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BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission

DOCKETED

ARIZONA CORPORATION COMMISSION
DOCKET CONTROL

OCT 10 2014

DOCKETED BY

ORIGINAL

IN THE MATTER OF THE APPLICATION OF THRESHOLD COMMUNICATIONS, INC. FOR APPROVAL OF A CERTIFICATE OF CONVENIENCE AND NECESSITY TO PROVIDE RESOLD LONG DISTANCE, RESOLD LOCAL EXCHANGE, VOIP, AND PRIVATE LINE TELECOMMUNICATION SERVICES IN ARIZONA.

DOCKET NO. T-20888A-13-0273

PROCEDURAL ORDER
(Schedules Hearing)

BY THE COMMISSION:

On August 9, 2013, Threshold Communications, Inc. ("Threshold" 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 resold long distance, resold local exchange, Voice over Internet Protocol ("VoIP"), and private line telecommunications services in the State of Arizona. Threshold's application also requests a determination that its proposed services are competitive in Arizona.

On June 3, 2014, Michael W. Patten filed a Notice of Appearance on behalf of Threshold.

On August 1, 2014, Threshold filed an amendment to its application.

On September 29, 2014, the Utilities Division ("Staff") filed a Staff Report recommending approval of Threshold'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** on the above-captioned application shall be held on **December 8, 2014, at 10:00 a.m.**, or as soon thereafter as is practical, at the Commission's offices, 1200 West Washington Street, Hearing Room No. 2, Phoenix, Arizona.

IT IS FURTHER ORDERED that **Threshold shall publish, by November 3, 2014, notice of**

1 **the application and hearing date** in a newspaper of general circulation in every county in Arizona
 2 in which Threshold desires to provide service, in the following form and style, with a heading no less
 3 than 10-point bold type, and a body in no less than 8-point regular type:

4 **IN THE MATTER OF THE APPLICATION OF THRESHOLD**
 5 **COMMUNICATIONS, INC. FOR APPROVAL OF A**
 6 **CERTIFICATE OF CONVENIENCE AND NECESSITY TO**
 7 **PROVIDE RESOLD LONG DISTANCE, RESOLD LOCAL EXCHANGE,**
 8 **VOIP, AND PRIVATE LINE TELECOMMUNICATION SERVICES.**
 9 **(DOCKET NO. T-20888A-13-0273)**

10 On August 9, 2013, Threshold Communications, Inc. ("Threshold" or the "Company")
 11 filed with the Arizona Corporation Commission ("Commission") an application for
 12 approval of a Certificate of Convenience and Necessity ("CC&N") to provide resold
 13 long distance, resold local exchange, Voice over Internet Protocol ("VoIP"), and
 14 private line telecommunications services in the State of Arizona. Threshold's
 15 application also requests a determination that its proposed services are competitive in
 16 Arizona. The Commission's Utilities Division ("Staff") has recommended approval of
 17 Threshold's application, subject to certain conditions. The Commission will issue a
 18 Decision following consideration of testimony and evidence presented at an
 19 evidentiary hearing. The Commission is not bound by the proposals made by
 20 Threshold, Staff, or intervenors. If the Company's application is approved, Threshold
 21 will be required to provide service under the rates, charges, terms and conditions
 22 established by the Commission. Copies of Threshold's application, Staff Report, and
 23 any written objections to the Staff Report filed by the Company will be available at
 24 Threshold's offices [Insert Company Address]; at the Commission's Docket Control
 25 Center at 1200 West Washington, Phoenix, Arizona; and on the internet via the
 26 Commission's website (www.azcc.gov) using the e-Docket function.

27 The Commission will hold a hearing on Threshold's application on **December 8,**
 28 **2014, at 10:00 a.m.,** at the Commission's offices, 1200 West Washington Street,
 Hearing Room No. 2, Phoenix, Arizona. Public comments will be taken on the first day
 of the hearing. Written public comments may be submitted by going to the Commission's
 website at www.azcc.gov and clicking on the "Submit a Public Comment" button or by
 mailing a letter referencing **Docket No. T-20888A-13-0273** 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
 to intervene and having a direct and substantial interest in the matter will be permitted
 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 Threshold
 or its counsel and to all parties of record in the case. Your motion to intervene must
 contain the following:

1. The name, address, and telephone number of the proposed intervenor and of
 any person upon whom service of documents is to be made if different from
 the intervenor;
2. A short statement of the proposed intervenor's interest in the proceeding (e.g.,
 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 4. If the proposed intervenor is not represented by an attorney who is an active
4 member of the Arizona State Bar, and is not an individual representing
5 himself or herself, information and any appropriate documentation
6 demonstrating the intervenor's compliance with Arizona Supreme Court Rules
7 31, 38, and 42, as applicable.

8 The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except
9 that **all motions to intervene must be filed on or before November 17, 2014**. The
10 granting of intervention, among other things, entitles a party to present sworn
11 evidence at the hearing and to cross examine other witnesses. However, failure to
12 intervene will not preclude any interested person or entity from appearing at the
13 hearing and making a statement on their own behalf. If representation by counsel is
14 required under Arizona Supreme Court Rules 31, 38, and 42 and A.R.S. §40-243
15 intervention will be conditioned upon the intervenor obtaining counsel to represent
16 the intervenor.

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

23 IT IS FURTHER ORDERED that **Threshold shall file, by November 17, 2014, an Affidavit**
24 **of Publication** with the Commission.

25 IT IS FURTHER ORDERED that **all motions for intervention shall be filed by November**
26 **17, 2014**, and shall be in accordance with A.A.C. R14-3-105.

27 IT IS FURTHER ORDERED that any **objections to intervention(s) shall be filed by**
28 **November 28, 2014**.

IT IS FURTHER ORDERED that **specific disagreements/comments, if any, to the Staff**
Report or application shall be filed by November 28, 2014.

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

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

1 discussion, unless counsel has previously been granted permission to withdraw by the Administrative
2 Law Judge or the Commission.

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

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

8 Dated this 10th day of October, 2014.

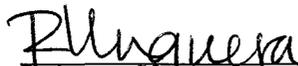
9
10 
11 YVETTE B. KINSEY
12 ADMINISTRATIVE LAW JUDGE

13 Copies of the foregoing mailed/delivered
14 this 10th day of October, 2014 to:

15 Michael Patten
16 Roshka DeWulf & Patten, PLC
17 One Arizona Center
18 400 E. Van Buren St. - 800
19 Phoenix, Arizona 85004
20 Attorney for Threshold Communications, Inc.

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