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BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission

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ARIZONA CORPORATION COMMISSION
BUCKET CONTROL

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2 COMMISSIONERS

- 3 KRISTIN K. MAYES, Chairman
- 4 GARY PIERCE
- 5 PAUL NEWMAN
- 6 SANDRA D. KENNEDY
- 7 BOB STUMP

8 IN THE MATTER OF THE APPLICATION OF
 9 NEWPATH NETWORKS, LLC, FOR APPROVAL
 10 OF A CERTIFICATE OF CONVENIENCE AND
 11 NECESSITY TO PROVIDE TRANSPORT AND
 12 BACKHAUL TELECOMMUNICATIONS
 13 SERVICES.

DOCKET NO. T-20567A-07-0662

PROCEDURAL ORDER
GRANTING EXTENSION
OF TIME TO FILE BRIEF

11 **BY THE COMMISSION:**

12 On November 26, 2007, NewPath Networks, LLC (“NewPath” or “Company”) filed with the
 13 Arizona Corporation Commission (“Commission”) an application for a Certificate of Convenience
 14 and Necessity (“CC&N”) to provide transport and backhaul telecommunications services to wireless
 15 carriers in Arizona.

16 On October 31, 2008, the Commission’s Utilities Division (“Staff”) filed a Staff Report
 17 recommending approval of NewPath’s application, subject to certain conditions.

18 On February 18, 2009, a hearing was held as scheduled before a duly authorized
 19 Administrative Law Judge of the Commission. NewPath and Staff appeared through counsel and
 20 presented testimony. During the hearing several members of the public appeared to give public
 21 comment, raised concerns that the hearing date had been expedited, and stated they desired to file for
 22 intervention in this matter. Subsequently, the matter was scheduled for a second day of hearing.

23 On April 10, 2009, the Town of Carefree (“Carefree”), the Town of Paradise Valley
 24 (“Paradise Valley”), and the City of Scottsdale (“Scottsdale”) filed Motions to Intervene in this
 25 matter. On April 17, 2009, a Procedural Order was issued granting said Motions to Intervene.
 26 Subsequently, Scottsdale settled its issues with NewPath and requested and was granted withdrawal
 27 from this proceeding.

28 On August 24, 2009, by Procedural Order, NewPath and Staff were each directed to file, by

1 September 15, 2009, a brief addressing the issues raised in this proceeding. The Procedural Order
2 also ordered that responsive briefs could be filed by any party no later than September 29, 2009.

3 On September 15, 2009, Staff filed a request for an extension of time to file its brief, until
4 September 18, 2009, because counsel for Staff had just returned from out of town due to an
5 unexpected family situation.

6 Staff's request is reasonable and should be granted and other procedural deadlines should be
7 extended accordingly.

8 IT IS THEREFORE ORDERED that Staff's request for an extension of time, **until**
9 **September 18, 2009**, to file its brief in this matter is hereby granted.

10 IT IS FURTHER ORDERED that the timeframe for the filing of **responsive briefs** is hereby
11 extended to **October 2, 2009**.

12 IT IS FURTHER ORDERED that all other procedural guidelines set forth in the June 30,
13 2009, Procedural Order remain in effect.

14 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized
15 Communications) continues to apply to this proceeding.

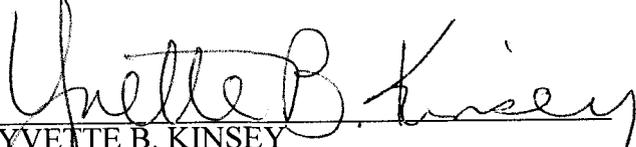
16 IT IS FURTHER ORDERED that all parties must comply with Rules 31 and 38 of the Rules
17 of the Arizona Supreme Court and A.R.S. § 40-243 with respect to practice of law and admission *pro*
18 *hac vice*.

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 the obligation
22 to appear at all hearings and procedural conferences, as well as all Open Meetings for which the
23 matter is scheduled for discussion, unless counsel has previously been granted permission to
24 withdraw by the Administrative Law Judge or the Commission.

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1 IT IS FURTHER ORDERED that that the time clock in the matter remains suspended.

2 Dated this 16th day of September, 2009.

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6 
7 YVETTE B. KINSEY
ADMINISTRATIVE LAW JUDGE

8 Copies of the foregoing mailed/delivered
9 this 16th day of September, 2009 to:

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28 Secretary to Yvette B. Kinsey