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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

Arizona Corporation Commission

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BOB STUMP – CHAIRMAN  
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DOCKETED

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AZ CORP COMMISSION  
DOCKET CONTROL

DOCKETED BY

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

DOCKET NO. T-20534A-07-0346

PROCEDURAL ORDER

**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 (“CC&N”) 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.

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

On August 13, 2007, UPN filed a 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 intended to continue pursuing the application, and that Staff recommended that the docket not be administratively 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.

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

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

4 On August 21, 2013, by Procedural Order, this matter was set for hearing to begin on October  
5 15, 2013, and other procedural deadlines were established.

6 On September 19, 2013, UPN filed its Notice of Filing of Affidavit of Publication, indicating  
7 that notice of the application and hearing date had been published in the *Arizona Republic*, a  
8 newspaper of general circulation in Arizona.

9 On October 15, 2013, a full public hearing was commenced before a duly authorized  
10 Administrative Law of the Commission. Staff appeared through counsel and UPN failed to appear.  
11 No members of the public appeared to give public comments on the application. The hearing was  
12 vacated because neither the Company, nor its counsel was present at the hearing.

13 It is appropriate to have the Company file, in this docket, a pleading discussing whether UPN  
14 has a continuing desire to pursue a CC&N to provide telecom services in Arizona. Because this  
15 matter has been pending since 2007, it is reasonable to put UPN on notice that the failure to timely  
16 file the above-mentioned pleading may result in this docket being administratively closed. It is also  
17 appropriate to suspend the timeclock in this matter.

18 **IT IS THEREFORE ORDERED that UPN shall file, in this docket, on or before November**  
19 **1, 2013, a pleading discussing whether it intends to pursue a CC&N to provide telecommunication**  
20 **services in Arizona.**

21 **IT IS FURTHER ORDERED that UPN is hereby placed on notice that the failure to**  
22 **timely file the above-mentioned pleading may result in this docket being administratively**  
23 **closed.**

24 **IT IS FURTHER ORDERED that the timeclock in this matter is hereby suspended.**

25 **IT IS FURTHER ORDERED that all parties must comply with Arizona Supreme Court**  
26 **Rules 31, 38, and 42 and A.R.S. § 40-243 with respect to practice of law in Arizona and before**  
27 **the Commission and admission *pro hac vice*.**

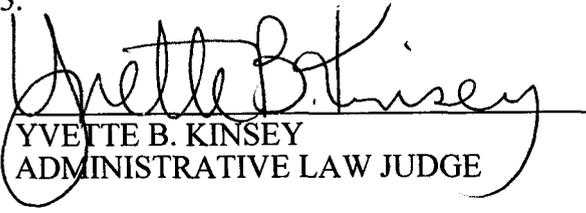
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1 IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance  
2 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Arizona  
3 Supreme Court Rule 42). Representation before the Commission includes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

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

10 IT IS FURTHER ORDERED that the Administrative Law Judge may rescind, alter, amend,  
11 or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at  
12 hearing.

13 DATED this 16<sup>th</sup> day of October, 2013.

  
YVETTE B. KINSEY  
ADMINISTRATIVE LAW JUDGE

17 Copies of the foregoing mailed/delivered  
18 this 16<sup>th</sup> day of October, 2013 to:

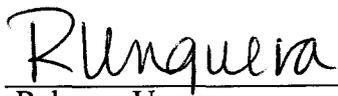
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