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ORIGINAL



BEFORE THE ARIZONA CORPORATION

2 COMMISSIONERS
3 TOM FORESE, Chairman BOB BURNS
4 DOUG LITTLE
5 ANDY TOBIN BOYD DUNN
6 IN THE MATTER OF T
7 OF ACCIPITER COMM INCORPORATED, DOI:

AZ CORP CONTRACTOR DOCKET CONTRACTOR STATE OF ST

Arizona Corporation Commission
DOCKETED

FEB 2 1 2017

DOCKETED BY

IN THE MATTER OF THE APPLICATION OF ACCIPITER COMMUNICATIONS INCORPORATED, DOING BUSINESS AS ZONA COMMUNICATIONS, TO PLEDGE, MORTGAGE, LIEN AND/OR ENCUMBER THE COMPANY'S ASSETS AND, IF WITHIN THE COMMISSION'S JURISDICTION, TO APPROVE THE ISSUE OF NEW COMMON STOCK.

DOCKET NO. T-02847A-16-0482

NOTICE OF FILING AFFIDAVIT OF PUBLICATION AND AFFIDAVIT OF MAILING CUSTOMER NOTICE AND CONSENT TO E-MAIL SERVICE

Accipiter Communications Incorporated, doing business as Zona Communications ("Zona"), hereby notifies the Arizona Corporation Commission ("Commission") that it has provided notice of this application by causing a copy of the notice attached hereto as Exhibit A to be published on February 10, 2017 in the *Peoria Times*, a newspaper of general circulation in Zona's service territory, and by mailing a copy of the notice to all customers via U.S. Mail on or about February 8, 2017. A copy of the Affidavit of Publication from the *Peoria Times* is attached hereto as Exhibit B and a copy of the Affidavit of Mailing Notice to Customers is attached hereto as Exhibit C. Zona has received a few calls from customers who are curious or are seeking information regarding the application, but no customer has raised any objection to the application.

Through counsel undersigned, Zona hereby consents to receive service of each filing in the above-captioned docket, including each filing made by another party, each filing made by a Commissioner, each Procedural Order, each Recommended Opinion and Order, each Recommended Order, and each Decision, via an e-mail sent to the e-mail address set forth below (the "designated e-mail address"). Zona understands and agrees that through the filing of this Consent to E-mail Service, each representative of Zona consents to e-mail service and that after this Consent to E-mail Service is approved, no representative of Zona will receive service by U.S. Mail unless and until this Consent to E-mail Service is withdrawn through a subsequent filing.

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Zona further understands and agrees that each e-mail providing service of a filing may include a link to access the filing online rather than an electronic copy of the filing and, further, that the receipt of such an e-mail may occur either on the date the filing is made or as soon as possible thereafter.

Zona certifies that the designated e-mail address is a valid and active e-mail address to which the party has regular and reliable access. Zona further certifies that it has sent or will promptly send an e-mail to Hearing Division Service by Email@azcc.gov from the designated email address and that such e-mail contained or will contain the docket number for this matter and Zona's name.

Zona understands that it may provide below additional e-mail addresses for individuals to whom Zona desires to have service e-mails sent as a courtesy. Zona further understands that a Procedural Order approving the use of e-mail service for Zona will be issued in this matter upon verification by the Hearing Division that Zona's e-mail to HearingDivisionServicebyEmail-@azcc.gov has been received from the designated e-mail address.

Zona further understands and agrees that service of a filing on Zona shall be complete upon the first of the following to occur: (1) the sending, to the designated e-mail address, of an email containing an electronic copy of the filing or a link to access the filing online; or (2) for a filing made by a Commissioner, the Commission's Executive Director, or a Commission Division, the making of the filing with a service certification including coding indicating that an automatic service e-mail for the filing shall be sent to each party whose consent to e-mail service has been approved.

Finally, Zona understands and agrees that it will no longer receive service in this matter through First Class U.S. Mail or another form of hard-copy delivery, unless and until Zona withdraws this consent through a filing made in the above-captioned docket.

The designated e-mail address for Zona for this matter is: jeff@jeffcrockettlaw.com Additional e-mail addresses of individuals for whom Zona desires courtesy copies are: psherrill@teamzona.com doc.wininger@pnpt.com

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1	RESPECTFULLY submitted this 21st day of February, 2017.	
2	CROCKETT LAW GROUP PLLC	
3		
4	Jeffrey W. Crockett, Esq.	
5	2198 E. Camelback Road, Suite 305	
6	Phoenix, Arizona 85016-4747 Phone: (602) 441-2775	
7	E-mail: jeff@jeffcrockettlaw.com Attorney for Accipiter Communications Incorporated	
8	d/b/a Zona Communications	
9	ORIGINAL and thirteen (13) copies filed	
10	this 21 st day of February, 2017, with:	
11	Docket Control ARIZONA CORPORATION COMMISSION	
12	1200 West Washington Street Phoenix, Arizona 85007	
13		
14	COPY sent via e-mail this 21 st day of February, 2017, to:	
15	Elijah Abinah, Acting Director	
16	Utilities Division ARIZONA CORPORATION COMMISSION	
17	1200 W. Washington Street	
18	Phoenix, Arizona 85007 <u>eabinah@azcc.gov</u>	
19	lmorrison@azcc.gov mscott@azcc.gov	
20	legaldiv@azcc.gov	
21	Consented to Service by E-mail	
22		
23	Tell Cwettet	
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EXHIBIT A

NOTICE OF FINANCING APPLICATION

Accipiter Communications Incorporated d/b/a Zona Communications Docket T-02847A-16-0482

On March 28, 2014, Accipiter Communications Incorporated, doing business as Zona Communications ("Zona" or the "Company"), filed a voluntary petition in the United States Bankruptcy Court for the District of Arizona wherein the Company sought to restructure its debt under Chapter 11 of the Federal Bankruptcy Code. On December 15, 2016, the Bankruptcy Court issued Findings of Fact, Conclusions of Law and Order Confirming the Second Amended Chapter 11 Plan of Reorganization proposed by Pinpoint Holdings, Inc., and the Official Committee of Unsecured Creditors (the "Bankruptcy Order"). Pursuant to the Bankruptcy Order, Pinpoint Holdings, Inc. ("Pinpoint") will pay \$5,250,000 (the "Purchase Price"), as set forth in the Second Amended Chapter 11 Plan of Reorganization, and new common stock will be issued by Zona to Pinpoint, which will thereafter own 100% of the Company's common stock. To fund the purchase of the new common stock, Pinpoint will obtain a loan (the "Stock Acquisition Loan") from McCook National Bank in the amount of \$4,000,000 and the Stock Acquisition Loan will be secured by the assets of Zona.

On December 28, 2016, Zona filed an application with the Arizona Corporation Commission ("Commission") in Docket T-02847A-16-0482 requesting authorization pursuant to A.R.S. § 40-285(A) to pledge, mortgage, lien and/or encumber the Company's assets in connection with the Stock Acquisition Loan. In addition, Zona is requesting that the Commission issue an order confirming that the issuance of new common stock by Zona is not subject to the requirements of A.R.S. §§ 40-301 et seq. Alternatively, if the Commission determines that it does have jurisdiction over Zona pursuant to A.R.S. §§ 40-301 et seq., then the Company is requesting that the Commission also authorize the issuance of the new common stock. Approval of the Application as requested by Zona will have no effect on the Company's rates and charges for service or any of the terms and conditions of service. It will, however, lead to the Company's exit from bankruptcy.

A copy of the Application is available for review on Zona's website at www.zonacommunications.com or at the Company's office located at 2238 West Lone Cactus Drive, Suite 100, Phoenix, Arizona, 85027 during regular business hours. A copy of the Application is also available for review during regular business hours at the Commission's Docket Control Center at 1200 West Washington Street, Phoenix, Arizona, 85007 and on the Internet via the Commission's website (www.azcc.gov) using the e-Docket function by referencing Docket T-02847A-16-0482. Questions regarding the Application should be directed to Zona during normal business hours (Monday-Friday, 8 AM to 5 PM) at the Company's office or by calling (623) 455-4555.

The Commission's Utilities Division Staff ("Staff") is in the process of reviewing and analyzing the Application and has not yet made recommendations regarding the Application. The Commission will determine whether to approve the Application based upon the evidence in the docket. The Application may be approved without a hearing.

Written public comments may be submitted by mailing a letter referencing Docket T-02847A-16-0482 to the Arizona Corporation Commission, Consumer Services Section, 1200 West Washington, Phoenix, Arizona 85007, or by email. For a form to use and instructions on how to e-mail comments to the Commission, please go to:

http://www.azcc.gov/divisions/utilities/forms/PublicCommentForm.pdf.

If you require assistance submitting comments, you may contact the Consumer Services Section at 1-800-222-7000 or (602) 542-4251.

EXHIBIT B

AFFIDAVIT OF PUBLICATION

STATE OF ARIZONA

) ss.

COUNTY OF MARICOPA

I, <u>Theresa Halliday</u> of Peoria Times,

A newspaper of general circulation, published and printed in the City of Glendale, County of Maricopa, State of Arizona, do solemnly swear that a copy of the notice, in the matter of:

PUBLIC NOTICE

NOTICE OF FINANCIAL

STATEMENT

ACCIPITER COMMUNICATIONS

INCORPORATED

dba ZONA COMMUNICATIONS

DOCKET T-02847A-16-0482

As per clipping attached, was published weekly in the regular and entire edition of the said newspaper, and not in any supplement hereof, for a period of: 1 consecutive week(s), as follows, to wit:

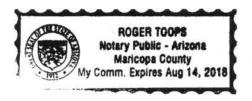
02/10/17

(s) Affare Surf Theresa Halliday

Subscribed and sworn to before me, This 10th day of February, 2017

Notary Public

My Commission Expires:



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FREE Stream-/mo Internet BEST DEAL \$39.99/mo.

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7-635-7868



Call C.E. Williams: 623-847-4601

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Name: TOM AND NICOLE RE, LLC.

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The address of the registered office is: 6128 W. Northern Ave Glerchia, AZ 85301
The name of the Statutory Agent is: Charles Amone 625 N, 57th Drive 6258 N, 57th Dri

Name: TRASH TO TREASURES MARKETPLACE,

ARTICLES OF ORGANIZATION
HAVE BEEN FILED IN THE OFFICE OF THE
ARIZONA CORPORATION COMMISSION FOR

John State NM 87176 Jublish Peoria Times January 27, February 3 and 10, 2017





Charles Amona, member 6250 N. 57th Dave Glendale, AZ 85301 Anila Amona, member 6250 N. 57th Drox Glendale, AZ 85301 Fullish Penda Times January 27, February 3 and 10, 2017

agement Of The Limited Liability Company is lerved To The Members. The Names Of Each son Who is A Member Are: ares Amone, member













The address of the registered office is: 253 W. Thunderbird, #10; Peoria, AZ 85381 Name: TRC EDUCATION MANAGEMENT, LLC.

of the Statutory Agent is:

ARTICLES OF ORGANIZATION
HAVE BEEN FILED IN THE OFFICE OF THE
ARIZONA CORPORATION COMMISSION FOR

cott Lopez 253 W. Thunderbird. #107 eoria, AZ 85381







Management Of The Limited Lia Reserved To The Members. The Person Who Is A Member Are: Joshua M. Fazerbaker, member Are: Joshua M. Fazerbaker, member

Am Fortum Harper, member Co-Owner/Chel Exocutive Office 3317 E. Bell Rd. Ste. 101-285 Prosins, AZ 85032 Publish Povira Times January 27, February 3 and 10, 2017 nent Of The Limited Liability Company is 1 To The Members. The Names Of Each tho is A Member Are:

The address of the registered office is: 7025 W. Ball Rd. Sie 8 Gendule. AZ 85308
The name of the Statutory Agent is: Monahan Law Firm PLC 7025 W. Ball Rd. Seb. 8 Gendule. AZ 85308 ARTICLES OF ORGANIZATION
HAVE BEEN FILED IN THE OFFICE OF THE
ARIZONA CORPORATION COMMISSION FOR

ase of failure to applicable, judg-against you for int

n order to appear wer or other prop-lerk of this Court, ling fee, within the d to serve a copy e Plaintiff's attor-

or reasonable accommodation for per-disabilities must be made to the court signed to the case parties at least three days in advance of a scheduled court

Oblained, are:
Adam C, Kent, Esq.
Adam C, Kent, Esq.
Adam C, Kent, Esq.
YENT LAW PLC
YEND, Arzona 86283
SIGNED AND SEALED this date: November
February 10, 17, 24 and March 3, 2017

THE SUPERIOR COURT OF STATE OF ARI-

ND FOR THE COUNTY OF MARICOPA

STATE OF ARIZONA TO: ROBERT DALE ERT DALE KEELING,

ARIE HEREBY SUMMONED and required to a ward defend, within the time applicable, in the property of the propert

Service by publication is concellet thin; (30) days after the date of the first publication. Direct service is complete when made, APL RCIV, P., Rule 4 ARLS, §25-311 to 23-381 22.

YOU ARE NOTIFIED that request for reasonable accommodation for presons with disabilities must be made to division assigned to the case by parties at least 3 judicial days in advance of a scheduled court proceeding.

Scott Lopez, member 823 W. Thunderbird, #107 Peoria, AZ 85381 Publish Peoria Times January 27, February 3 and 10, 2017

Management Of The Limited Liability Company Is Reserved To The Mambers. The Names Of Each Person Who Is A Member Are: Shawma Lopez, member 8253 W. Thunderbrd, #107

vided common programs of the research of a summy vide of common of the c

The address of the registered office is: 47 W. HATCHER RD.
PHOENIX, AZ 55/021
The name of the Statutory Agent is: 0.05/m.M. Fazer-Statutory Agent is: 47 W. Hatcher Rd.
Phoenix, AZ 85/021

Name: WELD WORKS AZ, LLC.

ARTICLES OF ORGANIZATION HAVE BEEN FILED IN THE OFFICE OF THE ARIZONA CORPORATION COMMISSION FOR

ot D. Lse W OFFICE OF KENT LEE P.C. 225 West Bell Road, Suite 5 Arrana 85308

Section during regular business hours at the ters listed above, lish Poola Times sury 10, 2017

NOTICE OF FINAN
Accipiter Communicati
Zona Com
Docket 1-02
On March 28, 2014, Ac

2//Www.azcs.gov/divisions/utilities/forms/Pub-comment/form.pdf. comment/form.pdf. rour require assistance submitting comments, rour contact the Consumer Services Section 1-900-227-2000 or 602) 542-4231.
bills Feoria Times
wausy 10, 2017 n, 1200 West Washington, Phoe-r, or by email. For a form to use in how to e-mail comments to the se go to: lov/divisions/utilities/forms/Pub-off.

Public Service Amouncement cipiter Communications incorporated, dba ra Communications, the local telephone is high-speed interiet service provider to parts Surprise (Bannot Wells/Crozze racal), Pouls Starcial, Buckeye (Festival Fanch), Willmann hissening Harch) and Montstown (Lake Peasanh Fascening Services and functionalises, at a mnounced biolowing services and functionalises, at a mnounced control in the following, are available these areas:

emergency services such as 911 and 911 service

inflemnore, Zona Communications supports in derail program for qualifying low-moome com meres, called Lifeline. This program provides da punted elepthone or broadband service for eligi-te subscordes. To be eligible for the Lifeline are se, one must participate in one of the follow-parts. Federail Public Housing Assistance.

EXHIBIT C

AFFIDAVIT OF MAILING NOTICE TO CUSTOMERS

STATE OF ARIZONA)
) ss:
County of Maricopa)

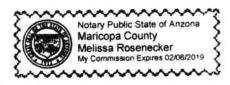
- I, Patrick Sherrill, being first duly sworn, depose and state as follows:
- I am a resident of Maricopa County. I am over 18 years of age and I make this affidavit based on my own personal knowledge.
- I am the President and Chief Executive Officer of Accipiter Communications
 Incorporated, doing business as Zona Communications ("Zona"), and I am authorized to make
 this affidavit on behalf of Zona.
- I certify that a copy of the notice attached hereto as <u>Attachment A</u> was mailed to each customer of Zona via First Class Mail on or about February 8, 2017.

Patrick Sherrill

SUBSCRIBED and sworn to before me this $\frac{16^{+h}}{2}$ day of February, 2017.

Notary Public

My Commission Expires: 2/6/19



Attachment A

NOTICE OF FINANCING APPLICATION

Accipiter Communications Incorporated d/b/a Zona Communications Docket T-02847A-16-0482

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http://www.azcc.gov/divisions/utilities/forms/PublicCommentForm.pdf.

If you require assistance submitting comments, you may contact the Consumer Services Section at 1-800-222-7000 or (602) 542-4251.