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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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IN THE MATTER OF THE AMENDED APPLICATION OF CVC CLEC, LLC, FOR APPROVAL OF A CERTIFICATE OF CONVENIENCE AND NECESSITY TO PROVIDE RESOLD LOCAL EXCHANGE AND FACILITIES-BASED LOCAL EXCHANGE TELECOMMUNICATIONS SERVICES.

DOCKET NO. T-20646A-09-0005

PROCEDURAL ORDER

BY THE COMMISSION:

On January 7, 2009, CVC CLEC, LLC ("CVC" or "Company"), filed with the Arizona Corporation Commission ("Commission") an application for a Certificate of Convenience and Necessity ("CC&N") to provide resold local exchange, facilities-based local exchange, resold long distance, and facilities-based long distance telecommunications services in Arizona.

On March 2, 2009, CVC filed an amended application ("Amended Application") noting that the Company was requesting a CC&N to provide only resold local exchange and facilities-based local exchange telecommunications services in Arizona.

On March 19, 2009, the Commission's Utilities Division Staff ("Staff") filed its Second Set of Data Requests and on March 19, 2009, the Company responded to those Data Requests.

On April 3, 2009, the Company filed a tariff replacing in its entirety the tariff submitted with its Amended Application.

On July 6, 2009, Staff filed its Staff Report recommending approval of the Amended Application.

Pursuant to A.A.C. R14-3-101, the Commission now issues this Procedural Order to govern

1 the preparation and conduct of this proceeding.

2 IT IS THEREFORE ORDERED that the **hearing** in the above-captioned matter shall be held
3 on **September 30, 2009, at 10:00 a.m.**, or as soon thereafter as is practical, at the Commission's
4 offices, Hearing Room 1, 1200 West Washington Street, Phoenix, Arizona 85007.

5 IT IS FURTHER ORDERED that **intervention** shall be in accordance with A.A.C. R14-3-
6 105, except that all Motions to Intervene must be filed on or before **September 9, 2009**.

7 IT IS FURTHER ORDERED that any **objections to the Staff Report or to any Motions to**
8 **Intervene** shall be filed on or before **September 18, 2009**.

9 IT IS FURTHER ORDERED that the Company shall **publish notice** of the hearing as stated
10 as stated below, in a newspaper(s) of general circulation in every county in Arizona in which the
11 Company desires to provide service as soon as possible, but no later than **August 14, 2009**, and shall
12 **file an Affidavit(s) of Publication** with the Commission no later than **August 28, 2009**.

13 IT IS FURTHER ORDERED that notice shall be deemed complete upon mailing and
14 publication of same, notwithstanding the failure of an individual customer or property owner to read
15 or receive the notice.

16 IT IS FURTHER ORDERED that the Company shall provide public notice of the hearing in
17 this matter, in the following form and style:

18 **PUBLIC NOTICE OF THE HEARING ON THE AMENDED APPLICATION OF CVC**
19 **CLEC, LLC, FOR APPROVAL OF A CERTIFICATE OF CONVENIENCE AND**
20 **NECESSITY TO PROVIDE RESOLD LOCAL EXCHANGE AND FACILITIES-BASED**
21 **LOCAL EXCHANGE TELECOMMUNICATIONS SERVICES.**

22 **(Docket No. T-20646A-09-0005)**

23 **Summary**

24 On March 2, 2009, CVC CLEC, LLC ("Company") submitted to the Arizona
25 Corporation Commission ("Commission") an amended application for a Certificate of
26 Convenience and Necessity to provide resold local exchange and facilities-based local
27 exchange telecommunications services. The Commission's Utilities Division ("Staff")
28 has not yet made a recommendation regarding the Company's amended application,
and the Commission is not bound by the proposals made by the Company, Staff, or
any intervenors. The Commission will issue a decision regarding the Company's

1 amended application following consideration of testimony and evidence presented at
2 an evidentiary hearing.

3 **How You Can View or Obtain a Copy of the Application**

4 Copies of the application are available at the Company's offices [COMPANY
5 INSERT ADDRESS HERE] and the Commission's offices at 1200 West
6 Washington, Phoenix, Arizona, for public inspection during regular business hours and
7 the internet via the Commission website (www.azcc.gov) using the e-docket function.

8 **Arizona Corporation Commission Public Hearing Information**

9 The Commission will hold a hearing on this matter beginning **September 30, 2009, at**
10 **10:00 a.m.**, or as soon thereafter as is practical, at the Commission's offices, Hearing
11 Room 1, 1200 West Washington Street, Phoenix, Arizona 85007. Public comments
12 will be taken on the first day of the hearing. Written public comments may be
13 submitted via email (visit
14 http://www.azcc.gov/divisions/utilities/forms/public_comment.pdf for instructions), or
15 by mailing a letter referencing Docket Number T-20646A-09-0005 to: Arizona
16 Corporation Commission, Consumer Services Section, 1200 West Washington,
17 Phoenix, AZ 85007. If you require assistance, you may contact the Consumer Services
18 Section at (800) 222-7000.

19 **About Intervention**

20 The law provides for an open public hearing at which, under appropriate
21 circumstances, interested parties may intervene. Any person or entity entitled by law
22 to intervene and having a direct and substantial interest in the matter will be permitted
23 to intervene. **If you would like to intervene, you must file a written motion to**
24 **intervene with the Commission no later than September 9, 2009.** You must send
25 copies of the motion to the Company or its counsel, and to all parties of record in the
26 case. Your motion to intervene must contain the following:

- 27 1. Your name, address, and telephone number, and the name, address, and
28 telephone number of any party upon whom documents are to be served in
your place, if desired;
- 2. A short statement of your interest in the proceeding (e.g., a customer of
the Company, a shareholder of the Company, etc.); and
- 3. A statement certifying that a copy of your motion to intervene has been
mailed to the Company or its counsel and to all parties of record in the
case.

29 The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except
30 that **all motions to intervene must be filed on or before September 9, 2009.** If
31 representation by counsel is required by Rule 31 of the Rules of the Arizona Supreme
32 Court, intervention will be conditioned upon the intervenor obtaining counsel to
33 represent the intervenor. For information about requesting intervention, visit the
34 Arizona Corporation Commission's webpage at

1 http://www.azcc.gov/divisions/utility/forms.asp. The granting of intervention, among
2 other things, entitles a party to present sworn evidence at hearing and to cross-examine
3 other witnesses. However, failure to intervene will not preclude any customer from
4 appearing at the hearing and making a statement on such customer's own behalf.

4 **ADA/Equal Access Information**

5 The Commission does not discriminate on the basis of disability in admission to its
6 public meetings. Persons with a disability may request a reasonable accommodation
7 such as a sign language interpreter, as well as request this document in an alternative
8 format, by contacting the ADA Coordinator Guadalupe Ortiz, E-mail
gnortiz@azcc.gov, voice phone number 602/542-3931. Requests should be made as
early as possible to allow time to arrange the accommodation.

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

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

14 IT IS FURTHER ORDERED that the intervention granted herein is conditioned upon the
15 intervenor obtaining counsel to represent the intervenor if required by Rule 31 of the Rules of the
16 Arizona Supreme Court, and such counsel filing a notice of appearance with the Commission, within
17 30 days of the date of this Procedural Order.

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

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 Administrative Law Judge 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 17th day of July, 2009.

4
5 
6 BELINDA A. MARTIN
7 ADMINISTRATIVE LAW JUDGE

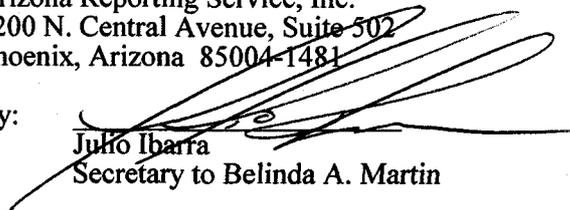
8 Copies of the foregoing mailed/delivered
9 this 17th day of July, 2009, to:

10 Mr. Mark Foster, Esq.
11 MARK FOSTER, ATTORNEY-AT-LAW
12 702 Rio Grande Street
13 Austin, Texas 78701

14 Janice Alward, Chief Counsel
15 Legal Division
16 ARIZONA CORPORATION COMMISSION
17 1200 West Washington Street
18 Phoenix, Arizona 85007

19 Ernest Johnson, Director
20 Utilities Division
21 ARIZONA CORPORATION COMMISSION
22 1200 West Washington Street
23 Phoenix, Arizona 85007

24 Arizona Reporting Service, Inc.
25 2200 N. Central Avenue, Suite 502
26 Phoenix, Arizona 85004-1481

27 By: 
28 Julio Ibarra
Secretary to Belinda A. Martin