

ORIGINAL



0000100104

1 LYNNE A. LAGARDE
2 EARL CURLEY & LAGARDE, P.C.
3 3101 N. Central, Suite 1000
4 Phoenix, AZ 85012
5 Telephone: (602) 265-0094
6 Arizona Bar No. 009620

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ARIZONA CORPORATION COMMISSION
DOCKET CONTROL

Arizona Corporation Commission
DOCKETED

JUN 29 2009

DOCKETED BY

BEFORE THE ARIZONA CORPORATION COMMISSION

Commissioners:

Kristen K. Mayes, Chairman
Paul Newman
Gary Pierce
Sandra D. Kennedy
Bob Stump

Docket No. T-20567A-07-0662

**MOTION AND CONSENT OF
LOCAL COUNSEL FOR PRO HAC
VICE ADMISSION OF MARTHA
HUDAK**

Assigned Judge: Yvette B. Kinsey

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

MOTION AND CONSENT OF LOCAL COUNSEL

FOR PRO HAC VICE ADMISSION OF MARTHA HUDAK

Lynne A. Lagarde, pursuant to Rule 33(c) and (d) of the Rules of the Supreme Court,
move the Commission Hearing Division to admit Martha Hudak as counsel pro hac vice in this
action on behalf of NewPath Networks, LLC.

Pursuant to Rules 33(c) and (d) of the Rules of the Supreme Court, the following exhibits

1 are attached hereto:

- 2 1. the original Verified Application;
- 3 2. the original Certificates of Good Standing; and
- 4 3. the State Bar of Arizona Notice of Receipt of Complete Application.

5 The filing fee as required by Rule 33(d) has been submitted to the State Bar of Arizona.

6 Lynne A. Lagarde hereby agrees to serve as designated local counsel for the subject case.

7 A proposed order admitting Martha Hudak accompanies this motion.

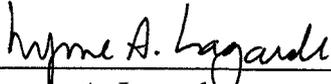
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10 RESPECTFULLY SUBMITTED this 29th day of June, 2009.

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13 EARL CURLEY & LAGARDE, P.C.

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16 
17 Lynne A. Lagarde
18 3101 N. Central, Suite 1000
19 Phoenix, AZ 85012

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22 ORIGINAL and thirteen (13)
23 copies of the foregoing filed this
24 29th day of June, 2009, with:

25 The Arizona Corporation Commission
26 Utilities Division – Docket Control
27 1200 W. Washington Street
28 Phoenix, Arizona 85007

28

1 COPY of the foregoing delivered via overnight mail
this 21st day of June, 2009, to:

2 Mr. Ernest G. Johnson
3 Director, Utilities Division
4 Arizona Corporation Commission
5 1200 West Washington Street
6 Phoenix, Arizona 85007

7 Ms. Janice Alward
8 Chief Counsel, Legal Division
9 Arizona Corporation Commission
10 1200 West Washington Street
11 Phoenix, Arizona 85007

12 Ms. Lyn Farmer
13 Chief Administrative Law Judge, Hearing Division
14 Arizona Corporation Commission
15 1200 West Washington Street
16 Phoenix, Arizona 85007

17 Mr. Armando Fimbres
18 Chief Administrative Law Judge, Hearing Division
19 Arizona Corporation Commission
20 1200 West Washington Street
21 Phoenix, Arizona 85007

22 Ms. Maureen Scott
23 Commission Counsel
24 Arizona Corporation Commission
25 1200 West Washington Street
26 Phoenix, Arizona 85007

27 Mr. Kevin Torrey
28 Commission Counsel
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

Mr. Jamie T. Hall
Counsel for NewPath Networks, LLC
100 Oceangate, Suite 1400
Long Beach, California 90802

Mr. Donnelly Dybus
16435 N. Scottsdale Rd., Ste. 440
Scottsdale, Arizona 85254-1754

1 Mr. Andrew Miller
2 Town of Paradise Valley
3 6402 East Lincoln Drive
4 Paradise Valley, Arizona 85253-4328

5 Mr. Thomas Chenal
6 Town of Carefree
7 7047 East Greenway Parkway, -155
8 Scottsdale , Arizona 85254

9 Mr. J. Lake
10 1095 West Rio Salado Parkway, Suite 206
11 Tempe, Arizona 85281

12 By: *Hella Sherdan*

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1 LYNNE A. LAGARDE
2 EARL CURLEY & LAGARDE, P.C.
3 3101 N. Central, Suite 1000
4 Phoenix, AZ 85012
5 Telephone: (602) 265-0094
6 Arizona Bar No. 009620

7
8
9
10 **BEFORE THE ARIZONA CORPORATION COMMISSION**

11 Commissioners:

12 Kristen K. Mayes, Chairman
13 Paul Newman
14 Gary Pierce
15 Sandra D. Kennedy
16 Bob Stump

Docket No. T-20567A-07-0662

**ORDER RE: PRO HAC VICE
ADMISSION OF MARTHA
HUDAK**

17 IN THE MATTER OF THE
18 APPLICATION OF NEWPATH
19 NETWORKS, LLC, FOR APPROVAL
20 OF A CERTIFICATE OF
CONVENIENCE AND NECESSITY TO
PROVIDE TRANSPORT AND
BACKHAUL
TELECOMMUNICATIONS SERVICES

21
22 Based upon the Motion for Admission Pro Hac Vice of Martha Hudak and the consent to
23 appear as local counsel by Lynne A. Lagarde, it is hereby ordered that Martha Hudak (not) be
24 admitted pro hac vice as counsel for NewPath Networks, LLC in the above-entitled matter.

25 DATED this ___ day of June, 2009.

26
27 _____
28 Judge

1 ORIGINAL and thirteen (13)
2 copies of the foregoing filed this
3 29th day of June, 2009, with:

4 The Arizona Corporation Commission
5 Utilities Division – Docket Control
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7 Phoenix, Arizona 85007

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11 Counsel for NewPath Networks, LLC
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21 Scottsdale, Arizona 85254

22 Mr. J. Lake
23 1095 West Rio Salado Parkway, Suite 206
24 Tempe, Arizona 85281

25 By: *Beella Sherdan*

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27
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1 **Arizona Corporation Commission**

2
3 In the matter of the application of)
4 NewPath Networks LLC)
5)
6)
7)

CASE # T20567A070662

SBA App # 1004773

**NOTICE OF RECEIPT OF
COMPLETE APPLICATION**

8
9 NOTICE IS HEREBY given by THE STATE BAR OF ARIZONA that it has
received the verified application and fee from Martha Hudak .

10 In addition to this application, applicant has made the following applications to appear pro hac
vice, pursuant to Rule38 (a), within the previous three (3) years:

Title of Matter	Court/Agency	Date	Granted?	
_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	_____	_____	Yes	No
_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
			Yes	No

14 Exhibit A, the original verified application and Exhibit B, the original Certificate(s) of
15 Good Standing are attached hereto.

16 DATED this 19th day of June 2009

17 
18 Mirna A Lerma
19 Resource Center
State Bar of Arizona

20 Original Mailed on this 19th day of June 2009 to:

21 Ms Lynne Lagarde
22 Earl Curley & Lagarde PC
23 3101 N Central Suite 1000
24 Phoenix, AZ 85012-2641
25



For Official Use Only
 App# 1004773
 Bar Number# P171605

Attn: Pro Hac Vice Dept
 PO Box 53099
 Phoenix, AZ 85072-3099
 Phone: 602-340-7239

Application for Appearance Pro Hac Vice

PART I: Applicant Information

Name of Applicant: Martha Hudak

Firm/Company Name: Channel Law Group, LLP

Office Address: 100 Oceangate, Suite 1400, Long Beach, CA 90802

Telephone: (310) 667-6202 Fax: (562) 216-5090 Email Address: martha.hudak@channellawgroup.com

Residence Address: 1121 N. Olive Drive, #103, West Hollywood, CA 90069

Title of cause or case where applicant seeks to appear: In the matter of the application of NewPath Networks, LLC for approval of a Certificate of Convenience and Necessity to provide transport and backhaul services, to other carriers, including but not limited to wireless telecommunications services providers and potentially to wireless information service providers.

Docket Number: T-20567A-07-0662

Court, Board, or Administrative Agency: Arizona Corporation Commission

Party on whose behalf applicant seeks to appear: NewPath Networks, LLC

Pursuant to Arizona Supreme Court Rule 38(i)(3), the applicant shall complete the information below:

Courts to Which Applicant Has Been Admitted: <i>(Attach additional pages if needed)</i>	Date of Admission:	Bar Number:
<u>New York</u>	<u>09/27/99</u>	<u>2996577</u>
<u>New Jersey</u>	<u>01/18/00</u>	<u>045211999</u>
<u>California</u>	<u>06/12/07</u>	<u>250152</u>
_____	_____	_____

Applicant is a member in good standing in such courts.

Applicant is not currently disbarred or suspended in any court.

Applicant is / is not (select one) currently subject to any pending disciplinary proceeding or investigation by any court, agency or organization authorized to discipline attorneys at law.

In the preceding three (3) years, applicant has filed applications to appear as counsel under AZ ST S.Ct., Rule 38(a) in the following:

Title of Matter:	Docket #:	Court or Agency:	App Granted? (Y/N)
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

This case or cause is / is not (**select one**) a related or consolidated matter for which applicant has previously applied to appear pro hac vice in Arizona. If this matter is a related or consolidated with any previous application, Applicant certifies that he/she will review and comply with appropriate rules of procedure as required in the underlying cause.
If applicable, please provide related or consolidated matter application or docket# _____

PART II: Local Counsel Information

Name of Arizona Local Counsel: Lynne A. Lagarde

State Bar of Arizona Number: 009620

Address: 3101 N. Central, Suite 1000, Phoenix, AZ 95012

Telephone: (602) 265-0094 Fax: (602) 265-2195 Email Address: llagarde@ecllaw.com

Local Counsel is a member in good standing.

Local Counsel associating with a nonresident attorney in a particular cause shall accept joint responsibility with the nonresident attorney to the client, to opposing parties and counsel, and to court, board, or administrative agency in that particular cause.

PART III: Parties and Certification

Name(s) of each party in this cause and name and address of all counsel of record:

Party:	Counsel of Record:	Address:
<u>See Attached List</u>	<u></u>	<u></u>
<u></u>	<u></u>	<u></u>
<u></u>	<u></u>	<u></u>
<u></u>	<u></u>	<u></u>

Applicant is including with this application a nonrefundable application fee, payable to the State Bar of Arizona, in the amount of \$460.00. Fifteen percent of the non-refundable application fee paid pursuant to this section shall be deposited into a civil legal services fund to be distributed by the Arizona Foundation for Legal Services and Education entirely to approved legal services organizations, as that term is defined in subparagraph (f) of this rule.

Applicant is furnishing a certificate from the state bar or from the clerk of the highest admitting court of each state, territory, or insular possession of the United States in which the nonresident attorney has been admitted to practice law certifying the nonresident attorney's date of admission to such jurisdiction and the current status of the nonresident attorney's membership or eligibility to practice therein. The certificate furnished shall be no more than forty-five (45) days old.

Applicant certifies the following:

1. Applicant shall be subject to the jurisdiction of the courts and agencies of the State of Arizona and to the State Bar of Arizona with respect to the law of this state governing the conduct of attorneys to the same extent as an active member of the State Bar of Arizona, as provided in Rule 46(b) Rules of the Supreme Court.
2. Applicant will review and comply with appropriate rules of procedure as required in the underlying cause.
3. Applicant understands and shall comply with the standards of conduct required of members of the State Bar of Arizona.

Verification

STATE OF _____)

County of _____) ss.

I, MARTHA HUDAN, swear that all statements in the application are true, correct and complete to the best of my knowledge and belief.

Dated: 11 June 09

Applicant's Signature: Martha Hudan

SUBSCRIBED AND SWORN TO before me this _____ day of _____, 20____, by

Name of Applicant

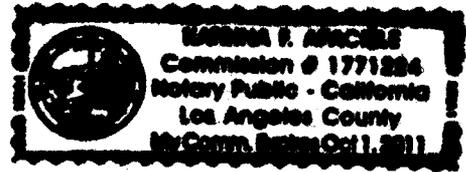
see attached
Notary Public

JURAT

STATE OF CALIFORNIA)
)
County of Los Angeles) ss.

Subscribed and sworn to (or affirmed) before me on this 11th day of June, 2009, by Martha Hudak, proved to me on the basis of satisfactory evidence to be the person who appeared before me.

Signature *Katrina F. Apacible*
 Katrina F. Apacible



NOTARY SEAL

ATTACHMENT TO APPLICATION
FOR APPEARANCE PRO HAC VICE

Mr. Ernest G. Johnson
Director, Utilities Division
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

Ms. Janice Alward
Chief Counsel, Legal Division
Arizona Corporation Commission
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Tempe, Arizona 85281

Appellate Division of the Supreme Court
of the State of New York
First Judicial Department

I, John W. McConnell, Clerk of the Appellate Division of the Supreme Court of the State of New York, First Judicial Department, certify that

MARTHA HUDAK

was duly licensed and admitted to practice as an Attorney and Counsellor at Law in all the courts of the State of New York on September 27, 1999, has duly taken and subscribed the oath of office prescribed by law, has been enrolled in the Roll of Attorneys and Counsellors at Law on file in my office, has duly registered with the administrative office of the courts, and according to the records of this court is in good standing as an attorney and counsellor at law.

In Witness Whereof, I have hereunto set my
hand and affixed the seal of this court on

June 10, 2009



Clerk of the Court

Supreme Court of New Jersey



Certificate of Good Standing

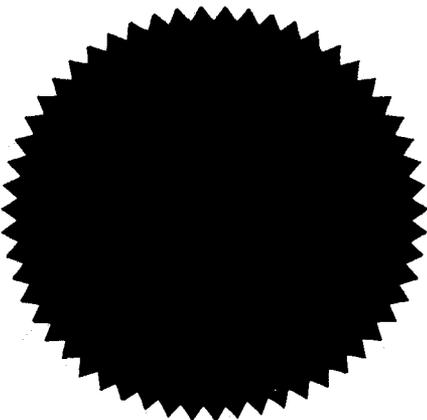
This is to certify that **MARTHA HUDAK**
(No. **045211999**) *was constituted and appointed an Attorney at Law of New Jersey on* **January 18, 2000** *and, as such, has been admitted to practice before the Supreme Court and all other courts of this State as an Attorney at Law, according to its laws, rules, and customs.*

I further certify that as of this date, the above-named is an Attorney at Law in Good Standing. For the purpose of this Certificate, an attorney is in "Good Standing" if the Court's records reflect that the attorney: 1) is current with all assessments imposed as a part of the filing of the annual Attorney Registration Statement, including, but not limited to, all obligations to the New Jersey Lawyers' Fund for Client Protection; 2) is not suspended or disbarred from the practice of law; 3) has not resigned from the Bar of this State; and 4) has not been transferred to Disability Inactive status pursuant to Rule 1:20-12.

Please note that this Certificate does not constitute confirmation of an attorney's satisfaction of the administrative requirements of Rule 1:21-1(a) for eligibility to practice law in this State.

In testimony whereof, I have hereunto set my hand and affixed the Seal of the Supreme Court, at Trenton, this
12TH day of **June**, 20 **09**.

Clerk of the Supreme Court





Supreme Court of California

FREDERICK K. OHLRICH
Clerk of the Court

CERTIFICATE OF THE CLERK OF THE SUPREME COURT OF THE STATE OF CALIFORNIA

MARTHA HUDAK

*I, FREDERICK K. OHLRICH, Clerk of the Supreme Court of the State of California, do hereby certify that **MARTHA HUDAK** was on the 12th day of June 2007 duly admitted to practice as an attorney and counselor at law in all the courts of this state; and that her name now appears on the Roll of Attorneys as a member of the bar of this state in good standing.*

*Witness my hand and the seal of the court,
this 10th day of June, 2009.*

FREDERICK K. OHLRICH

Clerk of the Supreme Court

By

Joseph Cornetta

Joseph Cornetta, Deputy Clerk