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BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission

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COMMISSIONERS

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

IN THE MATTER OF THE APPLICATION
OF BROADVOX-CLEC, LLC FOR
APPROVAL OF A CERTIFICATE OF
CONVENIENCE AND NECESSITY TO
PROVIDE RESOLD LONG DISTANCE
RESOLD LOCAL EXCHANGE, AND
FACILITIES-BASED LOCAL EXCHANGE
TELECOMMUNICATIONS SERVICES IN
ARIZONA.

DOCKET NO. T-20666A-09-0173

PROCEDURAL ORDER
SETTING HEARING DATE

BY THE COMMISSION:

On April 6, 2009, Broadvox-CLEC, LLC ("Broadvox" or "Company") filed an application with the Arizona Corporation Commission ("Commission") for approval of a Certificate of Convenience and Necessity ("CC&N") to provide resold long distance, resold local exchange, and facilities-based local exchange telecommunications services within the State of Arizona. Broadvox's application also requests a determination that its proposed services are competitive within Arizona.

On April 22, 2009, the Commission's Utilities Division ("Staff") issued its First Set of Data Requests.

On September 23, 2009, Staff docketed a memorandum recommending that this docket be administratively closed because Broadvox had failed to respond to Staff's first set of data requests.

On September 29, 2009, Broadvox filed a letter requesting an extension of time to provide its response to Staff's first set of data requests.

On December 7, 2009, Broadvox filed it responses to Staff's first set of data requests.

On January 8, 2010, Staff issued its second set of data requests to Broadvox.

On January 21, 2010, Broadvox filed its responses to Staff's second set of data requests.

On March 5, 2010, Staff issued its third set of data requests to Broadvox.

1 On March 29, 2010, Broadvox filed a revised application removing confidential information
2 that had been inadvertently included in its original application.

3 On April 7, 2010, Broadvox filed its responses to Staff's third set of data requests.

4 On June 25, 2010, Staff filed a Staff Report recommending approval of Broadvox's
5 application, subject to certain conditions.

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

8 IT IS THEREFORE ORDERED that the **hearing** on the above-captioned application shall
9 commence on **September 14, 2010, at 10:00 a.m.**, or as soon thereafter as is practical, at the
10 Commission's offices, 1200 West Washington Street, Room 100, Phoenix, Arizona 85007.

11 IT IS FURTHER ORDERED that **Broadvox shall publish notice** of the application and the
12 hearing date, as stated below, in a newspaper(s) of general circulation in every county in Arizona in
13 which Broadvox desires to provide service, **by July 30, 2010.**

14 **IN THE MATTER OF THE APPLICATION OF BROADVOX-CLEC, LLC**
15 **FOR APPROVAL OF A CERTIFICATE OF CONVENIENCE AND**
16 **NECESSITY TO PROVIDE RESOLD LONG DISTANCE, RESOLD LOCAL**
17 **EXCHANGE, AND FACILITIES-BASED LOCAL EXCHANGE**
18 **TELECOMMUNICATION SERVICES IN ARIZONA.**
19 **(DOCKET NO. T-20666A-09-0173)**

20 On April 6, 2009, Broadvox-CLEC, LLC ("Broadvox") filed an application with the
21 Arizona Corporation Commission ("Commission") for approval of a Certificate of
22 Convenience and Necessity ("CC&N") to provide resold long distance, resold local
23 exchange, and facilities-based local exchange telecommunication services in Arizona.
24 Broadvox also petitioned the Commission for a determination that its proposed
25 services are competitive in Arizona. The Commission's Utilities Division ("Staff")
26 has recommended approval of Broadvox's application, subject to certain conditions.
27 The Commission is not bound by the proposals made by Broadvox, Staff, or any
28 intervenors, and the Commission will issue a Decision following consideration of
testimony and evidence presented at an evidentiary hearing. Copies of the
application, Staff Report, and any written objections to the Staff Report filed by
Broadvox or any intervenor(s) will be available at Broadvox's offices [**insert
address**] and on the internet via the Commission website (www.azcc.gov) using the
e-docket function.

25 The Commission will hold a hearing on Broadvox's application on **September 14,**
26 **2010, at 10:00 a.m.**, at the Commission's offices, 1200 West Washington Street,
27 Room 100, Phoenix, Arizona. Public comments will be taken on the first day of the
28 hearing. Written public comments may be submitted via email (visit
<http://www.azcc.gov/divisions/utilities/forms.asp> for instructions) or by mailing a
letter referencing Docket No. T-20666A-09-0173 to: Arizona Corporation
Commission, Consumer Services Section, 1200 West Washington Street, Phoenix,

1 AZ 85007. If you require assistance, you may contact the Consumer Services Section
2 at 1-800-222-7000 or 602-542-4251.

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

- 10 1. The name, address and telephone number of the proposed intervenor and of
11 any person upon whom service of documents is to be made if different from
12 the intervenor;
- 13 2. A short statement of the proposed intervenor's interest in the proceeding (e.g.,
14 a customer of the Company, a shareholder of the Company, etc.); and
- 15 3. A statement certifying that a copy of the motion to intervene has been mailed
16 to the Company or its counsel and to all parties of record in the case.

17 The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except
18 that all motions to intervene must be filed on or before August 16, 2010. The
19 granting of intervention, among other things, entitles a party to present sworn
20 evidence at the hearing and to cross examine other witnesses. However, failure to
21 intervene will not preclude any interested person or entity from appearing at the
22 hearing and making a statement on their own behalf. If representation by counsel is
23 required by Rules 31 and 38 of the Rules of the Arizona Supreme Court, intervention
24 will be conditioned upon the intervenor obtaining counsel to represent the intervenor.

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

IT IS FURTHER ORDERED that **Broadvox shall file an Affidavit of Publication** with the
Commission **no later than August 16, 2010**.

IT IS FURTHER ORDERED that **intervention** shall be in accordance with A.A.C. R14-3-
105, except that all motions to intervene shall be filed by **August 16, 2010**.

IT IS FURTHER ORDERED that any **objections to intervention(s)** shall be filed by **August
30, 2010**.

IT IS FURTHER ORDERED that **Broadvox or any intervenors** shall file specific
disagreements/comments, if any, regarding the Staff Report by **August 30, 2010**.

IT IS FURTHER ORDERED that all parties must comply with Rules 31 and 38 of the Rules

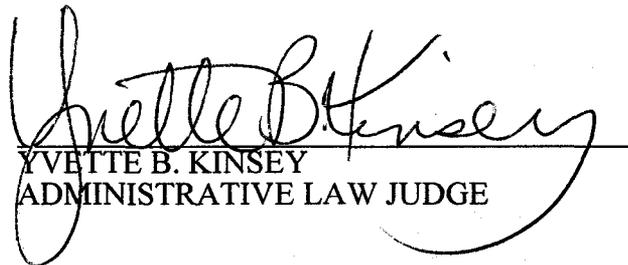
1 of the Arizona Supreme Court and A.R.S. § 40-243 with respect to practice of law in Arizona and
2 before the Commission and admission *pro hac vice*.

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

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

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

14 Dated this 17th day of July, 2010.

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16
17 
18 YVETTE B. KINSEY
ADMINISTRATIVE LAW JUDGE

19 Copies of the foregoing mailed/delivered
20 this 7th day of July, 2010 to:

21 Lance J.M. Steinhart
22 LANCE J.M. STEINHART, P.C.
1720 Windward Concourse, Suite 115
Alpharetta, GA 30005

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

23 Michael W. Patten
24 ROSHKA DEWULF & PATTEN, PLC
One Arizona Center
400 East Van Buren Street, Suite 800
25 Phoenix, AZ 85004

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

26 Janice Alward, Chief Counsel
27 Legal Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
28 Phoenix, AZ 85007

By: 
Debra Broyles
Secretary to Yvette B. Kinsey