

ORIGINAL



BEFORE THE ARIZONA CORPORATION COMMISSION

RECEIVED

Arizona Corporation Commission
DOCKETED

2013 MAR -5 P 2:51

MAR 5 2013

CORP COMMISSION
DOCKET CONTROL

DOCKETED
JM

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

COMMISSIONERS

BOB STUMP - Chairman
GARY PIERCE
BRENDA BURNS
BOB BURNS
SUSAN BITTER SMITH

IN THE MATTER OF TRANSTELCO, INC.
FOR APPROVAL OF A CERTIFICATE OF
CONVENIENCE AND NECESSITY TO
PROVIDE FACILITIES-BASED LOCAL
EXCHANGE TELECOMMUNICATIONS
SERVICES IN ARIZONA.

DOCKET NO. T-20697A-12-0325

PROCEDURAL ORDER
SETTING HEARING DATE

BY THE COMMISSION:

On July 16, 2012, Transtelco, Inc. ("Transtelco" or the "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 telecommunication services in the State of Arizona. Transtelco's application also requests a determination that its proposed services are competitive in Arizona.

On January 13, 2013, the Company filed an amendment to its application.

On February 22, 2013, Staff filed a Staff Report recommending approval of Transtelco'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 **May 6, 2013 at 10:00 a.m.**, or as soon thereafter as is practical, at the Commission's offices, 1200 West Washington Street, Hearing Room No. 1, Phoenix, Arizona.

IT IS FURTHER ORDERED that **Transtelco shall publish, by March 29, 2013, notice of the application and hearing date** in a newspaper of general circulation in every county in Arizona in which Transtelco desires to provide service, in the following form and style, with a heading no less than 10-point bold type, and a body in no less than 8-point regular type:

1
2
3
4

**IN THE MATTER OF THE APPLICATION OF TRANSTELCO, INC. FOR
APPROVAL OF A CERTIFICATE OF CONVENIENCE AND NECESSITY
TO PROVIDE FACILITIES-BASED LOCAL EXCHANGE
TELECOMMUNICATION SERVICES IN ARIZONA.
(DOCKET NO. T-20697A-12-0325)**

5
6
7
8
9
10
11
12

On July 16, 2012, Transtelco, Inc. ("Transtelco" or the "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 telecommunication services within the State of Arizona. Transtelco's application also requests a determination that its proposed services are competitive in Arizona. The Commission's Utilities Division ("Staff") has recommended approval of Transtelco'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 Transtelco, Staff, or intervenors. If the Company's application is approved, Transtelco will be required to provide service under the rates, charges, terms and conditions established by the Commission. Copies of Transtelco's application, Staff Report, and any written objections to the Staff Report filed by the Company will be available at Transtelco'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.

13
14
15
16
17

The Commission will hold a hearing on Transtelco's application on **May 6, 2013, at 10:00 a.m.**, at the Commission's offices, 1200 West Washington Street, Hearing Room No. 1, Phoenix, Arizona. Public comments will be taken on the first day of the hearing. Written public comments may be submitted by mailing a letter referencing **Docket No. T-20697A-12-0325** 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.

18
19
20

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 Transtelco or its counsel and to all parties of record in the case. Your motion to intervene must contain the following:

- 21
22
23
24
25
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.

26
27
28

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 April 12, 2013. The granting of intervention, among other things, entitles a party to present sworn evidence at the hearing and to cross examine other witnesses. However, failure to intervene will not preclude any interested person or entity from appearing at the hearing and making a

1 statement on their own behalf. If representation by counsel is required under Arizona
2 Supreme Court Rules 31 and 38, intervention will be conditioned upon the intervenor
3 obtaining counsel to represent the intervenor.

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

10 IT IS FURTHER ORDERED that **Transtelco shall file, by April 12, 2013, an Affidavit of**
11 **Publication** with the Commission.

12 IT IS FURTHER ORDERED that **all motions for intervention shall be filed by April 12,**
13 **2013,** and shall be in accordance with A.A.C. R14-3-105.

14 IT IS FURTHER ORDERED that any **objections to intervention(s) shall be filed by April**
15 **26, 2013.**

16 IT IS FURTHER ORDERED that **specific disagreements/comments, if any, to the Staff**
17 **Report or application shall be filed by April 26, 2013.**

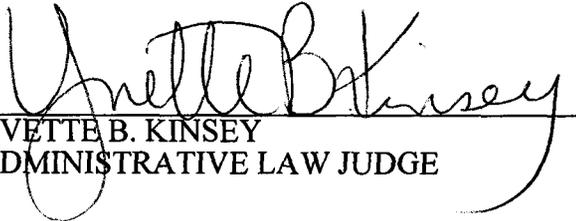
18 IT IS FURTHER ORDERED that **all parties must comply with Arizona Supreme Court**
19 **Rules 31 and 38 and A.R.S. § 40-243 with respect to practice of law in Arizona and before the**
20 **Commission and admission *pro hac vice*.**

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

27 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113 - Unauthorized
28 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 5th day of March, 2013.

4
5
6 
7 YVETTE B. KINSEY
ADMINISTRATIVE LAW JUDGE

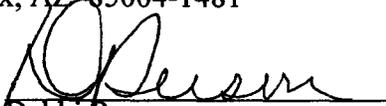
8 Copies of the foregoing mailed/delivered
9 this 5th day of March, 2013 to:

10 Robin Norton
2600 Maitland Center Pkwy, Suite 300
11 Maitland, FL 32751
Consultants to Applicant

12 Janice Alward, Chief Counsel
Legal Division
13 ARIZONA CORPORATION COMMISSION
1200 West Washington Street
14 Phoenix, AZ 85007

15 Steven M. Olea, Director
Utilities Division
ARIZONA CORPORATION COMMISSION
16 1200 West Washington Street
Phoenix, AZ 85007

17 ARIZONA REPORTING SERVICE, INC.
18 2200 North Central Avenue, Suite 502
Phoenix, AZ 85004-1481

19
20 By: 
Debbi Person
21 Assistant to Yvette B. Kinsey

22
23
24
25
26
27
28