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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

BOB STUMP – CHAIRMAN
GARY PIERCE
BRENDA BURNS
BOB BURNS
SUSAN BITTER SMITH

2013 DEC -9 P 2:08

ARIZONA CORPORATION COMMISSION
DOCKET CONTROL

Arizona Corporation Commission

DOCKETED

DEC 09 2013

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 comments on the application. The hearing was vacated
12 because neither the Company nor its counsel was present at the hearing.

13 On October 16, 2013, by Procedural Order, UPN was directed to file a pleading discussing
14 whether UPN has a continuing desire to pursue a CC&N to provide telecom services in Arizona;
15 UPN was placed on notice that the failure to timely file the above-mentioned pleading may result in
16 this docket being administratively closed; and the timeclock in this matter was suspended.

17 On October 30, 2013, UPN filed its Notice of Intent to Pursue CC&N and Notice of
18 Appearance and Substitution of Counsel.

19 Based on UPN's statements that it desires to pursue a CC&N to provide telecom services in
20 Arizona, it is appropriate to reschedule the hearing in this matter.

21 **IT IS THEREFORE ORDERED that the hearing in this matter is hereby rescheduled to**
22 **begin on January 9, 2014, at 10:00 a.m.,** or as soon thereafter as is practical, at the Commission's
23 offices, 1200 West Washington Street, Hearing Room No. 2, Phoenix, Arizona 85007.

24 **IT IS FURTHER ORDERED that the timeclock in this matter remains 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*.**

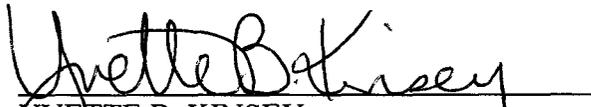
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1 IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance
2 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Arizona
3 Supreme Court Rule 42). Representation before the Commission includes 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 9th day of December, 2013.

14 
15 YVETTE B. KINSEY
16 ADMINISTRATIVE LAW JUDGE

17 Copies of the foregoing mailed/delivered
18 this 9th day of December, 2013 to:

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