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AZ CORP COMMISSION
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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

Arizona Corporation Commission

DOCKETED

OCT 23 2009

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

DOCKETED BY *MW*

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

**MOTION AND NOTICE OF
WITHDRAWAL OF HEARING
MEMORANDUM BY TOWN OF
CAREFREE**

The Town of Carefree, Arizona, an Arizona municipal corporation ("Town"), hereby moves for and provides notice of withdrawal of the Town's Hearing Memorandum filed with the Arizona Corporation Commission ("Commission") in this matter on or about June 12, 2009. This Motion is supported by the following points and authorities:

1. NewPath is the owner and operator of certain communications equipment in various regions of the United States, and desires to install a network within the corporate limits of the Town.

1 2. NewPath has applied to the Commission for a Certificate of Convenience
2 and Necessity ("CC&N"), and its Application is currently pending.

3 3. On April 10, 2009, the Town filed a Motion for Intervention with the
4 Commission, which was granted on April 17, 2009.

5 4. On June 12, 2009, the Town filed its Hearing Memorandum in opposition
6 to NewPath obtaining a CC&N ("Town Hearing Memorandum").

7 5. On or about October 22, 2009, NewPath and the Town entered into an
8 agreement pursuant to which, among other things, the Town agreed to seek permission
9 from the Commission to withdraw the Town's Hearing Memorandum.

10 6. The Town will remain as an Intervenor in these proceedings.

11 For the foregoing reasons, the Town hereby provides notice of withdrawal of its
12 Hearing Memorandum and moves the Commission for an order withdrawing the
13 Town's Hearing Memorandum.

14
15 **RESPECTFULLY SUBMITTED** October 23, 2009.

16 SHERMAN & HOWARD L.L.C.

17 

18
19 By _____
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25 **ORIGINAL AND 13 COPIES** of
26 the foregoing filed October 23, 2009, with:

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

COPY of the foregoing hand-delivered
 October 23, 2009, to:

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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 /
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