Qwest's Motion for Stay of Procedural Order is**
12 **hereby granted.**

13 IT IS FURTHER ORDERED that **the procedural conference scheduled for June 3, 2009,**
14 **at 10:00 a.m. is hereby vacated.**

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

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

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

27 ...

28 ...

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

3 DATED this 21st day of May, 2009.

4
5
6 
7 SARAH N. HARPRING
ADMINISTRATIVE LAW JUDGE

8 Copies of the foregoing mailed/delivered
9 this 21st day of May, 2009, to:

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26
27 By: 
28 Debra Broyles
Secretary to Sarah N. Harpring