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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

SUSAN BITTER SMITH - Chairman
BOB STUMP
BOB BURNS
DOUG LITTLE
TOM FORESE

AZ CORP COM
DOCKET COM

2015 AUG 24 9:08 37

IN THE MATTER OF THE APPLICATION OF
WANRACK, LLC FOR A CERTIFICATE OF
CONVENIENCE AND NECESSITY TO PROVIDE
PRIVATE LINE TRANSPORT SERVICES AND
PETITION FOR COMPETITIVE
CLASSIFICATION.

DOCKET NO. T-20925A-15-0113

PROCEDURAL ORDER
(Schedules Hearing)

BY THE COMMISSION:

On April 3, 2015, WANRack, LLC ("WANRack" or the "Company") filed with the Arizona Corporation Commission ("Commission") an application for a Certificate of Convenience and Necessity ("CC&N"), to provide private line transport services and for a determination that its proposed services are competitive in Arizona.

On April 7, 2015, WANRack filed its Certificate of Good Standing.

On May 5, 2015, WANRack filed a revised proposed tariff.

On August 20, 2015, the Commission's Utilities Division ("Staff") filed a Staff Report recommending approval of WANRack's application, subject to certain conditions.

On August 21, 2015, the Company filed a Request for Expedited Hearing ("Request") and Unopposed Motion to Allow Telephonic Testimony ("Motion"). The Company's Request states there is a need for an expedited hearing because the Company has customers who are waiting for service; WANRack has a contract with the Yuma school districts to provide fiber optic private line services; and once Commission approval is granted the Company can begin constructing the facilities to serve the Yuma schools. In support of its Request, the Company states it will expedite publication and bear the cost for expedited transcripts. WANRack's Motion seeks approval to allow its principle witness, who lives in Miami, Florida, to appear telephonically for the hearing because travel would

Arizona Corporation Commission

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1 be lengthy and expensive. The Motion states that the Company anticipates a brief hearing and that
2 Staff does not oppose its Motion.

3 Pursuant to Arizona Administrative Code (“A.A.C.”) R14-3-101, the Commission now issues
4 this Procedural Order to govern the preparation and conduct of this proceeding.

5 IT IS THEREFORE ORDERED that the **hearing** in the above-captioned matter shall be held
6 on **October 8, 2015, at 10:00 a.m.**, or as soon thereafter as is practical, at the Commission’s office,
7 1200 West Washington St., Hearing Room No. 2, Phoenix, Arizona 85007.

8 IT IS FURTHER ORDERED that **WANRack, LLC shall publish, by September 11, 2015,**
9 **notice of the application and hearing date** in a newspaper of general circulation in every county of
10 Arizona in which **WANRack, LLC** desires to provide service, in the following form and style, with
11 the heading no less than 10 point bold type and the body no less than 6 point regular type:

12 **IN THE MATTER OF THE APPLICATION OF WANRACK, LLC FOR A CERTIFICATE**
13 **OF CONVENIENCE AND NECESSITY TO PROVIDE PRIVATE LINE TRANSPORT**
14 **SERVICES AND PETITION FOR COMPETITIVE CLASSIFICATION.**

15 **DOCKET NO. T-20925A-15-0113**

16 On April 3, 2015, WANRack, LLC (“WANRack” or the “Company”) filed with the
17 Arizona Corporation Commission (“Commission”) an application for a Certificate of
18 Convenience and Necessity (“CC&N”), to provide private line transport services in
19 Arizona. WANRack’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 WANRack’s application, subject to certain conditions. The
22 Commission will issue a Decision following consideration of testimony and evidence
presented at an evidentiary hearing. The Commission is not bound by the proposals
made by WANRack, Staff, or intervenors. If the Company’s application is approved,
WANRack will be required to provide service under the rates, charges, terms, and
conditions established by the Commission. Copies of WANRack’s application, the
Staff Report, and any written objections to the Staff Report filed by the Company are
available at WANRack’s offices [**Insert Company Address**]; at the Commission’s
Docket Control Center at 1200 West Washington Street, Phoenix, Arizona; and on the
internet via the Commission’s website (www.azcc.gov) using the e-Docket function.

23 The Commission will hold a hearing on WANRack’s application on **October 8, 2015,**
24 **at 10:00 a.m.**, at the Commission’s offices, 1200 West Washington Street, Hearing
25 Room No. 2, Phoenix, Arizona. Public comments will be taken on the first day of the
26 hearing. You may also file your written comments electronically by going to the
27 Commission’s homepage at www.azcc.gov and clicking on “Submit a Public Comment”
28 button or mailing a letter referencing **Docket No. T-20925A-15-0113** 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.

1 The law provides for an open public hearing at which, under appropriate
2 circumstances, interested parties may intervene. Any person or entity entitled by law
3 to intervene and having a direct and substantial interest in the matter will be permitted
4 to intervene. If you would like to intervene, you must file a written motion to
5 intervene with the Commission, and you must send copies of the motion to
6 WANRack or its counsel and to all parties of record in the case. Your motion to
7 intervene must contain the following:

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

21 The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except
22 that all motions to intervene must be filed on or before September 25, 2015. The
23 granting of intervention, among other things, entitles a party to present sworn
24 evidence at the hearing and to cross examine other witnesses. However, failure to
25 intervene will not preclude any interested person or entity from appearing at the
26 hearing and making a statement on their own behalf. All parties must comply with
27 Arizona Supreme Court Rules 31, 38, and 42 and A.R.S. § 40-243 with respect to the
28 practice of law.

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
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 WANRack, LLC shall file, by September 25, 2015, an
Affidavit of Publication with the Commission.

IT IS FURTHER ORDERED that all motions for intervention shall be filed by September
25, 2015 and shall be in accordance with A.A.C. R14-3-105.

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

IT IS FURTHER ORDERED that specific disagreements/comments, if any, to the Staff

1 **Report or WANRack LLC's application shall be filed by October 2, 2015.**

2 IT IS FURTHER ORDERED that WANRack LLC's request for an expedited hearing is
3 hereby granted.

4 IT IS FURTHER ORDERED that WANRack LLC's request to allow its witness to appear
5 telephonically for the hearing scheduled in this matter is hereby granted.

6 IT IS FURTHER ORDERED that on the date of and at least five minutes before the time
7 set for the hearing, WANRack LLC's witness shall call 1-800-689-9374, passcode 415962#, from
8 a landline telephone, to participate telephonically in the hearing.

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

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

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

21 IT IS FURTHER ORDERED that, as permitted under A.A.C. R14-3-107(B), each party to
22 this matter may opt to receive service of all filings in this docket, including all filings by parties and
23 all Procedural Orders and Recommended Opinions and Orders/Recommended Orders issued by the
24 Commission's Hearing Division, via email sent to an email address provided by the party rather than
25 via U.S. Mail. To exercise this option, a party shall:

- 26 1. Ensure that the party has a valid and active email address to which the party has
27 regular and reliable access ("designated email address");

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- 1 2. Complete a Consent to Email Service form, available on the Commission's website
- 2 (www.azcc.gov);
- 3 3. File the original and 13 copies of the Consent to Email Service form with the
- 4 Commission's Docket Control, also providing service to each party to the service list;
- 5 4. Send an email, containing the party's name and the docket number for this matter, to
- 6 HearingDivisionServicebyEmail@azcc.gov from the designated email address, to
- 7 allow the Hearing Division to verify the validity of the designated email address;
- 8 5. Understand and agree that service of a document on the party shall be complete upon
- 9 the sending of an email containing the document to the designated email address,
- 10 regardless of whether the party receives or reads the email containing the document;
- 11 and
- 12 6. Understand and agree that the party will no longer receive service of filings in this
- 13 matter through First Class U.S. Mail or any other form of hard-copy delivery, unless
- 14 and until the party withdraws this consent through a filing made in this docket.

15 IT IS FURTHER ORDERED that a party's consent to email service shall not become

16 effective until a Procedural Order is issued approving the use of email service for the party. The

17 Procedural Order shall be issued only after the party has completed steps 1 through 4 above, and the

18 Hearing Division has verified receipt of an email from the party's designated email address.

19 IT IS FURTHER ORDERED that a party's election to receive service of all filings in this

20 matter via email does not change the requirement that all filings with the Commission's Docket

21 Control must be made in hard copy and must include an original and 13 copies.

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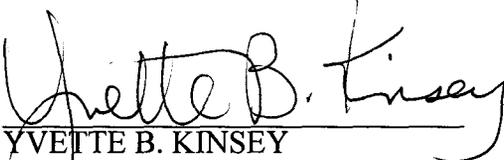
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1 IT IS FURTHER ORDERED that the Administrative Law Judge may rescind, alter, amend,
2 or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at
3 hearing.

4 Dated this 24th day of August, 2015.

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8 YVETTE B. KINSEY
ADMINISTRATIVE LAW JUDGE

9 Copies of the foregoing mailed
10 this 24th day of August, 2015 to:

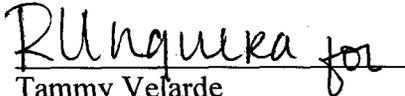
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