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BEFORE THE ARIZONA CORPORATION COMMISSION  
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Arizona Corporation Commission  
DOCKETED

MAR 15 2010

COMMISSIONERS

KRISTIN K. MAYES, Chairman 2010 MAR 15 P 2:36  
GARY PIERCE  
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BOB STUMP

AZ CORP COMMISSION  
DOCKET CONTROL

DOCKETED BY

IN THE MATTER OF THE APPLICATION OF  
ENTELEGENT SOLUTIONS, INC. FOR  
APPROVAL OF A CERTIFICATE OF  
CONVENIENCE AND NECESSITY TO  
PROVIDE RESOLD LONG DISTANCE,  
FACILITIES-BASED LOCAL EXCHANGE,  
AND SWITCHED ACCESS  
TELECOMMUNICATIONS SERVICES IN  
ARIZONA.

DOCKET NO. T-20663A-09-0130

**PROCEDURAL ORDER**  
**SETTING HEARING DATE**

**BY THE COMMISSION:**

On March 17, 2009, Entelegent Solutions, Inc. ("ESI" or "Company") filed with the Arizona Corporation Commission ("Commission") an application for a Certificate of Convenience and Necessity ("CC&N") to provide resold long distance, facilities-based local exchange, and switched access telecommunications services in Arizona.

On July 21, 2009, ESI docketed proof of filing a \$100,000 performance bond with the Commission's Business Office.

On September 9, 2009, ESI docketed responses to the Commission's Utilities Division ("Staff") Data Requests.

On October 26, 2009, ESI filed replacement tariff pages and responses to Staff's Second Set of Data Requests.

On February 19, 2010, Staff filed a Staff Report recommending approval of the application, subject to certain conditions.

Pursuant to A.A.C. R14-3-101, the Commission now issues this Procedural Order to govern the preparation and conduct of this proceeding.

IT IS THEREFORE ORDERED that the **hearing** on the above-captioned application shall commence on **April 29, 2010, at 1:00 p.m.**, or as soon thereafter as is practical, at the Commission's

1 offices, 1200 West Washington Street, Room 100, Phoenix, Arizona 85007.

2 IT IS FURTHER ORDERED that **ESI shall publish notice** of the application and the hearing  
 3 date, as stated below, in a newspaper(s) of general circulation in every county in Arizona in which  
 4 ESI desires to provide service, **by April 2, 2010.**

5 **IN THE MATTER OF THE APPLICATION OF ENTELEAGENT SOLUTIONS,**  
 6 **INC. FOR APPROVAL OF A CERTIFICATE OF CONVENIENCE AND**  
 7 **NECESSITY TO PROVIDE RESOLD LONG DISTANCE, FACILITIES-**  
 8 **BASED LOCAL EXCHANGE, AND SWITCHED ACCESS**  
 9 **TELECOMMUNICATIONS SERVICES IN ARIZONA.**  
 10 **(DOCKET NO. T-20663A-09-0130)**

11 On March 17, 2009, Enteleagent Solutions, Inc. ("ESI" or "Company") filed with the  
 12 Arizona Corporation Commission ("Commission") an application for a Certificate  
 13 of Convenience and Necessity ("CC&N") to provide resold long distance, facilities-  
 14 based local exchange, and switched access telecommunications services in Arizona.  
 15 ESI's application also requests that its proposed services be classified as  
 16 competitive. The Commission's Utilities Division ("Staff") has recommended  
 17 approval of ESI's application, subject to certain conditions. The Commission is not  
 18 bound by the proposals made by ESI, Staff, or any intervenors, and the Commission  
 19 will issue a Decision following consideration of testimony and evidence presented  
 20 at an evidentiary hearing. Copies of the application, Staff Report, and any written  
 21 exceptions to the Staff Report filed by ESI will be available at ESI's offices [**insert**  
 22 **address**] and on the internet via the Commission website ([www.azcc.gov](http://www.azcc.gov)) using the  
 23 e-docket function.

24 The Commission will hold a hearing on this matter beginning **April 29, 2010, at**  
 25 **1:00 p.m.**, at the Commission's offices, 1200 West Washington, Room 100,  
 26 Phoenix, Arizona. Public comments will be taken on the first day of the hearing.  
 27 Written public comments may be submitted via email (visit  
 28 [http://www.azcc.gov/divisions/utilities/forms/public\\_comment.pdf](http://www.azcc.gov/divisions/utilities/forms/public_comment.pdf) for instructions)  
 or by mailing a letter referencing Docket No. T-20663A-09-0130 to: Arizona  
 Corporation Commission, Consumer Services Section, 1200 West Washington,  
 Phoenix, AZ 85007. If you require assistance, you may contact the Consumer  
 Services Section at 1-800-222-7000 or 602-542-4251.

The law provides for an open public hearing at which, under appropriate  
 circumstances, interested parties may intervene. Any person or entity entitled by  
 law to intervene and having a direct and substantial interest in the matter will be  
 permitted to intervene. If you would like to intervene, you must file a written  
 motion to intervene with the Commission, and you must send copies of the motion  
 to ESI or its counsel and to all parties of record in the case. Your motion to  
 intervene must contain the following:

1. The name, address, and telephone number of the proposed intervenor and of  
 any person upon whom service of documents is to be made if different from  
 the intervenor;
2. A short statement of the proposed intervenor's interest in the proceeding (e.g.,  
 a customer of the Company, a shareholder of the Company, etc.); and

1 3. A statement certifying that a copy of the motion to intervene has been mailed  
2 to the Company or its counsel and to all parties of record in the case.

3 The granting of motions to intervene shall be governed by A.A.C. R14-3-105,  
4 except that all motions to intervene must be filed on or before April 12, 2010. The  
5 granting of intervention, among other things, entitles a party to present sworn  
6 evidence at the hearing and to cross examine other witnesses. However, failure to  
7 intervene will not preclude any interested person or entity from appearing at the  
8 hearing and making a statement on their own behalf. If representation by counsel is  
9 required by Rules 31 and 38 of the Rules of the Arizona Supreme Court,  
10 intervention will be conditioned upon the intervenor obtaining counsel to represent  
11 the intervenor.

12 The Commission does not discriminate on the basis of disability in admission to its  
13 public meetings. Persons with a disability may request a reasonable  
14 accommodation such as a sign language interpreter, as well as request this  
15 document in an alternative format, by contacting the ADA Coordinator, Shaylin  
16 Bernal, at SABernal@azcc.gov, voice phone number 602-542-3931. Requests  
17 should be made as early as possible to allow time to arrange the accommodation.

18 IT IS FURTHER ORDERED that **ESI shall file an Affidavit of Publication** with the  
19 Commission **no later than April 19, 2010**.

20 IT IS FURTHER ORDERED that **intervention** shall be in accordance with A.A.C. R14-3-  
21 105, except that all motions to intervene shall be filed by **April 12, 2010**.

22 IT IS FURTHER ORDERED that any objections to intervention(s) shall be filed by **April 22,**  
23 **2010**.

24 IT IS FURTHER ORDERED that ESI or any intervenors shall file specific  
25 disagreements/comments, if any, regarding the Staff Report by **April 12, 2010**.

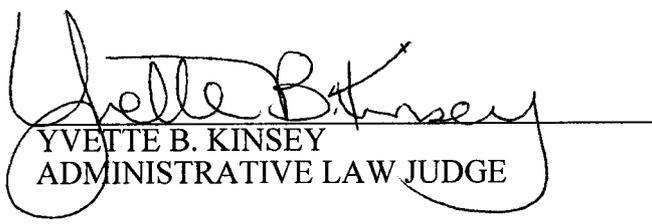
26 IT IS FURTHER ORDERED that all parties must comply with Rules 31 and 38 of the Rules  
27 of the Arizona Supreme Court and A.R.S. § 40-243 with respect to practice of law in Arizona and  
28 before the Commission and admission *pro hac vice*.

IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance  
with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Rule 42 of the  
Rules of Arizona Supreme Court). Representation before the Commission includes appearance at all  
hearings and procedural conferences, as well as all Open Meetings for which the matter is scheduled  
for discussion, unless counsel has previously been granted permission to withdraw by the  
Administrative Law Judge or the Commission.

1 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113 - Unauthorized  
2 Communications) applies to this proceeding and shall remain in effect until the Commission's  
3 Decision in this matter is final and non-appealable.

4 IT IS FURTHER ORDERED that the Presiding Officer may rescind, alter, amend, or waive  
5 any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

6 Dated this 15<sup>th</sup> day of March, 2010.

7  
8  
9  
10   
11 YVETTE B. KINSEY  
ADMINISTRATIVE LAW JUDGE

12 Copies of the foregoing mailed/delivered  
13 this 15<sup>th</sup> day of March, 2010 to:

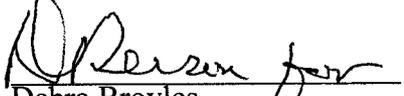
14 David Gibson  
15 ENTELEGENT SOLUTIONS, INC.  
3800 Arco Corporate Drive, Ste. 310  
Charlotte, NC 28273

16 Carey Rosel  
17 TECHNOLOGIES MANAGEMENT, INC.  
2600 Maitland Center Pkwy, Ste. 300  
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18 Janice Alward, Chief Counsel  
19 Legal Division  
ARIZONA CORPORATION COMMISSION  
1200 West Washington Street  
20 Phoenix, AZ 85007

21 Steven M. Olea, Director  
22 Utilities Division  
ARIZONA CORPORATION COMMISSION  
1200 West Washington Street  
23 Phoenix, AZ 85007

24 ARIZONA REPORTING SERVICE, INC.  
25 2200 North Central Avenue, Suite 502  
Phoenix, AZ 85004-1184

26 By:   
27 Debra Broyles  
28 Secretary to Yvette B. Kinsey