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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

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

RECEIVED  
AZ CORP COMMISSION  
DOCKET CONTROL

2013 APR 23 AM 10 00

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

APR 23 2013

DOCKETED BY [Signature]

PROCEDURAL ORDER

BY THE COMMISSION:

This matter arose originally from a Complaint filed by Pac West Telecomm, Inc. ("Pac-West"), against Qwest Corporation ("Qwest" now known as "Qwest Corporation d/b/a CenturyLink") and resulted in Decision No. 68820. Qwest appealed the matter to the United States District Court for the District of Arizona. On July 25, 2008, Qwest filed a "Notice of Final Order and Remand" and a Motion for Judgment Pursuant to Mandate. The District Court issued an Order on March 6, 2008, and Qwest is now seeking to have the Commission vacate provisions of Decision No. 68820 which Qwest claims were enjoined by that Order, and is requesting that the Commission order Pac-West to refund the \$1,849,153.22 that Qwest had paid to Pac-West pursuant to Decision No. 68820.

The matter has been briefed and oral argument was held on June 12, 2012. The matter awaits the preparation of a Recommended Opinion and Order ("ROO").

On April 4, 2013, Pac-West filed a Notice of Bankruptcy indicating that Pac-West filed for relief under Chapter 11 of the United States Bankruptcy Code in the United States Bankruptcy Court, Western District of Texas, Austin Division, Case Number 13-10573-hem. Pac-West believes that the

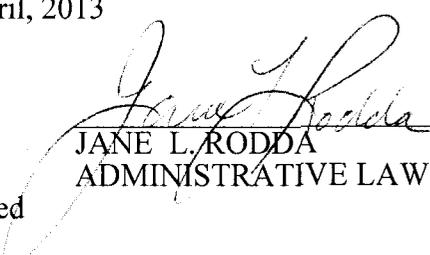
1 bankruptcy filing stays further proceedings in this docket pursuant to U.S.C. § 362, until further order  
2 of the Bankruptcy Court.

3 The Commission now seeks comments from the parties whether the Pac-West bankruptcy  
4 filing prevents the Hearing Division from issuing a ROO in this matter and/or the Commission from  
5 taking action on that ROO.

6 IT IS THEREFORE ORDERED that the **parties and Staff** shall file their **Comments** on the  
7 effect of the Pac-West bankruptcy filing on further actions or proceedings in this docket by **May 10,**  
8 **2013.**<sup>1</sup>

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

11 Dated this 19<sup>th</sup> day of April, 2013

12  
13   
JANE L. RODDA  
ADMINISTRATIVE LAW JUDGE

14 Copies of the foregoing mailed/delivered  
15 this 19<sup>th</sup> day of April, 2013 to:

16 Norman Curtright  
17 Qwest Corporation  
20 E. Thomas Road, 16<sup>th</sup> Floor  
17 Phoenix, AZ 85012

18 Tom Dethlefs  
19 1801 California Street, 10<sup>th</sup> Floor  
19 Denver, CO 80202-2658

20 Jen Olson  
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24 Craig A. Marks, PLC  
24 10645 N. Tatum Blvd.  
25 Suite 200-676  
25 Phoenix, AZ 85028  
26 Attorney for Pac-West

27  
28 <sup>1</sup> In addition to any information or legal arguments the parties believe are relevant, the Comments should specifically address if there is a distinction between issuing a ROO and Commission taking action on such ROO.

1 Janice Alward, Chief Counsel  
2 Legal Division  
3 ARIZONA CORPORATION COMMISSION  
4 1200 West Washington Street  
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6 Steve Olea, Director  
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By   
Jane L. Rodda