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BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission

3 DOUG LITTLE – Chairman  
4 BOB STUMP  
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5 TOM FORESE  
5 ANDY TOBIN

DOCKETED

JUL 28 2016

DOCKETED BY

7 IN THE MATTER OF THE APPLICATION OF  
7 CLEAR RATE TELECOM, LLC FOR APPROVAL  
8 OF A CERTIFICATE OF CONVENIENCE AND  
8 NECESSITY TO PROVIDE INTRASTATE  
9 TELECOMMUNICATION SERVICES.

DOCKET NO. T-20972A-16-0198

PROCEDURAL ORDER  
(Schedules a Hearing)

10 **BY THE COMMISSION:**

11 On June 20, 2016, Clear Rate Telecom, LLC (“Clear Rate” or “Applicant”) filed with the  
12 Arizona Corporation Commission (“Commission”) an application for a Certificate of Convenience and  
13 Necessity (“CC&N”) to provide resold long distance, resold local exchange, and facilities-based local  
14 exchange telecommunication services within the State of Arizona. Clear Rate also requests  
15 confidential treatment of its financial statements and financial projections.

16 On July 20, 2016, the Commission’s Utilities Division (“Staff”) filed a Sufficiency Letter  
17 stating that Clear Rate’s application for a CC&N had met the sufficiency requirements as outlined in  
18 the Arizona Administrative Code (“A.A.C.”).

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

21 IT IS THEREFORE ORDERED that the **hearing** in the above-captioned matter shall be held  
22 on **October 4, 2016, at 10:00 a.m.**, or as soon thereafter as is practical, at the Commission’s office,  
23 1200 West Washington St., Hearing Room No. 1, Phoenix, Arizona 85007.

24 IT IS FURTHER ORDERED that **Clear Rate shall publish by August 29, 2016, notice of the**  
25 **application and hearing date** in a newspaper of general circulation in the proposed service areas, in  
26 the following form and style with the heading in no less than 10-point bold type and the body in no less  
27 than 6-point regular type:  
28

1                   **IN THE MATTER OF THE APPLICATION OF CLEAR RATE TELECOM,**  
2                   **LLC FOR APPROVAL OF A CERTIFICATE OF CONVENIENCE AND**  
3                   **NECESSITY TO PROVIDE FACILITIES-BASED LOCAL EXCHANGE**  
4                   **TELECOMMUNICATION SERVICES.**  
5                   **DOCKET NO. T-20972A-16-0198**

6                   On May 19, 2016, Clear Rate Telecom, LLC (“Clear Rate” or “Applicant”) filed with  
7                   the Arizona Corporation Commission (“Commission”) an application for a Certificate  
8                   of Convenience and Necessity (“CC&N”), to provide facilities-based local exchange  
9                   telecommunication services within the State of Arizona.

10                  The Commission’s Utilities Division (“Staff”) has not yet made a recommendation  
11                  regarding the application. **The Commission is not bound by the proposals made by**  
12                  **Clear Rate, Staff, or any intervenors.** The Commission will issue a Decision  
13                  regarding the application following consideration of testimony and evidence presented  
14                  at an evidentiary hearing.

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

16                  A copy of the application is available at Clear Rate’s offices [insert addresses]; at the  
17                  Commission’s Docket Control Center at 1200 West Washington, Phoenix, Arizona, for  
18                  public inspection during regular business hours; and on the Commission’s website  
19                  ([www.azcc.gov](http://www.azcc.gov)) using the e-Docket function.

20                  **Arizona Corporation Commission Public Hearing Information**

21                  The Commission will hold a hearing on the application on **October 4, 2016, at 10:00**  
22                  **a.m.**, at the Commission’s offices, in Hearing Room No. 1, 1200 West Washington,  
23                  Phoenix, Arizona. Public comments will be taken **on the first day** of the hearing.

24                  Written public comments may be submitted by mailing a letter referencing Docket No.  
25                  **T-20972A-16-0198** to the Arizona Corporation Commission, Consumer Services  
26                  Section, 1200 West Washington, Phoenix, AZ 85007, or by submitting comments on  
27                  the Commission’s website ([www.azcc.gov](http://www.azcc.gov)) using the “Submit a Public Comment for a  
28                  Utility” function. If you require assistance, you may contact the Consumer Services  
29                  Section at 602-542-4251 or 1-800-222-7000 (outside the metro Phoenix area).

30                  **About Intervention**

31                  The law provides for an open public hearing at which, under appropriate circumstances,  
32                  interested parties may intervene. Any interested person may be granted intervention if  
33                  the outcome of the case will directly and substantially impact the person, and the  
34                  person’s intervention will not unduly broaden the issues in the case. Intervention,  
35                  among other things, entitles a party to present sworn evidence at hearing and to cross-  
36                  examine other parties’ witnesses. **However, failure to intervene will not preclude any**  
37                  **interested person or entity from appearing at the hearing and providing public comment**  
38                  **on the application or from filing written comments in the record of the case.**

39                  To request intervention, you must file an **original and 13 hard copies** of a written  
40                  request to intervene with Docket Control, 1200 West Washington, Phoenix, AZ 85007,  
41                  **no later than September 12, 2016.** You also **must** serve a copy of the request to

1 intervene on each party of record, on the same day that you file the request to intervene  
 2 with the Commission. Information about intervention and sample intervention requests  
 3 are available on the Commission's website ([www.azcc.gov](http://www.azcc.gov)) using the "Intervention in  
 4 Utility Cases" link.

Your request to intervene must contain the following:

1. Your name, address, and telephone number and the name, address, and telephone number of any party upon whom service of documents is to be made, if not yourself;
2. A reference to **Docket No. T-20972A-16-0198**;
3. A short statement explaining:
  - 7 a. Your interest in the proceeding (e.g., a customer of the Company, etc.);
  - 8 b. How you will be directly and substantially affected by the outcome of the case; and
  - 9 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, 39, and 42, as applicable.

14 The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except  
 15 that all motions to intervene must be filed on or before **September 12, 2016**.

16 **ADA/Equal Access Information**

17 The Commission does not discriminate on the basis of disability in admission to its  
 18 public meetings. Persons with a disability may request a reasonable accommodation  
 19 such as a sign language interpreter, as well as request this document in an alternative  
 20 format, by contacting the ADA Coordinator Shaylin Bernal, E-mail [Sbernal@azcc.gov](mailto:Sbernal@azcc.gov),  
 21 voice phone number 602-542-3931. Requests should be made as early as possible to  
 22 allow time to arrange the accommodation.

23 IT IS FURTHER ORDERED that Clear Rate shall **file certification of publication** as soon as  
 24 practicable after publication has been completed, but not later than **4:00 p.m. on September 12, 2016**.

25 IT IS FURTHER ORDERED that the **Staff Report** and associated exhibits to be presented at  
 26 hearing shall be reduced to writing and filed on or before **4:00 p.m. on September 6, 2016**.

27 IT IS FURTHER ORDERED that any objections to the Staff Report shall be reduced to writing  
 28 and filed on or before **4:00 p.m. on September 26, 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 **4:00 p.m. on September 12, 2016**.

1 IT IS FURTHER ORDERED that any objections to any Motions to Intervene shall be filed on  
2 or before **4:00 p.m. on September 26, 2016.**

3 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized  
4 Communications) applies to this proceeding as the matter is now set for public hearing, and shall remain  
5 in effect until the Commission's Decision in this matter is final and non-appealable.

6 IT IS FURTHER ORDERED that all parties must comply with Arizona Supreme Court Rules  
7 31, 38, 39, and 42 and A.R.S. § 40-243 with respect to the practice of law and 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 Arizona  
10 Supreme Court Rule 42). Representation before the Commission includes the obligation to appear at  
11 all hearings, procedural conferences, Open Meetings for which the matter is scheduled for discussion,  
12 unless counsel has previously been granted permission to withdraw by the Administrative Law Judge  
13 or Commission.

14 **IT IS FURTHER ORDERED that, as permitted under A.A.C. R14-3-107(B), each party**  
15 **to 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:**

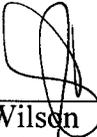
- 19 1. **Ensure that the party has a valid and active email address to which the party has**  
20 **regular and reliable access ("designated email address");**
- 21 2. **Complete a Consent to Email Service using the form available on the**  
22 **Commission's website ([www.azcc.gov](http://www.azcc.gov))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



1 Janice Alward, Chief Counsel  
2 Legal Division  
3 ARIZONA CORPORATION COMMISSION  
4 1200 W. Washington Street  
5 Phoenix, AZ 85007

6 Thomas Broderick, Director  
7 Utilities Division  
8 ARIZONA CORPORATION COMMISSION  
9 1200 W. Washington Street  
10 Phoenix, AZ 85007

11 COASH & COASH  
12 COURT REPORTING, VIDEO AND  
13 VIDEOCONFERENCING  
14 1802 North 7<sup>th</sup> Street  
15 Phoenix, AZ 85006

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By:  \_\_\_\_\_  
Amy Wilson  
Assistant to Brian D. Schneider