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BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission

DOCKETED

2015 DEC 11 A 8:38

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

DEC 11 2015

AZ CORP COMMISSION  
DOCKET CONTROL

DOCKETED BY

IN THE MATTER OF THE APPLICATION OF X5  
OPCO LLC FOR A CERTIFICATE OF  
CONVENIENCE AND NECESSITY TO PROVIDE  
COMPETITIVE RESOLD AND FACILITIES-  
BASED LONG DISTANCE  
TELECOMMUNICATIONS SERVICES IN THE  
STATE OF ARIZONA.

DOCKET NO. T-20946A-15-0384

PROCEDURAL ORDER

BY THE COMMISSION:

On November 9, 2015, X5 OpCo LLC (“X5 OpCo” or “Company”), filed with the Arizona Corporation Commission (“Commission”) an application for a Certificate of Convenience and Necessity to provide resold and facilities-based long distance telecommunications services in the state of Arizona.

On December 9, 2015, the Commission’s Utilities Division Staff (“Staff”) filed a Letter of Sufficiency stating that the Company’s application was sufficient under the requirements of the Arizona Administrative Code (“A.A.C.”) R14-2-502.

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** in this matter shall be held on **March 15, 2016, at 10:00 a.m.**, or as soon thereafter as is practical, at the Commission’s offices, Hearing Room 2, 1200 West Washington Street, Phoenix, Arizona 85007.

IT IS FURTHER ORDERED that Staff shall file its **Staff Report** in this docket on or before **February 16, 2016**.

IT IS FURTHER ORDERED that **intervention** shall be in accordance with A.A.C. R14-3-105, except that all Motions to Intervene must be filed on or before **February 16, 2016**.

IT IS FURTHER ORDERED that any **objections to the Staff Report or to any Motions to**

1 **Intervene** shall be filed on or before **March 4, 2016**.

2 IT IS FURTHER ORDERED that the Company shall **publish notice** of the hearing as stated  
3 below, in a newspaper of general circulation in every county in Arizona in which the Company desires  
4 to provide service, as soon as possible, but no later than **January 8, 2016**, and shall **file an Affidavit(s)**  
5 **of Publication** with the Commission no later than **January 29, 2016**.

6 IT IS FURTHER ORDERED that notice shall be deemed complete upon mailing and  
7 publication of same, notwithstanding the failure of an individual or entity to read the notice.

8 IT IS FURTHER ORDERED that the Company shall provide public notice of the hearing in  
9 this matter, in the following form and style:

10 **PUBLIC NOTICE OF THE APPLICATION OF X5 OPCO LLC FOR A CERTIFICATE**  
11 **OF CONVENIENCE AND NECESSITY TO PROVIDE COMPETITIVE RESOLD AND**  
12 **FACILITIES-BASED LONG DISTANCE TELECOMMUNICATIONS SERVICES IN**  
13 **THE STATE OF ARIZONA**  
14 **(DOCKET NO. T-20946A-15-0384)**

15 **Summary**

16 On November 9, 2015, X5 OpCo LLC ("Company") submitted to the Arizona  
17 Corporation Commission ("Commission") an application for a Certificate of  
18 Convenience and Necessity to provide competitive resold and facilities-based long  
19 distance telecommunications services in the state of Arizona. The Commission's  
20 Utilities Division ("Staff") will issue a Staff Report recommending approval or denial  
21 of the Company's application. The Commission is not bound by the proposals made by  
22 the Company, Staff, or any intervenors. The Commission will issue a decision regarding  
23 the Company's application following consideration of testimony and evidence presented  
24 at an evidentiary hearing.

25 **How You Can View or Obtain a Copy of the Application**

26 Copies of the application are available at the Company's offices [**COMPANY INSERT**  
27 **ADDRESS HERE**] and the Commission's offices at 1200 West Washington, Phoenix,  
28 Arizona, for public inspection during regular business hours, and the internet via the  
Commission website ([www.azcc.gov](http://www.azcc.gov)) using the e-docket function.

**Arizona Corporation Commission Public Hearing Information**

The Commission will hold a hearing on this matter beginning **March 15, 2016, at 10:00**  
**a.m.**, or as soon thereafter as is practical, at the Commission's offices, Hearing Room  
2, 1200 West Washington Street, Phoenix, Arizona 85007. Public comments will be  
taken on the first day of the hearing.

Written public comments may be submitted by mailing a letter referencing Docket No.  
**T-20946A-15-0384** to Arizona Corporation Commission, Consumer Services Section,  
1200 West Washington, Phoenix, AZ 85007, or by submitting comments on the  
Commission's website ([www.azcc.gov](http://www.azcc.gov)) using the "Submit a Public Comment for a

1 Utility” function. If you require assistance, you may contact the Consumer Services  
2 Section at 1-800-222-7000.

### 3 About Intervention

4 The law provides for an open public hearing at which, under appropriate circumstances,  
5 interested persons may intervene. An interested person may be granted intervention if  
6 the outcome of the case will directly and substantially impact the person, and the  
7 person’s intervention will not unduly broaden the issues in the case. Intervention,  
8 among other things, entitles a party to present sworn evidence at hearing and to cross-  
9 examine other parties’ witnesses. However, failure to intervene will not preclude any  
10 interested person or entity from appearing at the hearing and providing public comment  
11 on the application or from filing written comments in the record of the case.

12 To request intervention, you must file an **original and 13 hard copies** of a written request  
13 to intervene with Docket Control, 1200 West Washington, Phoenix, AZ 85007, **no later**  
14 **than February 16, 2016**. You also **must** serve a copy of the request to intervene on each  
15 party of record, on the same day that you file the request to intervene with the  
16 Commission. Information about intervention and sample intervention requests are  
17 available on the Commission’s website ([www.azcc.gov](http://www.azcc.gov)) using the “Intervention in  
18 Utility Cases” link.

19 Your request to intervene must contain the following:

- 20 1. Your name, address, and telephone number, and the name, address, and telephone  
21 number of any person upon whom service of documents is to be made, if not  
22 yourself;
- 23 2. A reference to **Docket No. T-20946A-15-0384**;
- 24 3. A short statement explaining:
  - 25 a. Your interest in the proceeding (e.g., a customer of the utility, a  
26 shareholder of the utility, etc.),
  - 27 b. How you will be directly and substantially affected by the outcome of the  
28 case, and
  - c. Why your intervention will not unduly broaden the issues in the case;
4. A statement certifying that you have served a copy of the request to intervene on  
the utility or its attorney and all other parties of record in the case; and
5. If you are not represented by an attorney who is an active member of the Arizona  
State Bar, and you are not representing yourself as an individual, sufficient  
information and any appropriate documentation to demonstrate compliance with  
Arizona Supreme Court Rules 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 February 16, 2016. If  
23 representation by counsel is required by Arizona Supreme Court Rule 31, intervention  
24 will be conditioned upon the intervenor obtaining counsel to represent the intervenor.

### 25 ADA/Equal Access Information

26 The Commission does not discriminate on the basis of disability in admission to its  
27 public meetings. Persons with a disability may request a reasonable accommodation  
28 such as a sign language interpreter, as well as request this document in an alternative  
format, by contacting the ADA Coordinator Shaylin Bernal, E-mail  
[SABernal@azcc.gov](mailto:SABernal@azcc.gov), voice phone number (6520) 542-3931. Requests should be made  
as early as possible to allow time to arrange the accommodation.

1 IT IS FURTHER ORDERED that the intervention granted herein is conditioned upon the  
2 intervenor obtaining counsel to represent the intervenor if required by Rule 31 of the Rules of the  
3 Arizona Supreme Court, and such counsel filing a notice of appearance with the Commission, within  
4 30 days of the date of this Procedural Order.

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

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

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

- 19 1. Ensure that the party has a valid and active email address to which the party has regular  
20 and reliable access ("designated email address");
- 21 2. Complete a Consent to Email Service form, available on the Commission's website  
22 ([www.azcc.gov](http://www.azcc.gov));
- 23 3. File the original and 13 copies of the Consent to Email Service form with the  
24 Commission's Docket Control, also providing service to each party to the service list;
- 25 4. Send an email, containing the party's name and the docket number for this matter, to  
26 [HearingDivisionServicebyEmail@azcc.gov](mailto:HearingDivisionServicebyEmail@azcc.gov) from the designated email address, to allow  
27 the Hearing Division to verify the validity of the designated email address;
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5. Understand and agree that service of a document on the party shall be complete upon the sending of an email containing the document to the designated email address, regardless of whether the party receives or reads the email containing the document; and

6. Understand and agree that the party will no longer receive service of filings in this matter through First Class U.S. Mail or any other form of hard-copy delivery, unless and until the party withdraws this consent through a filing made in this docket.

IT IS FURTHER ORDERED that a party’s consent to email service shall not become effective until a Procedural Order is issued approving the use of email service for the party. The Procedural Order shall be issued only after the party has completed steps 1 through 4 above, and the Hearing Division has verified receipt of an email from the party’s designated email address.

IT IS FURTHER ORDERED that a party’s election to receive service of all filings in this matter via email does not change the requirement that all filings with the Commission’s Docket Control must be made in hard copy and must include an original and 13 copies.

IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized Communications) continues to apply to this proceeding as the matter is set for public hearing.

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

Dated this 11<sup>th</sup> day of December, 2015.

  
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BELINDA A. MARTIN  
ADMINISTRATIVE LAW JUDGE

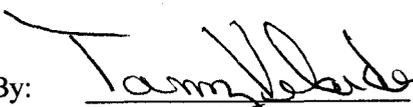
Copies of the foregoing mailed/delivered this 11<sup>th</sup> day of December, 2015, to:

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COASH & COASH, INC.  
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By:   
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Tammy Velarde  
Assistant to Belinda A. Martin