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BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

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COMMISSIONERS

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

AZ CORP COMMISSION
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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)

DOCKET NO. T-20567A-07-0062 ^{06/02}

**Motion for Expedited
Recommended Opinion and
Order, or in the alternative an
Expedited Hearing Date**

NewPath Networks, LLC ("NewPath"), a New Jersey limited liability company, hereby moves the Arizona Corporation Commission ("Commission") for an expedited Recommended Opinion and Order ("ROO"), or in the alternative, an expedited hearing date.

On November 25, 2007, NewPath filed with the Commission an application for a Certificate of Convenience and Necessity ("CC&N") to provide transport and backhaul telecommunications services in Arizona.

On February 18, 2009, a hearing was held as scheduled before a Judge Kinsey, a duly authorized Administrative Law Judge of the Commission. The matter was scheduled for a second day of hearing.

On April 10, 2009, the Town of Carefree ("Carefree"), the Town of Paradise Valley ("Paradise Valley") and the City of Scottsdale ("Scottsdale") filed Motions to Intervene in this matter. On April 17, 2009 a Procedural Order was issued granting said Motions to Intervene.

On April 27, 2009, the public hearing reconvened. At Staff's request the hearing was continued and the matter recessed.

On June 10, 2009, Scottsdale filed a Motion to Withdraw as Party and Notice to Withdraw Hearing Memorandum having settled its issues with NewPath. The requested withdrawal was granted.

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207 E. Broadway, Suite 201
Long Beach, CA 90802

1 On October 2, 2009 Paradise Valley filed a Motion to Withdraw As Party (With
2 Prejudice) and Notice of Withdrawal of Hearing Memorandum having entered into an
3 agreement with NewPath that establishes a working relationship on an going-forward basis. By
4 Procedural Order dated October 6, 2009, the requested withdrawal was granted.

5 On October 23, 2009, Carefree filed a Motion and Notice of Withdrawal of Hearing
6 Memorandum.

7 Good cause exists to expedite the issuance of an ROO, or in the alternative schedule an
8 expedited hearing date for the following reasons:

- 9 1. NewPath has resolved the issues with Scottsdale, Paradise Valley and Carefree and
10 have entered into agreements with each of the communities to utilize their rights-of-
11 way for the construction of NewPath's Distributed Antenna System.
- 12 2. Among other things, the withdrawal of the Hearing Memoranda removes all
13 question regarding the jurisdiction of the Commission in these proceedings.
- 14 3. Staff continues to support NewPath's application for a CC&N.
- 15 4. NewPath has potential customers that have been waiting nearly two years for
16 NewPath's receipt of its CC&N so that NewPath can construct a DAS to serve those
17 customers in Arizona.

18 Therefore, NewPath respectfully requests, the Commission issue an expedited ROO as
19 soon as possible or in the alternative schedule an expedited hearing date as soon the
20 Commissions's schedule allows.

21 Respectfully submitted this 26th day of October, 2009.

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23 CHANNEL LAW GROUP, LLP

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26 Martha Hudak
27 Attorney for NewPath Networks, LLP

