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BEFORE THE ARIZONA CORPORATION COMMISSION

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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
COMTECH21, LLC FOR A CERTIFICATE OF
CONVENIENCE AND NECESSITY TO PROVIDE
RESOLD LOCAL EXCHANGE
TELECOMMUNICATIONS SERVICES IN THE
STATE OF ARIZONA.

DOCKET NO. T-04080A-04-0034

PROCEDURAL ORDER

BY THE COMMISSION:

On January 20, 2004, ComTech21, LLC ("Applicant" or "ComTech21") submitted to the Arizona Corporation Commission ("Commission") an application for a Certificate of Convenience and Necessity ("Certificate") to provide resold and facilities-based local exchange telecommunications services within the State of Arizona.

On January 22, 2004, the Commission's Utilities Division staff ("Staff") filed a letter indicating that ComTech21's application had not met the sufficiency requirements as outlined in the Arizona Administrative Code ("A.A.C.").

Between March 23, 2004, and May 7, 2004, Applicant docketed additional information in support of its application.

On August 24, 2004, by Procedural Order, Staff was directed to file a Status Report on Applicant's application.

On September 13, 2004, Staff docketed a Second Set of Data Requests. On that same date, Staff filed a memorandum recommending that the docket remain open.

On November 8, 2004, Applicant submitted a request for extension of time to submit its responses to Staff's Data Requests.

On November 18, 2004, Applicant submitted its responses to Staff's Data Requests.

Between November 18, 2004, and October 3, 2006, no other filings were made in this docket.

1 On October 3, 2006, by Procedural Order, Staff was directed to file an update on the status of
2 Applicant's application and to make any appropriate recommendations thereon.

3 On October 31, 2006, Staff filed a memorandum recommending that this docket remain open.

4 On January 11, 2007, Staff filed a Letter of Insufficiency and Third Set of Data Requests.

5 On August 2, 2007, Staff filed a Letter of Insufficiency and Fourth Set of Data Requests.

6 On August 21, 2007, ComTech21 filed its response to Staff's Letter of Insufficiency and
7 Third Set of Data Requests, indicating that it was only seeking authority to provide resold local
8 exchange telecommunication services.¹

9 No filings were made in this docket between August 21, 2007, and June 16, 2008.

10 On June 16, 2008, a Procedural Order was issued directing Staff to file an update on the status
11 of the above captioned application.

12 On August 6, 2008, ComTech21 filed its 2006 and 2007 assets, equity, and net income
13 figures.

14 On August 18, 2008, Staff filed a memorandum indicating that the Staff Report in the matter
15 would be filed within the next 30 days and recommending that this docket remain open.

16 On February 6, 2009, ComTech21 filed an amendment to its proposed tariff.

17 On January 6, 2010, by Procedural Order, Staff was directed to make a filing in this docket
18 updating the Commission on the status of the above-captioned application.

19 On February 5, 2010, Comtech21 filed an amendment to its proposed tariff as requested by
20 Staff.

21 On February 17, 2010, Staff filed a Staff Report on ComTech21's application recommending
22 approval of the application with conditions.

23 On April 12, 2010, by Procedural Order, ComTech21 was directed to publish notice of the
24 application by May 3, 2010, and to docket an affidavit of publication by May 10, 2010.

25 On August 2, 2010, by Procedural Order, a Procedural Conference was scheduled to discuss
26 ComTech21's failure to publish notice in accordance with the April 12, 2010, Procedural Order and
27

28 ¹ The caption for this matter has been revised to reflect the change in type of services requested by the Applicant.

1 to discuss the Applicant's intent to pursue the application in this docket. Further, Applicant was
2 advised that failure to appear at the Procedural Conference could result in administrative closure of
3 this docket.

4 On August 17, 2010, ComTech21 filed a letter stating that it was no longer seeking local
5 certification in Arizona; that Applicant would not appear for the Procedural Conference; and
6 requesting that this docket be administratively closed.

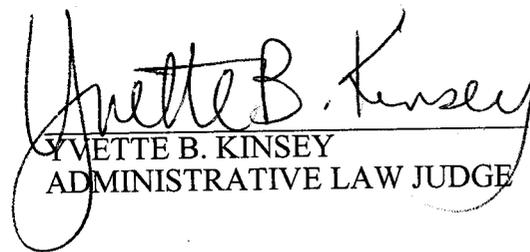
7 IT IS THEREFORE ORDERED that Staff shall file a response to ComTech21's request to
8 withdraw its application in this matter on or before **August 31, 2010**.

9 IT IS FURTHER ORDERED that the **Procedural Conference scheduled to commence on**
10 **August 31, 2010, is hereby vacated.**

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

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

16 DATED this 18th day of August, 2010.

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YVETTE B. KINSEY
ADMINISTRATIVE LAW JUDGE

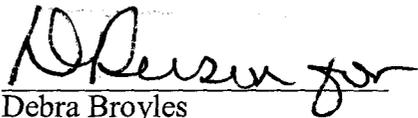
21 Copies of the foregoing mailed/delivered
22 this 18th day of August, 2010 to:

23 Laura Matosian, VP Operations
24 COMTECH21, LLC
25 One Barnes Park South
26 Wallingford, CT 06492

27 Janice Alward, Chief Counsel
28 Legal Division
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Phoenix, AZ 85007

1 Steve M. Olea, Director
2 Utilities Division
3 ARIZONA CORPORATION COMMISSION
4 1200 West Washington Street
5 Phoenix, AZ 85007

6 ARIZONA REPORTING SERVICE, INC.
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By: 
Debra Broyles
Secretary to Yvette B. Kinsey