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2009 OCT -1 P 4: 25

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AZ CORP COMMISSION
DOCKET CONTROL

BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

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

Arizona Corporation Commission
DOCKETED

OCT -1 2009

DOCKETED BY *MN*

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.

No. T-20567A-07-0662

**TOWN OF CAREFREE'S REQUEST
FOR EXTENSION OF TIME TO FILE
ITS BRIEF ON THE ISSUES RAISED
BY STAFF AND NEWPATH**

The Town of Carefree ("Town") hereby requests an extension of time for it to file its responsive brief presently due October 2, 2009, to allow additional time for the Town and NewPath Networks, LLC ("NewPath") to negotiate a resolution of the Town's opposition to NewPath's application for a CC&N.

By Procedural Order dated August 24, 2009, the Commission established September 15, 2009, as the date for Staff and NewPath to file responses to the City of Scottsdale's brief (which was subsequently adopted or relied upon in part by the Towns of Carefree and Paradise Valley). Pursuant to such Procedural Order, a responsive brief

1 was authorized to be filed by any party no later than September 29, 2009. On September
2 15, 2009, Staff filed a Request for a Brief Extension of Time to File its Brief on the
3 Issues Raised by the Towns of Carefree and Paradise Valley. Pursuant to Procedural
4 Order Granting Extension of Time to File Brief dated September 16, 2009, Staff's
5 request for an extension of time until September 18, 2009, was granted and the
6 timeframe for filing responsive briefs was extended to October 2, 2009.

7 Carefree requests that the time for it to file a responsive brief be extended from
8 October 2, 2009, to October 21, 2009, in order to allow Carefree and NewPath to
9 negotiate a resolution pursuant to which Carefree would withdraw its opposition to
10 NewPath's request for a CC&N. Negotiations began on or about September 16, 2009,
11 but the Town did not receive a draft of an agreement until September 29, 2009.
12 Additional time will be necessary to negotiate and finalize any such agreement.
13 Moreover, Carefree will be scheduling a special meeting of its Town Council to be held
14 on October 20, 2009, and in the event a resolution can be negotiated and documented,
15 any such agreement would need to be approved by the Town Council on such date.

16 No party will be prejudiced by such a delay as no hearing has been set as of the
17 date hereof. The requested extension will also allow the Town to conserve attorneys'
18 fees by not preparing a responsive brief in the event this matter can be resolved.

19 Therefore, in an effort to allow NewPath and Carefree the opportunity to resolve
20 this matter, to conserve resources, and to allow any such resolution to be approved by
21 the Town Council, Carefree respectfully requests that the deadline for responsive briefs
22 to be filed by any party be extended to October 21, 2009.

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24 **RESPECTFULLY SUBMITTED** October 1, 2009.

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By _____
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ORIGINAL AND 13 COPIES of
the foregoing filed October 1, 2009, with:

ARIZONA CORPORATION COMMISSION
Docket Control
1200 West Washington Street
Phoenix, AZ 85007

COPY of the foregoing hand-delivered
October 1, 2009, to:

The Honorable Yvette B. Kinsey
Administrative Law Judge
Hearing Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, AZ 85007

COPY of the foregoing mailed /
October 1, 2009, to:

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