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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

TOM FORESE, Chairman
BOB BURNS
DOUG LITTLE
ANDY TOBIN
BOYD DUNN

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AZ CORP COMMISSION
DOCKET CONTROL
2017 FEB 21 AM 9 25

Arizona Corporation Commission

DOCKETED

FEB 21 2017

DOCKETED BY
GB

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

CROCKETT LAW GROUP PLLC
2198 E. Camelback Road, Suite 305
Phoenix, Arizona 85016-4747

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no representative of Zona will receive service by U.S. Mail unless and until this Consent to E-mail Service is withdrawn through a subsequent filing.

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

5 Zona certifies that the designated e-mail address is a valid and active e-mail address to
6 which the party has regular and reliable access. Zona further certifies that it has sent or will
7 promptly send an e-mail to HearingDivisionServicebyEmail@azcc.gov from the designated e-
8 mail address and that such e-mail contained or will contain the docket number for this matter and
9 Zona's name.

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

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

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

25 The designated e-mail address for Zona for this matter is: jeff@jeffcrockettlaw.com

26 Additional e-mail addresses of individuals for whom Zona desires courtesy copies are:

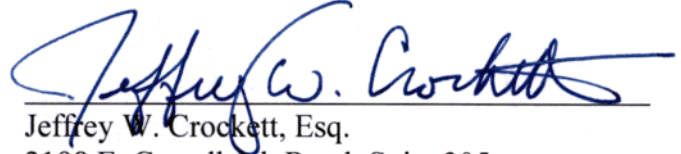
27 psherrill@teamzona.com

28 doc.wininger@pnpt.com

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RESPECTFULLY submitted this 21st day of February, 2017.

CROCKETT LAW GROUP PLLC



Jeffrey W. Crockett, Esq.
2198 E. Camelback Road, Suite 305
Phoenix, Arizona 85016-4747
Phone: (602) 441-2775
E-mail: jeff@jeffcrockettlaw.com
Attorney for Accipiter Communications Incorporated
d/b/a Zona Communications

ORIGINAL and thirteen (13) copies filed
this 21st day of February, 2017, with:

Docket Control
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, Arizona 85007

COPY sent via e-mail this
21st day of February, 2017, to:

Elijah Abinah, Acting Director
Utilities Division
ARIZONA CORPORATION COMMISSION
1200 W. Washington Street
Phoenix, Arizona 85007
eabinah@azcc.gov
lmorrison@azcc.gov
mescott@azcc.gov
legaldiv@azcc.gov

Consented to Service by E-mail



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, Theresa Halliday 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) *Theresa Halliday*
Theresa Halliday

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

(s) *[Signature]*
Notary Public

My Commission Expires:

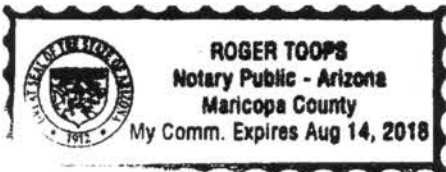


EXHIBIT C

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:

1. 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.

2. 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.

3. I certify that a copy of the notice attached hereto as Attachment A was mailed to each customer of Zona via First Class Mail on or about February 8, 2017.



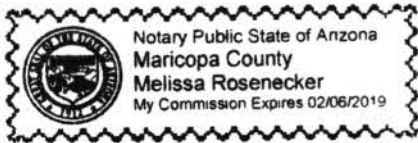
Patrick Sherrill

SUBSCRIBED and sworn to before me this 16th day of February, 2017.



Notary Public

My Commission Expires: 2/6/19



Attachment A

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