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BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission

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COMMISSIONERS

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

IN THE MATTER OF THE APPLICATION OF BCN TELECOM, INC. FOR APPROVAL OF A CERTIFICATE OF CONVENIENCE AND NECESSITY TO PROVIDE RESOLD LOCAL AND FACILITIES-BASED LOCAL EXCHANGE TELECOMMUNICATIONS SERVICES IN ARIZONA.

DOCKET NO. T-04057A-13-0270

REVISED
PROCEDURAL ORDER
(Setting Hearing Date)

ORIGINAL

BY THE COMMISSION:

On August 7, 2013, BCN Telecom, Inc. ("BCN" 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 local exchange telecommunications services in the State of Arizona. BCN's application also requests a determination that its proposed services are competitive in Arizona.

On April 25, 2014, the Company filed an amendment to its application to include a request for authority to provide facilities-based local exchange telecommunications services.

On May 29, 2014, BCN filed its proposed tariff for its requested services.

On June 6, 2014, BCN filed responses to the Commission's Utilities Division's ("Staff") first set of data requests.

On June 16, 2014, BCN filed additional responses to Staff's first set of data requests.

On July 14, 2014, BCN filed its Certificate of Good Standing.

On September 16, 2014, BCN filed an amended proposed tariff.

On October 24, 2014, BCN filed an amendment to its application.

On November 3, 2014, Jason D. Gellman filed a Notice of Appearance on behalf of BCN.

On December 1, 2014, Staff filed a Staff Report recommending approval of BCN's application, subject to certain conditions.

1 Pursuant to A.A.C. R14-3-101, the Commission now issues this Procedural Order to govern
2 the preparation and conduct of this proceeding.

3 IT IS THEREFORE ORDERED that the **hearing** on the above-captioned application shall be
4 held **February 12, 2015 at 10:00 a.m.**, or as soon thereafter as is practical, at the Commission's
5 offices, 1200 West Washington Street, Hearing Room No. 2, Phoenix, Arizona.

6 IT IS FURTHER ORDERED that **BCN shall publish, by January 5, 2015, notice of the**
7 **application and hearing date** in a newspaper of general circulation in every county in Arizona in
8 which **BCN** desires to provide service, in the following form and style, with a heading no less than
9 10-point bold type, and a body in no less than 8-point regular type:

10 **IN THE MATTER OF THE APPLICATION OF BCN TELECOM, INC FOR**
11 **APPROVAL OF A CERTIFICATE OF CONVENIENCE AND NECESSITY**
12 **TO PROVIDE RESOLD LOCAL EXCHANGE AND FACILITIES-BASED**
LOCAL EXCHANGE TELECOMMUNICATIONS SERVICES IN ARIZONA
13 **(DOCKET NO. T-04057A-13-0270)**

14 On August 7, 2013, BCN Telecom, Inc. ("BCN" or the "Company") filed with the
15 Arizona Corporation Commission ("Commission") an application for approval of a
16 Certificate of Convenience and Necessity ("CC&N") to provide resold local exchange
17 and facilities-based local exchange telecommunications services within the State of
18 Arizona. BCN's application also requests a determination that its proposed services
19 are competitive within Arizona. The Commission's Utilities Division ("Staff") has
20 recommended approval of BCN's application, subject to certain conditions. The
21 Commission will issue a Decision following consideration of testimony and evidence
22 presented at an evidentiary hearing. The Commission is not bound by the proposals
23 made by BCN, Staff, or intervenors. If the Company's application is approved, BCN
24 will be required to provide service under the rates, charges, terms and conditions
25 established by the Commission. Copies of BCN's application, the Staff Report, and
26 any written objections to the Staff Report filed by the Company will be available at
27 BCN's offices [Insert Company Address]; at the Commission's Docket Control
28 Center at 1200 West Washington, Phoenix, Arizona; and on the internet via the
Commission's website (www.azcc.gov) using the e-Docket function.

22 The Commission will hold a hearing on BCN's application on **February 12, 2015, at**
23 **10:00 a.m.**, at the Commission's offices, 1200 West Washington Street, Hearing
24 Room No. 2, Phoenix, Arizona. Public comments will be taken on the first day of the
25 hearing. Written public comments may be submitted via the Commission's website at
26 www.azcc.gov by clicking on the "Submit a Public Comment" button, or by mailing
27 a letter referencing **Docket No. T-04057A-13-0270** to: Arizona Corporation
28 Commission, Consumer Services Section, 1200 West Washington Street, Phoenix,
Arizona 85007. If you require assistance, you may contact the Consumer Services
Section at 1-800-222-7000 or 602-542-4251.

27 The law provides for an open public hearing at which, under appropriate
28 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

1 to intervene. If you would like to intervene, you must file a written motion to
 2 intervene with the Commission, no later than **January 19, 2015**, and you must send
 copies of the motion to BCN or its counsel and to all parties of record in the case.
 Your motion to intervene must contain the following:

- 3 1. The name, address, and telephone number of the proposed intervenor and of
 4 any person upon whom service of documents is to be made if different from
 the intervenor;
- 5 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.);
- 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 you are not represented by an attorney who is an active member of the
 Arizona State Bar, and are not representing yourself as an individual,
 9 information and any appropriate documentation demonstrating 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 **January 19, 2015**. The
 granting of intervention, among other things, entitles a party to present sworn
 12 evidence at the hearing and to cross examine other witnesses. However, failure to
 13 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
 14 practice of law.

15 The Commission does not discriminate on the basis of disability in admission to its
 public meetings. Persons with a disability may request a reasonable accommodation
 16 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,
 17 voice phone number 602-542-3931. Requests should be made as early as possible to
 allow time to arrange the accommodation.

18
 19 **IT IS FURTHER ORDERED that BCN shall file, by January 19, 2015, an Affidavit of
 20 Publication with the Commission.**

21 **IT IS FURTHER ORDERED that all motions for intervention shall be filed by January
 22 19, 2015, and shall be in accordance with A.A.C. R14-3-105.**

23 **IT IS FURTHER ORDERED that any objections to intervention(s) shall be filed by
 24 February 2, 2015.**

25 **IT IS FURTHER ORDERED that specific disagreements/comments, if any, to the Staff
 26 Report or application shall be filed by February 2, 2015.**

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

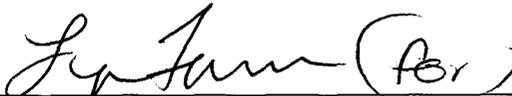
1 **the Commission and admission *pro hac vice*.**

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

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

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

13 Dated this 19th day of December, 2014.

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16 
17 YVETTE B. KINSEY
ADMINISTRATIVE LAW JUDGE

18 Copies of the foregoing mailed/delivered
this 19th day of December, 2014 to:

19 Kathleen Gorey, Regulatory Manager
20 BCN TELECOM, INC.
550 Hills Drive, Suite 110, 1st Floor
21 Bedminster, NJ 07921

22 Patrick D. Crocker
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24 Jason D. Gellman
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By: Rebecca Unquera
Rebecca Unquera
Assistant to Yvette B. Kinsey