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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

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

Arizona Corporation Commission

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IN THE MATTER OF THE APPLICATION OF VOXBEAM TELECOMMUNICATIONS, INC. D/B/A MAGIC TELECOM FOR APPROVAL OF A CERTIFICATE OF CONVENIENCE AND NECESSITY TO PROVIDE RESOLD LONG DISTANCE AND FACILITIES-BASED LOCAL EXCHANGE TELECOMMUNICATIONS SERVICES.

DOCKET NO. T-20900A-13-0423

ORIGINAL

AMENDED PROCEDURAL ORDER
(Reschedules Hearing)

BY THE COMMISSION:

On December 6, 2013, Voxbeam Telecommunications, Inc. d/b/a Magic Telecom ("Voxbeam" or "Company") filed with the Arizona Corporation Commission ("Commission") an application for a Certificate of Convenience and Necessity ("CC&N") to provide resold long distance and facilities-based local exchange telecommunications services in Arizona. Voxbeam's application also requests a determination that its proposed services are competitive in Arizona.

On March 24, 2014, Voxbeam filed its Response to Staff's First Set of Data Requests.

On June 27, 2014, Voxbeam filed its Response to Staff's Second Set of Data Requests. In addition, Voxbeam filed amended local exchange telecommunications and switched access service tariffs.

On September 11, 2014, the Commission's Utilities Division ("Staff") filed its Staff Report recommending approval of Voxbeam's application, subject to certain conditions.

On October 1, 2014, a Procedural Order was issued setting various filing dates and scheduling a hearing for December 4, 2014.

On October 14, 2014, Voxbeam filed a Request to Reschedule Hearing. In its filing, Voxbeam requests that the hearing be rescheduled for a date on or after December 10, 2014 due to a scheduling conflict with Voxbeam's witness. Voxbeam further requests additional time to publish

1 notice of the application and hearing date. No objections were filed in response.

2 Voxbeam's requests are reasonable and should be granted. In addition, it is reasonable and
3 appropriate to extend the Commission's time frame to issue a Decision in this matter to accommodate
4 Voxbeam's requests.

5 IT IS THEREFORE ORDERED granting Voxbeam Telecommunications, Inc. d/b/a Magic
6 Telecom's Request to Reschedule Hearing.

7 IT IS FURTHER ORDERED that the procedural schedule, including the hearing and various
8 filing dates, as set forth in the October 1, 2014 Procedural Order, are modified as set forth herein.

9 IT IS FURTHER ORDERED that the **hearing in this matter is hereby rescheduled to**
10 **commence on January 7, 2015, at 10:00 a.m.**, or as soon thereafter as is practical, at the
11 Commission's offices, 1200 West Washington Street, Hearing Room No. 1, Phoenix, Arizona.

12 IT IS FURTHER ORDERED that **Voxbeam Telecommunications, Inc. d/b/a Magic**
13 **Telecom shall publish, by November 28, 2014, notice of the application and hearing date** in a
14 newspaper of general circulation in every county in Arizona in which the Company desires to provide
15 service, in the following form and style, with the heading no less than 8 point bold type, and the body
16 no less than 6-point regular type:

17 **IN THE MATTER OF THE APPLICATION OF VOXBEAM TELECOMMUNICATONS,**
18 **INC. D/B/A MAGIC TELECOM FOR APPROVAL OF A CERTIFICATE OF**
19 **CONVENIENCE AND NECESSITY TO PROVIDE RESOLD LONG DISTANCE AND**
FACILITIES-BASED LOCAL EXCHANGE TELECOMMUNICATIONS SERVICES.
DOCKET NO. T-20900A-13-0423

20 On December 6, 2013, Voxbeam Telecommunications, Inc. d/b/a Magic Telecom
21 ("Voxbeam" or the "Company") filed with the Arizona Corporation Commission
22 ("Commission") an application for a Certificate of Convenience and Necessity
23 ("CC&N") to provide resold long distance and facilities-based local exchange
24 telecommunications services in Arizona. Voxbeam's application also requests a
25 determination that its proposed services are competitive in Arizona. The
26 Commission's Utilities Division ("Staff") has recommended approval of Voxbeam's
27 application, subject to certain conditions. The Commission will issue a Decision
28 following consideration of testimony and evidence presented at an evidentiary hearing.
The Commission is not bound by the proposals made by Voxbeam, Staff, or
intervenors. If the Company's application is approved, Voxbeam will be required to
provide service under the rates, charges, terms and conditions established by the
Commission.

Copies of Voxbeam's application, the Staff Report, and any written objections to the
Staff Report filed by the Company are available at Voxbeam's offices [Insert

1 **Company Address**]; at the Commission's Docket Control Center at 1200 West
2 Washington, Phoenix, Arizona; and on the internet via the Commission's website
(www.azcc.gov) using the e-Docket function.

3 The Commission will hold a hearing on Voxbeam's application on **January 7, 2014,**
4 **at 10:00 a.m.,** at the Commission's offices, 1200 West Washington Street, Hearing
5 Room No. 1, Phoenix, Arizona. Public comments will be taken on the first day of the
6 hearing. Written public comments may be submitted by mailing a letter referencing
7 **Docket No. T-20900A-13-0423** to: Arizona Corporation Commission, Consumer
8 Services Section, 1200 West Washington Street, Phoenix, AZ 85007 or on the
9 Commission's website (www.azcc.gov) by clicking on the "Submit a Comment"
10 button. If you require assistance, you may contact the Consumer Services Section at
11 1-800-222-7000 or 602-542-4251.

12 The law provides for an open public hearing at which, under appropriate
13 circumstances, interested parties may intervene. Any person or entity entitled by law
14 to intervene and having a direct and substantial interest in the matter will be permitted
15 to intervene. If you would like to intervene, you must file a written motion to
16 intervene with the Commission, and you must send copies of the motion to Voxbeam
17 or its counsel and to all parties of record in the case. Your motion to intervene must
18 contain the following:

- 19 1. The name, address, and telephone number of the proposed intervenor and of
20 any person upon whom service of documents is to be made if different from
21 the intervenor;
- 22 2. A short statement of the proposed intervenor's interest in the proceeding (e.g.,
23 a customer or potential customer of the Company, a member or shareholder of
24 the Company, etc.);
- 25 3. A statement certifying that a copy of the motion to intervene has been mailed
26 to the Company or its counsel and to all parties of record in the case; and
- 27 4. If the proposed intervenor is not represented by an attorney who is an active
28 member of the Arizona State Bar, and is not an individual representing
himself or herself, information and any appropriate documentation
demonstrating the intervenor's compliance with Arizona Supreme Court Rules
31, 38, and 42, as applicable.

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

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

IT IS FURTHER ORDERED that **Voxbeam Telecommunications, Inc. d/b/a Magic**

1 **Telecom shall file, by December 22, 2014, an Affidavit of Publication** with the Commission.

2 IT IS FURTHER ORDERED that **all motions for intervention shall be filed by December**
3 **8, 2014**, and shall be in accordance with A.A.C. R14-3-105.

4 IT IS FURTHER ORDERED that any **objections to intervention(s) shall be filed by**
5 **December 15, 2014.**

6 IT IS FURTHER ORDERED that **specific disagreements/comments, if any, to the Staff**
7 **Report or application shall be filed by December 22, 2014.**

8 IT IS FURTHER ORDERED that the Commission's **time frame** to issue a Decision in this
9 matter is hereby **extended by 30 days.**

10 IT IS FURTHER ORDERED that all parties must comply with Arizona Supreme Court Rules
11 31, 38, and 42 and A.R.S. § 40-243 with respect to practice of law in Arizona and before the
12 Commission and admission *pro hac vice*.

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

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

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

25 Dated this 21st day of October, 2014.

26
27 
28 SCOTT M. HESLA
ADMINISTRATIVE LAW JUDGE

1 Copies of the foregoing mailed
2 this 21st day of October, 2014 to:

3 Mr. Ryan Rapolti
4 Voxbeam Communications, Inc.
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