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**BEFORE THE ARIZONA CORPORATION COMMISSION**

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**KRISTIN K. MAYES**

**Chairman**

**GARY PIERCE**

**Commissioner**

**PAUL NEWMAN**

**Commissioner**

**SANDRA D. KENNEDY**

**Commissioner**

**BOB STUMP**

**Commissioner**

AZ CORP COMMISSION  
DOCKET CONTROL

Arizona Corporation Commission

**DOCKETED**

JUN - 4 2010

DOCKETED BY

**IN THE MATTER OF THE FORMAL  
COMPLAINT OF QWEST CORPORATION  
AGAINST ARIZONA DIALTONE, INC. TO  
ENFORCE ITS INTERCONNECTION  
AGREEMENT**

**DOCKET NO. T-03608A-07-0694  
T-01051B-07-0694**

**JOINT MOTION TO DISMISS**

Qwest Corporation ("Qwest") and Arizona Dialtone, Inc. ("AZDT") jointly move for an order dismissing this Complaint proceeding.

Qwest and AZDT (the "Parties") have entered into a Settlement Agreement and Mutual Release ("Settlement Agreement"), whereby Qwest releases and forever discharges AZDT from all claims asserted in this Complaint, and whereby AZDT releases and forever discharges Qwest from all claims and counterclaims arising out of the Parties' interconnection agreement as amended. A copy of the Settlement Agreement has been provided to the Utilities Division Staff.

Upon the Settlement Agreement, AZDT moved to dismiss its voluntary Chapter 11 bankruptcy proceeding, which motion was granted by the Bankruptcy Court of May 26, 2010. A copy of the order is attached, marked as Attachment A. Thus, the automatic stay provisions of §362 of the Bankruptcy Code do not now apply.

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For the foregoing reasons, a dismissal of the Complaint should be ordered.

Respectfully submitted, this 4<sup>th</sup> day of June, 2010.

QWEST CORPORATION

By Norman G. Curtright  
Norman G. Curtright  
20 E. Thomas Rd., 16<sup>th</sup> Floor  
Phoenix, Arizona 85012

CHEIFETZ IANNITELLI MARCOLINE, P.C.

By Norman G. Curtright for  
Claudio E. Iannitelli, Esq.  
Glenn B. Hotchkiss, Esq.  
Matthew A. Klopp, Esq.  
1850 North Central Avenue, 19<sup>th</sup> Floor  
Phoenix, Arizona 85004

Attorneys for Arizona Dialtone, Inc.

ORIGINAL and 13 copies hand-delivered  
for filing this 4<sup>th</sup> day of June, 2010, to:

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

Copy of the foregoing hand delivered  
this 4<sup>th</sup> day of June, 2010, to:

Sarah Harpring, Administrative Law Judge  
Hearing Division  
ARIZONA CORPORATION COMMISSION  
1200 W. Washington  
Phoenix, AZ 85007

1 Armando Fimbres  
Utilities Division  
2 ARIZONA CORPORATION COMMISSION  
1200 W. Washington Street  
3 Phoenix, AZ 85007

4 Maureen A. Scott, Esq.  
Legal Division  
5 ARIZONA CORPORATION COMMISSION  
1200 W. Washington Street  
6 Phoenix, AZ 95007

7

8 Copy of the foregoing mailed  
this 4<sup>th</sup> day of June, 2010, to:

9

10 Tom Bade  
President—Arizona Dialtone, Inc.  
11 115 S. Kyrene Rd, Suite 103  
Tempe, AZ 85283

12

13 Glenn B. Hotchkiss, Esq.  
Cheifetz, Iannitelli & Marcoline P.C.  
1850 North Central Avenue, 19<sup>th</sup> Floor  
14 Phoenix, Arizona 85004

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**ATTACHMENT A**

**IT IS HEREBY ADJUDGED  
and DECREED this is SO  
ORDERED.**

The party obtaining this order is responsible for  
noticing it pursuant to Local Rule 9022-1.



**Dated: May 26, 2010**

1 GORDON SILVER  
2 THOMAS E. LITTLER, ESQ./SBN 006917  
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3 ROBERT C. WARNICKE, ESQ./SBN 015345  
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5 Telephone (602) 256-0400  
Facsimile (602) 256-0345  
6 Attorneys for Arizona Dialtone, Inc.

**RANDOLPH J. HAINES  
U.S. Bankruptcy Judge**

7 **UNITED STATES BANKRUPTCY COURT**  
8 **FOR THE DISTRICT OF ARIZONA**

9 In re:  
10 ARIZONA DIALTONE, INC.  
11 Debtor.

Case No.: 2:09-bk-10665-RJH  
Chapter 11

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14 **ORDER DISMISSING VOLUNTARY CHAPTER 11 PROCEEDING**

15 This matter having come before the Court on the Debtor's Motion to Dismiss, notice  
16 being given, and a hearing held, Debtor appearing by and through counsel, Gordon Silver, and  
17 there being no objections by the creditors or by any party in interest, the Court is of the opinion  
18 that dismissal of this case is in the best interest of the Debtor and its creditors, therefore

19 IT IS HEREBY ORDERED that the petition filed herein on May 18, 2009 is dismissed  
20 without prejudice.

21 DATED AND SIGNED  
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