

ORIGINAL



0000097946

BEFORE THE ARIZONA CORPORATION COMMISSION

RECEIVED

Arizona Corporation Commission

DOCKETED

AUG 18 2009

2009 AUG 18 A 10: 23

ARIZONA CORPORATION COMMISSION  
DOCKET CONTROL

DOCKETED BY

COMMISSIONERS

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

IN THE MATTER OF THE APPLICATION OF  
IELEMENT TELEPHONE OF ARIZONA, INC.  
FOR A CERTIFICATE OF CONVENIENCE AND  
NECESSITY TO PROVIDE FACILITIES-BASED  
LOCAL EXCHANGE TELECOMMUNICATIONS  
SERVICES AND FACILITIES-BASED LONG  
DISTANCE TELECOMMUNICATIONS  
SERVICES IN ARIZONA.

DOCKET NO. T-20481A-06-0617

PROCEDURAL ORDER

**BY THE COMMISSION:**

On September 26, 2006, IElement Telephone of Arizona, Inc., ("IElement" or "Company") filed with the Arizona Corporation Commission ("Commission") an application for a Certificate of Convenience and Necessity ("CC&N") to provide facilities-based local exchange telecommunications services and facilities-based long distance telecommunications services in Arizona.

On October 5, 2006, the Commission's Utilities Division ("Staff") filed a Letter of Insufficiency and its First Set of Data Requests in this matter.

On November 2, 2006, IElement filed its response to Staff's Data Requests.

On November 9, 2006, Staff filed a second Letter of Insufficiency and a Second Set of Data Requests.

On November 22, 2006, IElement filed its response to Staff's Second Set of Data Requests.

On June 6, 2007, Staff filed its Staff Report recommending approval of IElement's application.

On June 27, 2007, by Procedural Order, the hearing in this matter was scheduled for August 15, 2007. The Procedural Order also instructed IElement to publish notice of the hearing by July 13, 2007, and to file an Affidavit of Publication by July 31, 2007.

1 On July 16, 2007, IElement filed a Request for Continuance (“Request”) stating that it was  
2 unable to meet the specified publication date and requesting that the Commission grant it additional  
3 time to publish notice of the hearing.

4 On August 3, 2007, by Procedural Order, the hearing in this matter was continued to  
5 September 27, 2007.

6 On August 24, 2007, IElement filed a Request for Continance of the September 27, 2007  
7 hearing. IElement’s Request stated that its parent company was engaged in negotiations with another  
8 entity and that a possible merger was anticipated. IElement’s Request sought an additional 30-day  
9 continuance so that the merger discussions could be completed.

10 On August 28, 2007, by Procedural Order, the Company’s request for a continuance of the  
11 hearing date was granted. The Procedural Order also advised that no further hearing dates would be  
12 set until IElement filed a request with the Commission to reset the hearing. The timeclock was  
13 suspended indefinitely.

14 To date, no other filings have been made in this docket. Accordingly, Staff should update the  
15 Commission on the status of this matter.

16 IT IS THEREFORE ORDERED that **Staff** shall file an update on IElement’s application,  
17 along with any appropriate recommendations, no later than **September 30, 2009**.

18 IT IS FURTHER ORDERED that the timeclock remains suspended.

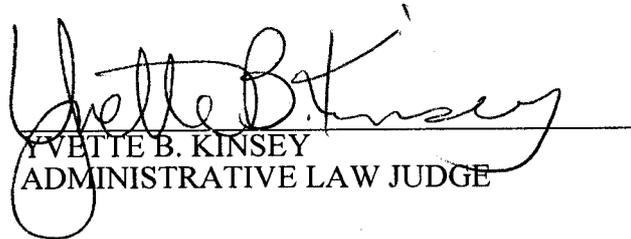
19 IT IS FURTHER ORDERED that all parties must comply with Rule 38 of the Rules of the  
20 Arizona Supreme Court with respect to practice of law and admission *pro hac vice*.

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

24 ...  
25 ...  
26 ...  
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 18<sup>th</sup> day of August, 2009.

4  
5  
6   
7 YVETTE B. KINSEY  
ADMINISTRATIVE LAW JUDGE

8 Copies of the foregoing mailed/delivered  
9 this 18<sup>th</sup> day of August, 2009 to:

10 Ivan Zweig, President  
11 Brett Jensen, Director of Operations  
12 IELEMENT TELEPHONE OF ARIZONA, INC.  
13 17194 Preston Road, Suite 102  
14 PMB 341  
15 Dallas, TX 75248

16 Kristopher E. Twomey  
17 LAW OFFICE OF KRISTOPHER TWOMEY  
18 1425 Leimert Boulevard, Suite 404  
19 Oakland, CA 94602  
20 Attorney for IElement Telephone of Arizona, Inc.

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

26 Steve Olea, Director  
27 Utilities Division  
28 ARIZONA CORPORATION COMMISSION  
1200 West Washington Street  
Phoenix, AZ 85007

22 By:   
23 Debra Broyles  
24 Secretary to Yvette B. Kinsey