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BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission

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AZ CORP COMMISSION
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COMMISSIONERS

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

DOCKET NO. T-20787A-14-0367

ORIGINAL

PROCEDURAL ORDER
(Setting a Hearing Date)

IN THE MATTER OF THE APPLICATION
 OF GC PIVOTAL, LLC DBA GLOBAL
 CAPACITY FOR A CERTIFICATE OF
 CONVENIENCE AND NECESSITY TO
 PROVIDE RESOLD AND FACILITIES-
 BASED LOCAL EXCHANGE, RESOLD
 AND FACILITIES-BASED
 INTEREXCHANGE, AND FACILITIES-
 BASED PRIVATE LINE
 TELECOMMUNICATIONS SERVICES IN
 ARIZONA.

BY THE COMMISSION:

On October 9, 2014, GC Pivotal, LLC, dba Global Capacity ("GC Pivotal") filed with the Arizona Corporation Commission ("Commission") an application for a Certificate of Convenience and Necessity ("CC&N"), to provide resold and facilities-based local exchange, resold and facilities-based interexchange, and facilities-based private line telecommunications services on a statewide basis in Arizona.

On October 15, 2014, GC Pivotal docketed a signed certification to the application.

On October 28, 2014, GC Pivotal filed its Responses to Commission's Utilities Division's (Staff) First Set of Data Requests.

On November 5, 2014, GC Pivotal filed its Responses to Staff's Second Set of Data Requests.

On December 1, 2014, Staff filed its Staff Report recommending approval of GC Pivotal'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.

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1 IT IS THEREFORE ORDERED that the **hearing** in the above-captioned matter shall be held
2 on **December 30, 2014, at 10:00 a.m.**, or as soon thereafter as is practical, at the Commission's
3 office, 1200 West Washington St., Hearing Room No. 1, Phoenix, Arizona 85007.

4 IT IS FURTHER ORDERED that **GC Pivotal, LLC shall publish, by December 8, 2014,**
5 **notice of the application and hearing date** in a newspaper of general circulation in every county of
6 Arizona in which GC Pivotal, LLC desires to provide service, in the following form and style, with
7 the heading no less than 10 point bold type and the body no less than 6 point regular type:

8 **IN THE MATTER OF THE APPLICATION OF GC PIVOTAL, LLC DBA GLOBAL**
9 **CAPACITY FOR A CERTIFICATE OF CONVENIENCE AND NECESSITY TO PROVIDE**
10 **RESOLD AND FACILITIES-BASED LOCAL EXCHANGE, RESOLD AND FACILITIES-**
11 **BASED INTEREXCHANGE, AND FACILITIES-BASED PRIVATE LINE**
12 **TELECOMMUNICATIONS SERVICES IN ARIZONA.**

13 **DOCKET NO. T-20787A-14-0367**

14 On October 9, 2014, GC Pivotal LLC, dba Global Capacity ("GC Pivotal" or
15 "Company") filed with the Arizona Corporation Commission ("Commission") an
16 application for a Certificate of Convenience and Necessity ("CC&N"), to provide
17 resold and facilities-based local exchange, resold and facilities-based interexchange,
18 and facilities-based private line telecommunications services on a statewide basis in
19 Arizona. GC Pivotal's application also requests a determination that its proposed
20 services are competitive in Arizona. The Commission's Utilities Division ("Staff") has
21 recommended approval of GC Pivotal's application, subject to certain conditions. The
22 Commission will issue a Decision following consideration of testimony and evidence
23 presented at an evidentiary hearing. The Commission is not bound by the proposals
24 made by GC Pivotal, Staff, or intervenors. If the Company's application is approved,
25 GC Pivotal will be required to provide service under the rates, charges, terms and
26 conditions established by the Commission. Copies of GC Pivotal's application, the
27 Staff Report, and any written objections to the Staff Report filed by the Company are
28 available at GC Pivotal'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.

21 The Commission will hold a hearing on GC Pivotal's application on **December 30,**
22 **2014, at 10:00 a.m.**, at the Commission's offices, 1200 West Washington Street,
23 Hearing Room No. 1, Phoenix, Arizona. Public comments will be taken on the first day
24 of the hearing. You may also file your written comments electronically by going to the
25 Commission's homepage at www.azcc.gov and clicking on "Submit a Public Comment"
26 button or mailing a letter referencing **Docket No. T-20787A-14-0367** to: Arizona
27 Corporation Commission, Consumer Services Section, 1200 West Washington Street,
28 Phoenix, AZ 85007. If you require assistance, you may contact the Consumer
Services Section at 1-800-222-7000 or 602-542-4251.

26 The law provides for an open public hearing at which, under appropriate
27 circumstances, interested parties may intervene. Any person or entity entitled by law
28 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 GC

1 Pivotal or its counsel and to all parties of record in the case. Your motion to
intervene must contain the following:

- 2 1. Your name, address, telephone number, of the proposed intervenor and of any
3 person upon whom service of documents is to be made if different from the
intervenor;
- 4 2. A short statement of the proposed intervenor's interest in the proceeding (e.g.,
5 a customer or potential customer of the Company, a member or shareholder of
the Company, etc.);
- 6 3. A statement certifying that a copy of the motion to intervene has been mailed
7 to the Company or its counsel and to all parties of record in the case; and
- 8 4. If the proposed intervenor is not represented by an attorney who is an active
9 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.

10 The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except
11 that all motions to intervene must be filed on or before December 18, 2014. The
12 granting of intervention, among other things, entitles a party to present sworn
13 evidence at the hearing and to cross examine other witnesses. However, failure to
14 intervene will not preclude any interested person or entity from appearing at the
hearing and making a statement on their own behalf. All parties must comply with
Arizona Supreme Court Rules 31, 38, and 42 and A.R.S. § 40-243 with respect to the
practice of law.

15 The Commission does not discriminate on the basis of disability in admission to its
16 public meetings. Persons with a disability may request a reasonable accommodation
17 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.

18 IT IS FURTHER ORDERED that **GC Pivotal LLC, dba Global Capacity shall file, by**
19 **December 18, 2014, an Affidavit of Publication** with the Commission.

20 IT IS FURTHER ORDERED that **all motions for intervention shall be filed by December**
21 **18, 2014** and shall be in accordance with A.A.C. R14-3-105.

22 IT IS FURTHER ORDERED that any **objections to intervention(s) shall be filed by**
23 **December 26, 2014**.

24 IT IS FURTHER ORDERED that **specific disagreements/comments, if any, to the Staff**
25 **Report or GC Pivotal LLC, dba Global Capacity's application shall be filed by December 18,**
26 **2014**.

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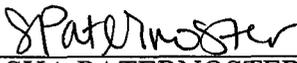
1 IT IS FURTHER ORDERED that all parties must comply with Arizona Supreme Court
2 Rules 31, 38, and 42 and A.R.S. § 40-243 with respect to practice of law in Arizona and before
3 the Commission and admission *pro hac vice*.

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

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

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

16 Dated this 3rd day of December, 2014.

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19 
20 SASHA PATERNOSTER
ADMINISTRATIVE LAW JUDGE

21 Copies of the foregoing mailed
22 this 3rd day of December, 2014 to:

23 Michael Patten
24 Roshka DeWulf & Patten, PLC
25 One Arizona Center
26 400 E. Van Buren Street, Suite 800
Phoenix, AZ 95004
Attorneys for GC Pivotal, LLC

27 ...

28 ...

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9 Phoenix, AZ 85006

10 By: 
11 Tammy Velarde
Assistant to Sasha Paternoster

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