

ORIGINAL



0000017131

RECEIVED

BEFORE THE ARIZONA CORPORATION COMMISSION

2005 MAR -9 P 2:47

COMMISSIONERS

JEFF HATCH-MILLER, Chairman
MARC SPITZER
WILLIAM A. MUNDELL
MIKE GLEASON
KRISTIN K. MAYES

AZ CORP COMMISSION
DOCUMENT CONTROL

Arizona Corporation Commission
DOCKETED

MAR 09 2005

DOCKETED BY *CH*

<p>IN THE MATTER OF THE APPLICATION OF COPPER VALLEY TELEPHONE COMPANY TO EXTEND ITS CERTIFICATE OF CONVENIENCE AND NECESSITY IN COCHISE COUNTY</p>	<p>DOCKET T-02727A-03-0161</p>
---	---------------------------------------

SECOND SUPPLEMENTAL FILING TO COPPER VALLEY TELEPHONE COMPANY'S APPLICATION FOR EXTENSION OF ITS CERTIFICATE OF CONVENIENCE AND NECESSITY

Copper Valley Telephone Company ("Copper Valley" or the "Company") hereby submits its Second Supplemental Filing¹ to the Application to Extend its Certificate of Convenience and Necessity ("CC&N") in Cochise County (the "Application"), which was filed on March 17, 2003. in the above-captioned docket. The purpose of this filing is twofold: 1) to add an additional section of property to its original request for an extension because the Company has received a request for service in that area; and 2) to clarify the legal description for the area that is the subject of this docket. In addition, Copper Valley hereby requests that this matter be set for hearing as quickly as possible so the residents of the currently unserved area can receive telephone service.

¹ On June 12, 2003, Copper Valley filed a supplemental filing to its Application addressing certain questions raised by Utilities Division Staff regarding the original filing ("First Supplemental Filing").

Snell & Wilmer

LLP
LAW OFFICES
One Arizona Center, 400 E. Van Buren
Phoenix, Arizona 85004-2202
(602) 382-6000

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

1 **Additional Service Territory**

2 In its initial filing, Copper Valley had requested the inclusion of several sections of land
3 that subsequently were removed from the original request because there had been no request for
4 service in that area. Recently, however, a land developer has requested telephone service from
5 Copper Valley in Section 27, Township 21 South, Range 25 East, ("Section 27"), for a new
6 development, Tombstone Heritage Ranch. As the homes are constructed in Section 27, there will
7 be an on-going need for telephone service. A copy of the letter requesting service is attached as
8 Exhibit A.

9 Qwest Corporation, an intervenor in this docket, has been notified of this request for
10 service, and has no objection to the transfer of this part of Qwest's service territory to Copper
11 Valley. Qwest does not have facilities or customers in this area. Granting approval for the
12 extension of Copper Valley's CC&N to serve Section 27 will benefit customers and is in the
13 public interest.

14 **Clarification of Legal Description**

15 The metes and bounds legal description attached as Attachment "C" to the First
16 Supplemental Filing includes both the existing Elfrida Exchange and the requested extension
17 area, although it incorrectly states in the First Supplemental Filing that the legal description is for
18 only the extension area. To clarify the record, Copper Valley is submitting a separate legal
19 description attached as Exhibit B, which describes only the requested extension area, including
20 Section 27.

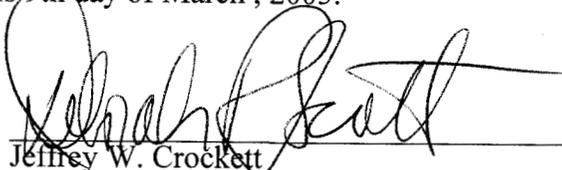
21 **CONCLUSION**

22 There are a number of residents in the requested extension area that are anxiously waiting
23 to receive telecommunications service. Copper Valley is ready, willing and able to provide
24 telecommunication service to all customers within the requested extension area. Furthermore,
25 Qwest has no objection to the transfer of this territory to Copper Valley. Therefore, to best serve
26

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

the public interest, Copper Valley requests that the Commission expeditiously set this matter for hearing and issue its Order authorizing the extension of Copper Valley's CC&N as requested.

RESPECTFULLY SUBMITTED this 9th day of March, 2005.



Jeffrey W. Crockett
Deborah R. Scott
SNELL & WILMER
One Arizona Center
Phoenix, Arizona 85004
(602) 382-6234
Attorneys for Copper Valley Telephone Company

ORIGINAL and thirteen (13) copies of the foregoing filed this 9th day of March, 2005, with:

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

A COPY of the foregoing hand-delivered this 9th day of March, 2005, to:

Christopher C. Kempley, Chief Counsel
Legal Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, Arizona 85007

Ernest G. Johnson, Director
Utilities Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, Arizona 85007

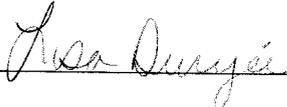
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

A COPY of the foregoing mailed
this 9th day of March, 2005, to:

Norm Curtright, Staff Attorney-Policy and Law
QWEST CORPORATION
3033 North 3rd Street
Room 1010
Phoenix, Arizona 85012

Timothy Berg, Esq.
FENNEMORE CRAIG PC
3003 North Central Avenue
Suite 2600
Phoenix, Arizona 85012-2913

Del Smith, Utilities Engineer Supervisor
Utilities Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, Arizona 85007



1639408.1

EXHIBIT

A

Arizona Land & Ranches, Inc.

By Deborah

Tax ID #
86-0833925

January 21, 2005

Copper Valley Telephone
Jo Ann Garey
P.O. Box 970
Wilcox, AZ 85644

RE: TELEPHONE LINE EASEMENT THROUGH TOMBSTONE HERITAGE RANCH Lots (formerly the "47 Ranch")

Dear Jo Ann,

Per our telephone conversation this afternoon regarding the phone lines being located outside of the original easement area, I am enclosing the following for your reference:

- 1) Right of Way Easement granted to Valley Telephone Cooperative (hard to read, may need a magnifying glass or a better copy than I have)
- 2) Our recorded Plat of Tombstone Heritage Ranch, Phase 1, ALONG WITH the Affidavit of Correction to the Plat referring to the phone lines (should have been recorded sometime this week).

As I said, apparently the current lines are actually located outside of the easement that was originally recorded and instead lie within the north 50' of the parcels that we have adjacent to Davis Road. All of the lots are now in escrow but the buyers have been notified by an Addendum to the Purchase Contract, that the lines exist and we will be granting an easement to your company prior to close of escrow on those lots.

Since many of these are scheduled to close escrow in approx. 4 weeks, it is important that we take care of this as soon as possible. Please look into this so we can grant you an easement that accurately reflects where the lines are currently located.

Please call me with any questions at (928) 771-1003 or fax: (928) 771-9834.

Thank you for your timely attention to this matter!

Sincerely Yours,



Deborah Palmer

EXHIBIT

B

Sections that Copper Valley is requesting to be incorporated into the Elfrida Exchange
CC&N:

Township 19 South, Range 23 East, Sections 1 through 18
22 through 27
34 through 36

Township 19 South, Range 24 East, Sections 3 through 10
15 through 22
27 through 36

Township 20 South, Range 23 East, Sections 1 through 3
10 through 15
22 through 27
34 through 36

Township 20 South, Range 24 East, Sections 3 through 10
15 through 22
27 through 34

Township 21 South, Range 23 East, Sections 1 through 2
11 through 12
13 through 14
23 through 24

Township 21 South, Range 24 East, Sections 2 through 11
14 through 23

Township 21 South, Range 25 East, Section 27