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BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission

DOCKETED

AZ CORP COMMISSION
DOCKET CONTROL

NOV 18 2013

DOCKETED BY [Signature]

IN THE MATTER OF THE OF THE
APPLICATION OF CONTERRA ULTRA
BROADBAND, LLC FOR A CERTIFICATE OF
CONVENIENCE TO PROVIDE INTRASTATE
TELECOMMUNICATIONS SERVICES IN
ARIZONA.

DOCKET NO. T-20869A-12-0499

PROCEDURAL ORDER
(Schedules Hearing)

BY THE COMMISSION:

On December 27, 2012, Conterra Ultra Broadband, LLC (“Conterra” 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 intrastate telecommunications services in Arizona.¹

On May 6, 2013, Conterra filed a response to the Commission’s Utilities Division (“Staff”) First Set of Data Requests.

On June 5, 2013, Conterra filed a response to Staff’s Second Set of Data Requests.

On July 30, 2013, Conterra filed a response to Staff’s Third Set of Data Requests.

On October 11, 2013, Staff filed a Staff Report recommending approval of Conterra’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** in the above-captioned matter shall be held on **January 29, 2014, at 10:00 a.m.**, or as soon thereafter as is practical, at the Commission’s office, 1200 West Washington St., Hearing Room No. 1, Phoenix, Arizona 85007.

¹ The application indicates that the Company will provide its proposed services via cellular backhaul transport, access networks, and broadband networks.

1 IT IS FURTHER ORDERED that **Conterra shall publish, by December 16, 2013, notice of**
 2 **the application and hearing date** in a newspaper of general circulation in every county in Arizona
 3 in which Conterra desires to provide service, in the following form and style, with a heading no less
 4 than 10-point bold type, and a body in no less than 6-point regular type:

5 **IN THE MATTER OF THE OF THE APPLICATION OF CONTERRA ULTRA**
 6 **BROADBAND, LLC FOR A CERTIFICATE OF CONVENIENCE TO PROVIDE**
 7 **INTRASTATE TELECOMMUNICATIONS SERVICES IN ARIZONA.**
 8 **DOCKET NO. T-20869A-12-0499**

8 On December 27, 2012, Conterra Ultra Broadband, LLC (“Conterra” or the
 9 “Company”) filed with the Arizona Corporation Commission (“Commission”) an
 10 application for approval of a Certificate of Convenience and Necessity (“CC&N”) to
 11 provide intrastate telecommunications services in Arizona via cellular backhaul
 12 transport access networks and broadband networks. The Commission’s Utilities
 13 Division (“Staff”) has recommended approval of Conterra’s application, subject to
 14 certain conditions. The Commission will issue a Decision following consideration of
 15 testimony and evidence presented at an evidentiary hearing. The Commission is not
 16 bound by the proposals made by Conterra, Staff, or intervenors. If the Company’s
 17 application is approved, Conterra will be required to provide services under the rates,
 18 charges, terms and conditions established by the Commission. Copies of Conterra’s
 19 application, the Staff Report, and any written objections to the Staff Report filed by
 20 the Company are available at Conterra’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.

16 The Commission will hold a hearing on Conterra’s application on **January 29, 2014,**
 17 **at 10:00 a.m.,** at the Commission’s offices, 1200 West Washington Street, Hearing
 18 Room No. 1, Phoenix, Arizona. Public comments will be taken on the first day of the
 19 hearing. Written public comments may be submitted by mailing a letter referencing
 20 **Docket No. T-20869A-12-0499** 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.

21 The law provides for an open public hearing at which, under appropriate
 22 circumstances, interested parties may intervene. Any person or entity entitled by law
 23 to intervene and having a direct and substantial interest in the matter will be permitted
 24 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 Conterra
 or its counsel and to all parties of record in the case. Your motion to intervene must
 contain the following:

- 25 1. The name, address, and telephone number of the proposed intervenor and of
 26 any person upon whom service of documents is to be made if different from
 the intervenor;
- 27 2. A short statement of the proposed intervenor's interest in the proceeding (e.g.,
 28 a customer of the Company, a shareholder of the Company, etc.); and

1 3. A statement certifying that a copy of the motion to intervene has been mailed
2 to the Company or its counsel and to all parties of record in the case.

3 The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except
4 that all motions to intervene must be filed on or before January 3, 2014. The
5 granting of intervention, among other things, entitles a party to present sworn
6 evidence at the hearing and to cross examine other witnesses. However, failure to
7 intervene will not preclude any interested person from appearing at the hearing and
8 making a statement on their own behalf. All parties must comply with Arizona
9 Supreme Court Rules 31, 38, and 42 and A.R.S. § 40-243 with respect to the practice
10 of law.

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

17 IT IS FURTHER ORDERED that **Conterra shall file, by January 3, 2014, an Affidavit of
18 Publication** with the Commission.

19 IT IS FURTHER ORDERED that **all motions for intervention shall be filed by January 3,
20 2014**, and shall be in accordance with A.A.C. R14-3-105.

21 IT IS FURTHER ORDERED that any **objections to intervention(s) shall be filed by
22 January 17, 2014**.

23 IT IS FURTHER ORDERED that **specific disagreements/comments, if any, to the Staff
24 Report or Conterra's application shall be filed by January 17, 2014**.

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

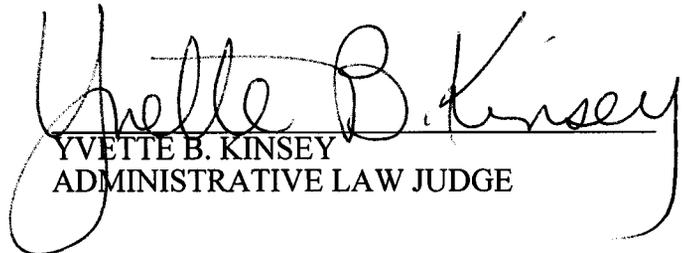
28 IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance
with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Arizona
Supreme Court Rule 42). Representation before the Commission includes appearance at all hearings
and procedural conferences, 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.

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

1 Decision in this matter is final and non-appealable.

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

5
6 Dated this 18th day of November, 2013.

7
8 
9 YVETTE B. KINSEY
10 ADMINISTRATIVE LAW JUDGE

11 Copies of the foregoing mailed/mailed
12 this 18th day of November, 2013 to:

13 Thomas Bardo
14 NELSON MULLINS RILEY & SCARBOROUGH LLP
15 101 Constitution Avenue, NW, Suite 900
16 Washington, DC 20001

17 Angela Lee
18 Vice President, Corporate Counsel & Secretary
19 CONTERRA ULTRA BROADBAND LLC
20 2101 Rexford Road, Suite 200E
21 Charlotte, NC 28211

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 N. Central Ave., Suite 502
Phoenix, AZ 85004-1481

29 By: Rebecca Unquera
30 Rebecca Unquera
31 Secretary to Yvette B. Kinsey