

ORIGINAL



0000113219

BEFORE THE ARIZONA CORPORATION COMMISSION

RECEIVED

Arizona Corporation Commission
DOCKETED

JUL 26 2010

2010 JUL 26 P 2:47

COMMISSIONERS

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

ARIZONA CORPORATION COMMISSION
DOCKET CONTROL

DOCKETED BY

IN THE MATTER OF THE APPLICATION OF
TELEQUALITY COMMUNICATIONS, INC. FOR
APPROVAL OF A CERTIFICATE OF
CONVENIENCE AND NECESSITY TO PROVIDE
PRIVATE LINE DATA SERVICES.

DOCKET NO. T-20626A-08-0484

PROCEDURAL ORDER

BY THE COMMISSION:

On September 19, 2008, TeleQuality Communications, Inc. ("TeleQuality"), filed with the Arizona Corporation Commission ("Commission") an application requesting a Certificate of Convenience and Necessity ("CC&N") to provide resold and facilities-based private line data services and that its services be classified as competitive. TeleQuality described the services to be rendered as resold and facilities-based, non-switched, dedicated point-to-point data transport telecommunications services.

On June 5, 2009, TeleQuality filed a revised tariff, specifying that certain changes had been made in response to Data Requests from the Commission's Utilities Division Staff ("Staff").

On September 18, 2009, TeleQuality filed additional revised tariff pages.

On July 23, 2010, Staff issued a Staff Report, recommending approval of the amended application, with conditions.

As Staff has issued its Staff Report, it is now appropriate to schedule a hearing in this matter and to establish other procedural requirements and deadlines. As it appears that Data Requests have been issued by Staff and that responses thereto have been provided by TeleQuality without being docketed, among those procedural requirements and deadlines will be a requirement for Staff to docket copies of the Data Requests issued and a requirement for TeleQuality to docket copies of the

1 responses that it has provided thereto.¹

2 IT IS THEREFORE ORDERED that a **hearing** in this matter shall commence on **September**
 3 **28, 2010, at 10:00 a.m.**, or as soon thereafter as is practicable, in **Room 100** at the Commission's
 4 offices, 1200 West Washington Street, Phoenix, Arizona 85007.

5 IT IS FURTHER ORDERED that **TeleQuality shall, by August 23, 2010, publish notice** of
 6 the application and hearing, as stated below, in a newspaper(s) of general circulation in every county
 7 in Arizona in which TeleQuality requests to provide services.

8 **PUBLIC NOTICE OF A HEARING ON THE APPLICATION OF TELEQUALITY**
 9 **COMMUNICATIONS, INC. FOR APPROVAL OF A CERTIFICATE OF CONVENIENCE**
 10 **AND NECESSITY TO PROVIDE PRIVATE LINE DATA SERVICES.**
 11 **(Docket No. T-20626A-08-0484)**

12 **Summary**

13 TeleQuality Communications, Inc. ("TeleQuality"), has filed with the Arizona
 14 Corporation Commission ("Commission") an application requesting a Certificate of
 15 Convenience and Necessity ("CC&N") to provide resold and facilities-based private
 16 line data services throughout Arizona and that its services be classified as competitive.
 17 TeleQuality describes the services to be rendered as resold and facilities-based, non-
 18 switched, dedicated point-to-point data transport telecommunications services.

19 The Commission's Utilities Division ("Staff") has recommended approval of the
 20 application, subject to certain conditions. The Commission will issue a decision
 21 regarding the application following consideration of testimony and evidence presented
 22 at an evidentiary hearing. The Commission is not bound by the proposals made by
 23 TeleQuality, Staff, or any intervenors.

24 **How You Can View or Obtain a Copy of the Application and Other Documents**

25 Copies of the Application and the other documents filed in this matter are available at
 26 the offices of TeleQuality [**COMPANY INSERT ADDRESS HERE**]; at the
 27 Commission's Docket Control Center at 1200 West Washington, Phoenix, Arizona, for
 28 public inspection during regular business hours; and on the Internet via the
 Commission's website (www.azcc.gov) using the e-Docket function.

Arizona Corporation Commission Public Hearing Information

The Commission will hold a hearing on this matter beginning **September 28, 2010, at 10:00 a.m.**, in Room 100 at the Commission's offices, 1200 West Washington Street, Phoenix, Arizona. Public comments will be taken on the first day of the hearing. Written public comments may be submitted by mailing a letter referencing Docket No. T-20626A-08-0484 to Arizona Corporation Commission, Consumer Services Section, 1200 West Washington, Phoenix, AZ 85007, or by e-mail. For a form to use and instructions on how to e-mail comments to the Commission, go to http://www.azcc.gov/divisions/utilitiestest/forms/public_comment.pdf. If you require

¹ If TeleQuality asserts that any of the information provided to Staff in response to a Data Request is confidential, TeleQuality shall docket redacted copies of the affected responses along with an explanation as to why confidentiality is asserted.

1 assistance, you may contact the Consumer Services Section at 1-800-222-7000 or 602-
2 542-4251.

3 About Intervention

4 The law provides for an open public hearing at which, under appropriate
5 circumstances, interested parties may intervene. Any person or entity entitled by law
6 to intervene and having a direct and substantial interest in the matter will be permitted
7 to intervene. If you desire to intervene, you must file an original and 13 copies of a
8 written motion to intervene with the Commission no later than **September 10, 2010**.
9 You must send a copy of the motion to intervene to TeleQuality or its counsel and to
10 all parties of record. Your motion to intervene must contain the following:

- 11 1. Your name, address, and telephone number and the name, address, and
12 telephone number of any person upon whom service of documents is to be
13 made, if not yourself;
- 14 2. A short statement of your interest in the proceeding (e.g., a customer of
15 TeleQuality, etc.); and
- 16 3. A statement certifying that you have mailed a copy of the motion to intervene
17 to TeleQuality or its counsel and to all parties of record in the case.

18 The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except
19 that all motions to intervene must be filed on or before **September 10, 2010**. The
20 granting of intervention, among other things, entitles a party to present sworn evidence
21 at the hearing and to cross-examine other witnesses. However, failure to intervene
22 will not preclude any interested person or entity from appearing at the hearing and
23 providing public comment on the application or from filing written comments in the
24 record of the case. For information about requesting intervention, visit the
25 Commission's website at <http://www.azcc.gov/divisions/utilities/forms/interven.pdf>.
26 If representation by counsel is required by Rules 31 and 38 of the Rules of the Arizona
27 Supreme Court, intervention will be conditioned upon the intervenor's obtaining
28 counsel to represent the intervenor.

29 ADA/Equal Access Information

30 The Commission does not discriminate on the basis of disability in admission to its
31 public meetings. Persons with a disability may request a reasonable accommodation
32 such as a sign language interpreter and may request this document in an alternative
33 format by contacting the ADA Coordinator, Shaylin Bernal, at sbernal@azcc.gov,
34 voice phone number (602) 542-3931. Requests should be made as early as possible to
35 allow time to arrange the accommodation.

36 IT IS FURTHER ORDERED that **TeleQuality** shall file specific disagreements/comments, if
37 any, regarding the Staff Report by **August 23, 2010**.

38 IT IS FURTHER ORDERED that **Staff** shall, by **August 23, 2010**, file copies of Staff's Data
39 Requests issued to TeleQuality in this matter.

40 IT IS FURTHER ORDERED that **TeleQuality** shall, by **August 23, 2010**, file copies of
41 TeleQuality's responses previously provided to Staff in response to Staff's Data Requests in this
42 matter. If TeleQuality asserts that any of the information provided to Staff in response to a Data
43 Request is confidential, TeleQuality shall file redacted copies of the affected responses along with an

1 explanation as to why confidentiality is asserted.

2 IT IS FURTHER ORDERED that **TeleQuality** shall, **no later than September 7, 2010**, file
3 an **affidavit of publication** with the Commission.

4 IT IS FURTHER ORDERED that **intervention** shall be in accordance with A.A.C. R14-3-
5 105, except that all motions to intervene must be filed on or before **September 10, 2010**.

6 IT IS FURTHER ORDERED that any **objections to motions to intervene** must be filed on or
7 before **September 20, 2010**.

8 IT IS FURTHER ORDERED that **intervenors** shall file specific disagreements/comments, if
9 any, regarding the application and Staff Report by **September 20, 2010**.

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

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

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

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

24 Dated this 26th day of July, 2010.

25
26
27 
28 SARAH N. HARPRING
ADMINISTRATIVE LAW JUDGE

1 Copies of the foregoing mailed/delivered
this 26th day of July, 2010, to:

2 Michael T. Hallam
3 LEWIS & ROCA LLP
40 North Central Avenue, Suite 1900
Phoenix, AZ 85004

4 Janice Alward, Chief Counsel
5 Legal Division
6 ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, AZ 85007

7 Steven M. Olea, Director
8 Utilities Division
9 ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, AZ 85007

10 ARIZONA REPORTING SERVICE, INC.
11 2200 North Central Avenue, Suite 502
Phoenix, AZ 85004-1481

12
13 By: 
14 Debbi Person
15 Assistant to Sarah N. Harpring
16
17
18
19
20
21
22
23
24
25
26
27
28