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BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

COMMISSIONERS

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

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AZ CORP COMMISSION DOCKET CONTROL

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IN THE MATTER OF THE APPLICATION OF UNITE PRIVATE NETWORKS, LLC FOR A CERTIFICATE OF CONVENIENCE AND NECESSITY TO PROVIDE FACILITIES-BASED PRIVATE LINE TELECOMMUNICATION SERVICES IN ARIZONA.

DOCKET NO. T-20534A-07-0346

PROCEDURAL ORDER
(Setting a Hearing Date)

BY THE COMMISSION:

On June 1, 2007, Unite Private Networks, LLC ("UPN" or "Company") filed with the Arizona Corporation Commission ("Commission") an application for a Certificate of Convenience and Necessity ("Certificate") to provide facilities-based private line telecommunication services in Arizona.

On June 29, 2007, the Commission's Utilities Division Staff ("Staff") filed a Letter of Insufficiency and its First Set of Data Requests in this docket.

On July 16, 2007, Staff docketed a second Letter of Insufficiency.

On August 13, 2007, UPN filed its response to Staff's First Set of Data Requests.

On August 17, 2009, by Procedural Order, Staff was directed to file an update with the Commission regarding the status of the above-captioned application.

On September 30, 2009, Staff filed an update on UPN's application, stating that the Company intends to still pursue the application, and that Staff recommended that the docket not be closed.

On October 7, 2011, Lance J.M. Steinhart, Esq., filed a Notice of Appearance on behalf of UPN.

On November 28, 2011, UPN docketed its response to Staff's Second Set of Data Requests.

On March 27, 2013, UPN docketed its response to Staff's Third Set of Data Requests.

On March 28, 2013, the UPN filed additional information related to its application.

1 On August 9, 2013, Staff filed its Staff Report recommending approval of UPN's application,
2 subject to certain conditions.

3 Pursuant to A.A.C. R14-3-101, the Commission now issues this Procedural Order to govern
4 the preparation and conduct of this proceeding.

5 IT IS THEREFORE ORDERED that the **hearing** in the above-captioned matter shall be held
6 on **October 15, 2013 at 10:00 a.m.**, or as soon thereafter as is practical, at the Commission's office,
7 1200 West Washington St., Hearing Room No. 1, Phoenix, Arizona 85007.

8 IT IS FURTHER ORDERED that UPN shall publish notice of the hearing in this matter in the
9 following form and style, with the heading no less than 10 point bold type and the body no less than 6
10 point regular type:

11 **IN THE MATTER OF THE APPLICATION OF UNITE PRIVATE NETWORKS, LLC**
12 **FOR APPROVAL OF A CERTIFICATE OF CONVENIENCE AND NECESSITY**
13 **TO PROVIDE FACILITES-BASED PRIVATE LINE TELECOMMUNICATION**
14 **SERVICES IN ARIZONA.**
15 **DOCKET NO. T-20534-07-0346**

16 On June 1, 2007, Unite Private Networks, LLC. ("UPN" or the "Company") filed with
17 the Arizona Corporation Commission ("Commission") an application for approval of a
18 Certificate of Convenience and Necessity ("CC&N") to provide facilities-based
19 private-line telecommunication services in Arizona. UPN's application also requests a
20 determination that its proposed services are competitive in Arizona. The
21 Commission's Utilities Division ("Staff") has recommended approval of UPN's
22 application, subject to certain conditions. The Commission will issue a Decision
23 following consideration of testimony and evidence presented at an evidentiary hearing.
24 The Commission is not bound by the proposals made by UPN, Staff, or intervenors. If
25 the Company's application is approved, UPN will be required to provide service under
26 the rates, charges, terms and conditions established by the Commission. Copies of
27 UPN's application, the Staff Report, and any written objections to the Staff Report
28 filed by the Company will be available at UPN'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 UPN's application on **October 15, 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-20534A-07-0346** 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

1 to intervene and having a direct and substantial interest in the matter will be permitted
2 to intervene. If you would like to intervene, you must file a written motion to
3 intervene with the Commission, and you must send copies of the motion to UPN or its
4 counsel and to all parties of record in the case. Your motion to intervene must
5 contain the following:

- 6 1. Your name, address, telephone number, and of any person upon whom service
7 of documents is to be made if different from the intervenor;
- 8 2. A short statement of your interest in the proceeding (e.g., a customer of the
9 Company, a shareholder of the Company, etc.); and
- 10 3. A statement certifying that a copy of the motion to intervene has been mailed
11 to the Company or its counsel and to all parties of record in the case.

12 The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except
13 that all motions to intervene must be filed on or before September 25, 2013. The
14 granting of intervention, among other things, entitles a party to present sworn
15 evidence at the hearing and to cross examine other witnesses. However, failure to
16 intervene will not preclude any interested person or entity from appearing at the
17 hearing and making a statement on their own behalf. All parties must comply with
18 Arizona Supreme Court Rules 31, 38, and 42 and A.R.S. § 40-243 with respect to the
19 practice of law.

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

26 IT IS FURTHER ORDERED that UPN shall file, by September 25, 2013, an Affidavit of
27 Publication with the Commission.

28 IT IS FURTHER ORDERED that all motions for intervention shall be filed by September
29 25, 2013, and shall be in accordance with A.A.C. R14-3-105.

30 IT IS FURTHER ORDERED that any objections to intervention(s) shall be filed by
31 October 9, 2013.

32 IT IS FURTHER ORDERED that specific disagreements/comments, if any, to the Staff
33 Report or application shall be filed by October 9, 2013.

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

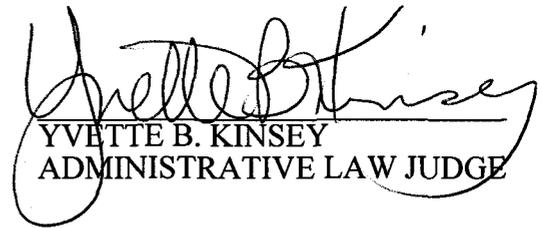
37 IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance
38 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Arizona

1 Supreme Court Rule 42). Representation before the Commission includes appearance at all hearings
2 and procedural conferences, as well as all Open Meetings for which the matter is scheduled for
3 discussion, unless counsel has previously been granted permission to withdraw by the Administrative
4 Law Judge or the Commission.

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

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

10 Dated this 21st day of August, 2013.


YVETTE B. KINSEY
ADMINISTRATIVE LAW JUDGE

15 Copies of the foregoing mailed
16 this 21st day of August, 2013 to:

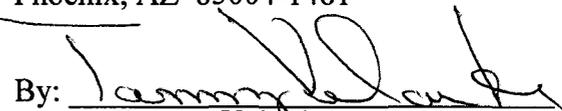
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