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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

GARY PIERCE - Chairman
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AZ CORP COMMISSION
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Arizona Corporation Commission
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IN THE MATTER OF THE APPLICATION OF
MOAIC NETWORX LLC FOR APPROVAL OF
A CERTIFICATE OF CONVENIENCE AND
NECESSITY TO PROVIDE FACILITIES-BASED
LOCAL EXCHANGE TELECOMMUNICATIONS
SERVICES AND RESOLD AND FACILITIES-
BASED INTRALATA AND INTERLATA
PRIVATE LINE SERVICES IN ARIZONA.

DOCKET NO. T-20777A-10-0510

PROCEDURAL ORDER
SETTING HEARING DATE

BY THE COMMISSION:

On December 20, 2010, Mosaic Networx, LLC ("Mosaic" or "Company") filed with the Arizona Corporation Commission ("Commission") an application for approval of a Certificate of Convenience and Necessity ("CC&N") to provide facilities-based local exchange and resold and facilities-based intraLATA and interLATA private line telecommunication services throughout Arizona. Mosaic's application also requests a determination that its proposed services are competitive.

On May 23, 2011, Mosaic docketed responses to Staff's First Set of Data Requests.

On May 31, 2011, Staff filed a Staff Report recommending approval of Mosaic's 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 be held on **September 12, 2011, at 10:00 a.m.**, or as soon thereafter as is practical, at the Commission's offices, 1200 West Washington Street, **2nd Floor Conference Room**, Phoenix, Arizona 85007.

IT IS FURTHER ORDERED that **Mosaic shall publish, by August 5, 2011, notice** of the application and the hearing date, as stated below, in a newspaper of general circulation in every county in Arizona in which Mosaic desires to provide service.

**IN THE MATTER OF THE APPLICATION OF MOSAIC NETWORKX, LLC
FOR APPROVAL OF A CERTIFICATE OF CONVENIENCE AND
NECESSITY TO PROVIDE FACILITIES-BASED LOCAL EXCHANGE AND
RESOLD AND FACILITIES-BASED INTRALATA AND INTERLATA
PRIVATE LINE TELECOMMUNICATION SERVICES IN ARIZONA.
(DOCKET NO. T-20777A-10-0510)**

On December 20, 2010, Mosaic Networkx LLC ("Mosaic" or "Company") filed with the Arizona Corporation Commission ("Commission") an application for approval of a Certificate of Convenience and Necessity ("CC&N") to provide facilities-based local exchange and resold and facilities-based intraLATA and interLATA private line telecommunication services throughout Arizona. Mosaic's application also requests a determination that its proposed services are competitive within Arizona. The Commission's Utilities Division ("Staff") has recommended Commission approval of Mosaic's application, subject to certain conditions. The Commission will issue a Decision following consideration of testimony and evidence presented at an evidentiary hearing. The Commission is not bound by the proposals made by Mosaic, Staff, or intervenors. If Mosaic's application is approved, Mosaic will be required to provide service under the rates, charges, terms and conditions established by the Commission. Copies of the application, Staff Report, and any written objections to the Staff Report filed by Mosaic will be available at Mosaic's offices [Insert Company Address]; at the Commission's Docket Control Center at 1200 West Washington, Phoenix, Arizona; and on the internet via the Commission's website (www.azcc.gov) using the e-Docket function.

The Commission will hold a hearing on Mosaic's application on **September 12, 2011, at 10:00 a.m.**, at the Commission's offices, 1200 West Washington Street, 2nd Floor Conference Room, Phoenix, Arizona. Public comments will be taken on the first day of the hearing. Written public comments may be submitted via email (for instructions go to <http://www.azcc.gov/Divisions/Utilities/consumerservices.asp>) or by mailing a letter referencing Docket No. T-20777A-10-0510 to: Arizona Corporation Commission, Consumer Services Section, 1200 West Washington Street, 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 Mosaic 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
3. A statement certifying that a copy of the motion to intervene has been mailed to the Company or its counsel and to all parties of record in the case.

The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except that all motions to intervene must be filed on or before August 19, 2011. The granting of intervention, among other things, entitles a party to present sworn

1 evidence at the hearing and to cross examine other witnesses. However, failure to
2 intervene will not preclude any interested person or entity from appearing at the
3 hearing and making a statement on their own behalf. If representation by counsel is
4 required under Arizona Supreme Court Rules 31 and 38, intervention will be
5 conditioned upon the intervenor obtaining counsel to represent the intervenor.

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

12 IT IS FURTHER ORDERED that **Mosaic shall file, by August 19, 2011, an Affidavit of**
13 **Publication** with the Commission.

14 IT IS FURTHER ORDERED that **all motions for intervention shall filed by August 19,**
15 **2011,** and shall be in accordance with A.A.C. R14-3-105.

16 IT IS FURTHER ORDERED that any **objections to intervention(s)** shall be filed by
17 **September 2, 2011.**

18 IT IS FURTHER ORDERED that **specific disagreements/comments, if any, to the Staff**
19 **Report or application shall be filed by September 2, 2011.**

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

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

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

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

3 Dated this 15th day of July, 2011.

4
5 
6 YVETTE B. KINSEY
7 ADMINISTRATIVE LAW JUDGE
8

9 Copies of the foregoing mailed/delivered
10 this 15th day of July, 2011 to:

11 Patrick D. Crocker
12 CROCKER & CROCKER, P.C.
13 107 West Michigan Avenue, 4th Floor
14 Kalamazoo, MI 49007
15 Attorneys for Mosaic Networx, LLC

16 Janice Alward, Chief Counsel
17 Legal Division
18 ARIZONA CORPORATION COMMISSION
19 1200 West Washington Street
20 Phoenix, AZ 85007

21 Steven M. Olea, Director
22 Utilities Division
23 ARIZONA CORPORATION COMMISSION
24 1200 West Washington Street
25 Phoenix, AZ 85007

26 ARIZONA REPORTING SERVICE, INC.
27 2200 North Central Avenue, Suite 502
28 Phoenix, AZ 85004-1481

By: 
Debra Broyles
Secretary to Yvette B. Kinsey