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BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

GARY PIERCE- CHAIRMAN
BOB STUMP
SANDRA D. KENNEDY
PAUL NEWMAN
BRENDA BURNS

2012 MAY 18 P 1:51

ARIZONA CORP COMMISSION
DOCKET CONTROL

PAC-WEST TELECOMM, INC.)

Complainant,)

vs.)

QWEST CORPORATION,)

Respondent.)

DOCKET NO. T-01051B-05-0495

DOCKET NO. T-03693A-05-0495

Arizona Corporation Commission

DOCKETED

MAY 18 2012

DOCKETED BY *JM.*

LEVEL 3 COMMUNICATIONS, LLC)

Complainant,)

vs.)

QWEST CORPORATION,)

Respondent.)

DOCKET NO. T-03654A-05-0415

DOCKET NO. T-01051B-05-0415

**MOTION AND CONSENT OF MICHAEL W. PATTEN FOR PRO HAC VICE
ADMISSION OF MICHAEL J. SHORTLEY, III ON BEHALF OF
LEVEL 3 COMMUNICATIONS, LLC**

Pursuant to Rule 33(c) and (d) Rules of Supreme Court, Michael W. Patten moves the Arizona Corporation Commission to admit Michael J. Shortley, III as counsel pro hac vice in this action.

The following exhibits are attached here to pursuant to Rule 33(c) and (d):

1. The Original Verified Application;
2. The Certificates of Good Standing; and
3. The State Bar of Arizona Notice of Receipt.

ROSHKA DEWULF & PATTEN, PLC
ONE ARIZONA CENTER
400 EAST VAN BUREN STREET - SUITE 800
PHOENIX, ARIZONA 85004
TELEPHONE NO 602-256-6100
FACSIMILE 602-256-6800

1 RESPECTFULLY SUBMITTED this 18th day of May, 2012.

2 LEVEL 3 COMMUNICATIONS, LLC.

3
4
5 By 
6 Michael W. Patten
7 Roshka DeWulf and Patten, PLC
8 400 East Van Buren Street, Suite 800
9 Phoenix, Arizona 85004

Attorneys for Level 3 Communications, LLC

10 Original and 13 copies of the foregoing
11 filed this 18th day of May 2012 with:

12 Docket Control
13 Arizona Corporation Commission
14 1200 West Washington Street
15 Phoenix, Arizona 85007

16 Copy of the foregoing hand-delivered/mailed
17 this 18th day of May 2012 t:

18 Jane Rodda, Esq
19 Administrative Law Judge
20 Hearing Division
21 Arizona Corporation Commission
22 400 West Congress
23 Tucson, Arizona 85701

24 Maureen A. Scott, Esq
25 Legal Division
26 Arizona Corporation Commission
27 1200 West Washington
Phoenix, Arizona 85007

Steve Olea
Utilities Division
Arizona Corporation Commission
1200 West Washington
Phoenix, Arizona 85007

Norman G. Curtright
Corporate Counsel
Qwest Corporation
20 East Thomas Rd, 16th Floor
Phoenix, Arizona 85012

ROSHKA DEWULF & PATTEN, PLC
ONE ARIZONA CENTER
400 EAST VAN BUREN STREET - SUITE 800
PHOENIX, ARIZONA 85004
TELEPHONE NO 602-256-6100
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Craig Marks
Craig A. Marks, PLC
10645 North Tatum Blvd, Suite 200-676
Phoenix, Arizona 85028

By 



For Official Use Only
 App# 1006820
 Bar Number# 0184918

Attn: Pro Hac Vice Dept
 PO Box 53099
 Phoenix, AZ 85072-3099
 Phone: 602-340-7239

Application for Appearance Pro Hac Vice

PART I: Applicant Information

Name of Applicant: Michael J. Shortley, III

Firm/Company Name: Level 3 Communications

Office Address: 225 Kenneth Drive; Rochester, New York 14623

Telephone: Fax: (T) 585.255.1429 (F) 585.334.0201 Email Address: michael.shortley@level3.com

Residence Address: 21 Braunston Drive, Fairport, New York 14450

Title of cause or case where applicant seeks to appear: Level 3 Communications, LLC vs. Qwest Corporation

Docket Number: T-03654A-05-0415/T-01051B-05-0415

Court, Board, or Administrative Agency: Arizona Corporation Commission

Party on whose behalf applicant seeks to appear: Level 3 Communications, LLC

Pursuant to Arizona Supreme Court Rule 38(i)(3), the applicant shall complete the information below:

Courts to Which Applicant Has Been Admitted: <i>(Attach additional pages if needed)</i>	Date of Admission:	Bar Number:
<u>New York</u>	<u>May 1980</u>	<u>1686690</u>
<u>District of Columbia</u>	<u>December 1984</u>	<u>384871</u>
<u>U.S. Supreme Court</u>	<u>April 2006</u>	
<u>D.C. Circuit</u>	<u>December 1984</u>	
<u>Second Circuit</u>	<u>August 2008</u>	
<u>Fourth Circuit</u>	<u>December 1984</u>	
<u>Ninth Circuit</u>	<u>December 2004</u>	
<u>Southern District of New York</u>	<u>June 1980</u>	
<u>Western District of New York</u>	<u>May 1998</u>	
<u>District of Columbia (U.S.)</u>	<u>March 1985</u>	

Applicant is a member in good standing in such courts.

Applicant is not currently disbarred or suspended in any court.

Applicant is / is not (select one) currently subject to any pending disciplinary proceeding or investigation by any court, agency or organization authorized to discipline attorneys at law.

In the preceding three (3) years, applicant has filed applications to appear as counsel under AZ ST S.C., Rule 28(a) in the following:

Revised 01/15/09

DEPOSITED

MAY 07 2012

0097.96 Patten / Shortley

OK 2013 OF \$460

Title of Matter:	Docket #:	Court or Agency:	App Granted? (Y/N)
<u>None</u>	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

This case or cause is / is not (select one) a related or consolidated matter for which applicant has previously applied to appear pro hac vice in Arizona. If this matter is a related or consolidated with any previous application, Applicant certifies that he/she will review and comply with appropriate rules of procedure as required in the underlying cause.
 If applicable, please provide related or consolidated matter application or docket# _____

PART II: Local Counsel Information

Name of Arizona Local Counsel: Michael W. Patten

State Bar of Arizona Number: 009796

Address: One Arizona Center, 400 East Van Buren, Suite 800, Phoenix, Arizona 85004

Telephone: (602) 256-6100 Fax: (602) 256-6800 Email Address: mpatten@rdp-law.com

- Local Counsel is a member in good standing.
- Local Counsel associating with a nonresident attorney in a particular cause shall accept joint responsibility with the nonresident attorney to the client, to opposing parties and counsel, and to court, board, or administrative agency in that particular cause.

PART III: Parties and Certification

Name(s) of each party in this cause and name and address of all counsel of record:

Party:	Counsel of Record:	Address:
<u>Qwest Corporation</u>	<u>Norman Curtright</u>	<u>20 E. Thomas Rd, 16th Floor, Phx, Az 85012</u>
<u>Qwest Corporation</u>	<u>Tom Dethlefs</u>	<u>1801 California St, Denver, Colo. 80202</u>
<u>Level 3 Communications</u>	<u>Michael W. Patten</u>	<u>400 E. Van Buren, Phoenix, AZ 85004</u>
<u>Pac-West</u>	<u>Craig Marks</u>	<u>10645 N. Tatum Blvd, Phx, AZ -- 85028</u>

Applicant is including with this application a nonrefundable application fee, payable to the State Bar of Arizona, in the amount of \$460.00. Fifteen percent of the non-refundable application fee paid pursuant to this section shall be deposited into a civil legal services fund to be distributed by the Arizona Foundation for Legal Services and Education entirely to approved legal services organizations, as that term is defined in subparagraph (f) of this rule.

Applicant is furnishing a certificate from the state bar or from the clerk of the highest admitting court of each state, territory, or insular possession of the United States in which the nonresident attorney has been admitted to practice law certifying the nonresident attorney's date of admission to such jurisdiction and the current status of the nonresident attorney's membership or eligibility to practice therein. The certificate furnished shall be no more than forty-five (45) days old.

Applicant certifies the following:

1. Applicant shall be subject to the jurisdiction of the courts and agencies of the State of Arizona and to the State Bar of Arizona with respect to the law of this state governing the conduct of attorneys to the same extent as an active member of the State Bar of Arizona, as provided in Rule 46(b) Rules of the Supreme Court.
2. Applicant will review and comply with appropriate rules of procedure as required in the underlying cause.
3. Applicant understands and shall comply with the standards of conduct required of members of the State Bar of Arizona.

Verification

STATE OF NEW YORK)

County of MONROE) ss.

I, MICHAEL J. SHORTLEY III, swear that all statements in the application are true, correct and complete to the best of my knowledge and belief.

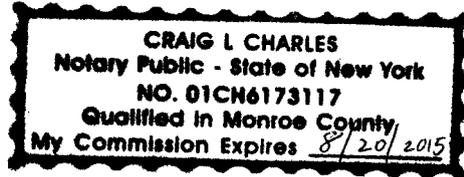
Dated: 3 MAY 2012

Applicant's Signature: *Michael J. Shortley III*

SUBSCRIBED AND SWORN TO before me this 3rd day of May, 2012, by

Michael J. Shortley III
Name of Applicant

Craig L. Charles
Notary Public





District of Columbia Court of Appeals
Committee on Admissions
430 F Street, N.W. — Room 123
Washington, D. C. 20001
202 / 879-2710

I, JULIO A. CASTILLO, Clerk of the District of Columbia Court of Appeals, do hereby certify that

MICHAEL J. SHORTLEY III

was on the 11TH day of DECEMBER, 1984

duly qualified and admitted as an attorney and counselor entitled to practice before this Court and is, on the date indicated below, an active member in good standing of this Bar.

In Testimony Whereof, I have hereunto subscribed my name and affixed the seal of this Court at the City of Washington, D.C., on April 27, 2012.

JULIO A. CASTILLO
Clerk of the Court

By: Brenda Hancock
Deputy Clerk

Appellate Division of the Supreme Court
of the State of New York
First Judicial Department

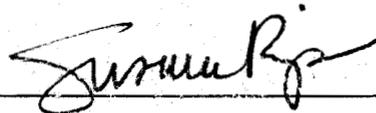
I, Susanna Rojas, Clerk of the Appellate Division of the Supreme Court of the State of New York, First Judicial Department, certify that

MICHAEL JOSEPH SHORTLEY, III

was duly licensed and admitted to practice as an Attorney and Counsellor at Law in all the courts of the State of New York on **May 19, 1980**, has duly taken and subscribed the oath of office prescribed by law, has been enrolled in the Roll of Attorneys and Counsellors at Law on file in my office, has duly registered with the administrative office of the courts, and according to the records of this court is in good standing as an attorney and counsellor at law.

In Witness Whereof, I have hereunto set my hand and affixed the seal of this court on

April 25, 2012



Clerk of the Court

1 **Arizona Corporation Commission**

2 Level 3 communications LLC,)
3 Plaintiff)
4 v.)
5 Qwest Corporation ,)
6 Defendant.)

CASE # T03654A050415

SBA App #1006826

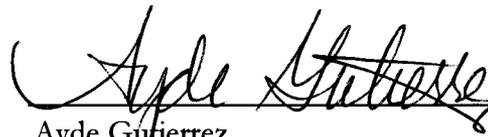
NOTICE OF RECEIPT OF COMPLETE APPLICATION

7 NOTICE IS HEREBY given by THE STATE BAR OF ARIZONA that it has received the
8 verified application and fee from Michael Shortley.

9 In addition to this application, applicant has made the following applications to appear pro hac
10 vice, pursuant to Rule38 (a), within the previous three (3) years:

Title of Matter	Court/Agency	Date	Granted?
Exhibit A, the original verified application and Exhibit B, the original Certificate(s) of Good Standing are attached hereto.			

13 DATED this 16nd day of May 2012



15 Ayde Gutierrez
16 Resource Center
17 State Bar of Arizona

18 Original Mailed on this 16nd day of May 2012 to:

19 Michael W Patten
20 Roshka DeWulf & Patten PLC
21 400 E Van Buren Suite 800
22 One Arizona Center
23 Phoenix, AZ 85004-2262