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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

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

Arizona Corporation Commission

DOCKETED

OCT 04 2012

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DOCKET CONTROL

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DOCKETED BY *IM*

IN THE MATTER OF THE APPLICATION OF SPECTROTEL, INC. DBA ONETOUCH COMMUNICATIONS DBA TOUCH BASE COMMUNICATIONS FOR APPROVAL OF A CERTIFICATE OF CONVENIENCE AND NECESSITY TO PROVIDE RESOLD LONG DISTANCE AND FACILITIES-BASED LOCAL EXCHANGE TELECOMMUNICATIONS SERVICES IN ARIZONA.

DOCKET NO. T-20821A-11-0385

PROCEDURAL ORDER  
SETTING HEARING DATE

BY THE COMMISSION:

On October 18, 2011, Spectrotel, Inc. dba OneTouch Communications dba Touch Base Communications ("Spectrotel" or "Company") filed with the Arizona Corporation Commission ("Commission") an application for approval of a Certificate of Convenience and Necessity ("CC&N") to provide resold long distance, facilities-based local exchange, and switched access telecommunication services within the State of Arizona. Spectrotel's application also requests a determination that its proposed services are competitive in Arizona.

On November 16, 2011, Spectrotel filed a supplement to its application.

On September 14, 2012, Staff filed a Staff Report recommending approval of Spectrotel'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 **December 14, 2012, at 1:30 p.m.**, or as soon thereafter as is practical, at the Commission's offices, 1200 West Washington Street, 2<sup>nd</sup> Floor Conference Room, Phoenix, Arizona.

IT IS FURTHER ORDERED that **Spectrotel shall publish, by November 5, 2012, notice** in a newspaper of general circulation in every county in Arizona in which Spectrotel desires to provide

1 service, in the following form and style, with a heading no less than 12-point bold type, and a body in  
 2 no less than 10-point regular type:  
 3

4 **IN THE MATTER OF THE APPLICATION OF SPECTROTEL, INC. DBA**  
 5 **ONETOUCH COMMUNICATIONS DBA TOUCH BASE**  
 6 **COMMUNICATIONS FOR APPROVAL OF A CERTIFICATE OF**  
 7 **CONVENIENCE AND NECESSITY TO PROVIDE RESOLD**  
 8 **LONGDISTANCE, FACILITIES-BASED LOCAL EXCHANGE, AND**  
 9 **SWITCHED ACCESS TELECOMMUNICATION SERVICES IN ARIZONA.**  
 10 **(DOCKET NO. T-20821A-11-0385)**

11 On October 18, 2011, Spectrotel, Inc. dba OneTouch Communications dba Touch  
 12 Base Communications ("Spectrotel" or "Company") filed with the Arizona  
 13 Corporation Commission ("Commission") an application for approval of a Certificate  
 14 of Convenience and Necessity ("CC&N") to provide resold long distance, facilities-  
 15 based local exchange, and switched access telecommunication services within the  
 16 State of Arizona. Spectrotel's application also requests a determination that its  
 17 proposed services are competitive in Arizona. The Commission's Utilities Division  
 18 ("Staff") has recommended that the Commission approve Spectrotel's application,  
 19 subject to certain conditions. The Commission will issue a Decision following  
 20 consideration of testimony and evidence presented at an evidentiary hearing. The  
 21 Commission is not bound by the proposals made by Spectrotel, Staff, or intervenors.  
 22 If Spectrotel's application is approved, Spectrotel will be required to provide service  
 23 under the rates, charges, terms and conditions established by the Commission. Copies  
 24 of Spectrotel's application, Staff Report, and any written objections to the Staff Report  
 25 filed by Spectrotel will be available at Spectrotel's offices [**Insert Company**  
 26 **Address**]; at the Commission's Docket Control Center at 1200 West Washington,  
 27 Phoenix, Arizona; and on the internet via the Commission's website (www.azcc.gov)  
 28 using the e-Docket function.

19 The Commission will hold a hearing on Spectrotel's application on **December 14,**  
 20 **2012, at 1:30 p.m.,** at the Commission's offices, 1200 West Washington Street, 2<sup>nd</sup>  
 21 Floor Conference Room, Phoenix, Arizona. Public comments will be taken on the first  
 22 day of the hearing. Written public comments may be submitted by mailing a letter  
 23 referencing **Docket No. T-20821A-11-0385** to: Arizona Corporation Commission,  
 24 Consumer Services Section, 1200 West Washington Street, Phoenix, AZ 85007. If  
 25 you require assistance, you may contact the Consumer Services Section at 1-800-222-  
 26 7000 or 602-542-4251.

22 The law provides for an open public hearing at which, under appropriate  
 23 circumstances, interested parties may intervene. Any person or entity entitled by law  
 24 to intervene and having a direct and substantial interest in the matter will be permitted  
 25 to intervene. If you would like to intervene, you must file a written motion to  
 26 intervene with the Commission, and you must send copies of the motion to Spectrotel  
 27 or its counsel and to all parties of record in the case. Your motion to intervene must  
 28 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;

- 1 2. A short statement of the proposed intervenor's interest in the proceeding (e.g.,  
2 a customer of the Company, a shareholder of the Company, etc.); and
- 3 3. A statement certifying that a copy of the motion to intervene has been mailed  
4 to the Company or its counsel and to all parties of record in the case.

4 The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except  
5 that all motions to intervene must be filed on or before November 19, 2012. The  
6 granting of intervention, among other things, entitles a party to present sworn  
7 evidence at the hearing and to cross examine other witnesses. However, failure to  
8 intervene will not preclude any interested person or entity from appearing at the  
9 hearing and making a statement on their own behalf. If representation by counsel is  
10 required under Arizona Supreme Court Rules 31 and 38, intervention will be  
11 conditioned upon the intervenor obtaining counsel to represent the intervenor.

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

18 IT IS FURTHER ORDERED that **Spectrotel shall file, by November 19, 2012, an Affidavit**  
19 **of Publication** with the Commission.

20 IT IS FURTHER ORDERED that **all motions for intervention shall be filed by November**  
21 **19, 2012**, and shall be in accordance with A.A.C. R14-3-105.

22 IT IS FURTHER ORDERED that any **objections to intervention(s) shall be filed by**  
23 **December 3, 2012**.

24 IT IS FURTHER ORDERED that **specific disagreements/comments, if any, to the Staff**  
25 **Report or application shall be filed by December 3, 2012**.

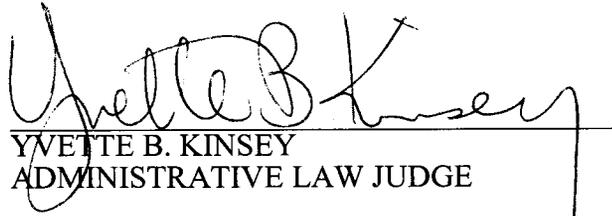
26 IT IS FURTHER ORDERED that **all parties must comply with Arizona Supreme Court**  
27 **Rules 31 and 38 and A.R.S. § 40-243 with respect to practice of law in Arizona and before the**  
28 **Commission and admission *pro hac vice***.

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

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

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

6 Dated this 4<sup>th</sup> day of October, 2012.

7  
8   
9 YVETTE B. KINSEY  
10 ADMINISTRATIVE LAW JUDGE  
11

12 Copies of the foregoing mailed/delivered  
this 4<sup>th</sup> day of October, 2012 to:

13 Ross Artale  
14 SPECTROTEL INC.  
15 3535 State Highway 66, Suite 7  
16 Neptune, NJ 07753

17 Sharon Thomas  
18 TECHNOLOGIES MANAGEMENT INC.  
19 2600 Maitland Center Parkway, Suite 300  
20 Maitland, FL 62751  
21 Consultants to Applicant

22 Janice Alward, Chief Counsel  
23 Legal Division  
24 ARIZONA CORPORATION COMMISSION  
25 1200 West Washington Street  
26 Phoenix, AZ 85007

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

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

26 By:   
27 Debra Broyles  
28 Secretary to Yvette B. Kinsey