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ARIZONA CORPORATION COMMISSION
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BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

DOCKETED

NOV 17 2009

COMMISSIONERS

10 **KRISTIN K. MAYES – Chairman**
11 **PAUL NEWMAN**
12 **SANDRA D. KENNEDY**
13 **BOB STUMP**
14 **GARY PIERCE**

DOCKETED BY *MM*

14 **IN THE MATTER OF HELIX**
15 **TELEPHONE COMPANY'S**
16 **APPLICATION TO DELETE A PORTION**
17 **OF FRONTIER CITIZENS RURAL'S**
18 **CERTIFICATE OF CONVENIENCE AND**
19 **AUTHORITY**

DOCKET NUMBER: T-01954B-07-0247
T-20526A-07-0247

**MOTION TO SET STATUS
CONFERENCE**

(The Honorable Marc Stern)

18 Helix Telephone Company ("Helix"), through undersigned counsel, hereby requests that
19 the Arizona Corporation Commission ("Commission") set this matter for a Status Conference.
20

21 On March 29, 2007, Helix filed and application for a Certificate of Convenience and
22 Necessity. The area applied for consisted of an area which was then and remains today an area
23 within the certificated area of Frontier Citizens Utilities Rural ("Frontier").

24 On April 19, 2007, Helix filed an application to have the area Helix applied to serve
25 deleted from Frontier's certificated area (the "area" or "area in question").

1 On May 25, 2007, Arizona Corporation Commission Staff ("Staff") filed a memorandum
2 recommending the matter be processed as a complaint proceeding so that time clock rules would
3 not apply allowing more time to adequately address the issues presented regarding Frontier's
4 unwillingness and/or inability to serve the area in question.

5 On May 30, 2007, the Commission served Frontier with a copy of the Complaint.

6 On June 25, 2007, Frontier filed an Answer and Motion to Dismiss Helix's Complaint.

7 On August 16, 2007, Helix filed its Response to Frontier's Answer and Motion to
8 Dismiss.

9 On August 21, 2007, having considered the merits of the proceeding the Commission set
10 the matter for a status conference to occur on September 19, 2007.

11 On September 19, 2007, parties and Staff, along with members of the public residing
12 within the area in question, appeared with counsel at the status conference. It was agreed that
13 discussions between the parties would continue and that another status conference would be set
14 in 60 days.

15 On September 20, 2007, a status conference was set to occur on November 19, 2007.

16 On November 15, 2007, Helix and Frontier filed a Joint Motion to Continue the
17 November 19, 2007 status conference. Frontier planned to serve customers in the area by
18 Satellite.

19 On November 16, 2007, the Commission granted the Joint Motion to Continue and
20 instructed that the parties file with the Commission a list of alternative dates for scheduling of
21 the status conference.

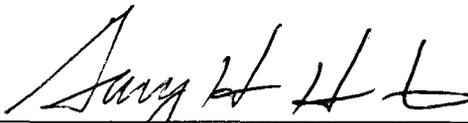
22 It is Helix's understanding, upon information provided by residents of the area in
23 question, that Frontier's efforts to provide service via satellite failed. This failure demonstrates
24 Frontier's inability to properly serve the area.

25

1 Helix therefore respectfully requests that the matter be set for status conference on a date
2 and at a time convenient for the Commission.

3
4 RESPECTFULLY REQUESTED this 16th day of November, 2009.

5
6 **GARY H. HORTON, ATTORNEY AT LAW, PLLC**

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9 Gary H. Horton, Esq.
Attorney for Helix Telephone Company

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12 Original and 13 copies of the foregoing
13 mailed this 16 day of November, 2009 to:

14 Docket Control
15 Arizona Corporation Commission
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17 Copies of the foregoing mailed this
18 16th day of November, 2009 to:

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