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BEFORE THE ARIZONA CORPORATION COMMISSION

25FD

COMMISSIONERS

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

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AZ CORP COMMISSION  
DOCUMENT CONTROL

IN THE MATTER OF THE APPLICATION OF  
VALLEY CONNECTIONS, LLC FOR  
AUTHORIZATION TO ASSUME NEW DEBT.

DOCKET NO. T-04169A-04-0816

PROCEDURAL ORDER

BY THE COMMISSION:

On November 12, 2005, Valley Connections, LLC ("Valley") filed an application with the Arizona Corporation Commission ("Commission") for authorization to assume a debt in the amount of \$14,956,743 from the U. S. Department of Agriculture, Rural Utilities Service ("RUS").

On June 3, 2005, Commission Utilities Division Staff filed a Staff Report. In the Staff Report Staff notes that Valley published a Notice of Intent to Provide Broadband Service in the *San Pedro Valley News Sun*, *Arizona Range News* and the *Eastern Arizona Courier* on July 7, 2004. Copies of the published notices are attached to the Staff Report. The published notice states that Valley has applied under the Rural Broadband Access Loan and Loan Guarantee Program being administered by the RUS, and references a requirement that Valley must announce its intent to provide broadband services in the State of Arizona, and that incumbent broadband providers have 30 days to notify the RUS if they are providing such service.

A.R.S. § 40-302.A provides that before the Commission acts on a request to authorize borrowing, the applicant will give notice in such form and manner as the Commission deems appropriate. It is the practice and custom of the Commission to require applicants seeking authority to issue debt to publish notice of the application with the Commission.<sup>1</sup> The record does not indicate that Valley published notice of its application for finance authority with this Commission. The Notice of Intent published in connection with RUS requirements does not reference the pending application for financing authority, and does not provide sufficient notice to the public of the nature

<sup>1</sup> The Commission provides a sample notice for applicants in its packet of information for financing applications.

1 of the matter currently pending before the Commission in this docket.

2 IT IS THEREFORE ORDERED that Valley shall publish notice of its application in the  
3 following form and style:

4 **PUBLIC NOTICE OF**  
5 **THE APPLCIATION OF VALLEY CONNECTIONS, LLC**  
6 **FOR AUTHORITY TO ASSUME NEW DEBT**  
7 **DOCKET NO. T-04169A-04-0816**

8 On November 12, 2005, Valley Connections, LLC ("Applicant") filed an  
9 Application with the Arizona Corporation Commission ("Commission") for an  
10 order authorizing the Applicant to issue debt in the amount of \$14,956,743. On  
11 June 3, 2005, Commission Staff filed a Staff Report that recommends approval  
12 of the application subject to conditions. The Commission may consider the  
13 application without a hearing if no party requests an evidentiary hearing. The  
14 Application and Staff Report are available for inspection during regular business  
15 hours at the offices of the Commission in Phoenix and Tucson, Arizona and at  
16 the Applicant's office in **INSERT APPLCIANT'S ADDRESS**.

17 Intervention in the Commission's proceedings on the application shall be  
18 permitted to any person entitled by law to intervene and having a direct  
19 substantial interest in this matter. Persons desiring to intervene must file a  
20 Motion to Intervene with the Commission which must be served upon Applicant  
21 and which, at a minimum, shall contain the following information.

- 22 1. The names, addresses and telephone number of the proposed  
23 intervenor and of any person upon whom service of documents is  
24 to be made if different than the intervenor.
- 25 2. A short statement of the proposed intervenor's interest in the  
26 proceeding.
- 27 3. Whether the proposed intervenor desires a formal evidentiary  
28 hearing on the application and the reasons for such a hearing.
- 1 4. A statement certifying that a copy of the Motion to Intervenor has  
2 been mailed to Applicant.

3 The granting of Motions to Intervene shall be governed by A.A.C. R14-3-105, except  
4 that all Motions to Intervene must be filed on, or before, the 15<sup>th</sup> day after this notice.  
5 Any person may file written comments on the application, without seeking  
6 intervention, by mailing copies to the Commission and Applicant. All correspondence  
7 should contain reference to the Docket No. T-04169A-04-0816.

8 If you have any questions about this application, or want further information on  
9 intervention, you may contact the Consumer Services Section of the Commission at  
10 1200 West Washington Street, Phoenix, Arizona 85007, or call 1-800-222-7000.

11 The Commission does not discriminate on the basis of disability in admission to its  
12 public meetings. Persons with a disability may request a reasonable accommodation  
13 such as a sign language interpreter, as well as request this document in an alternative  
14 format, by contacting Linda Hogan, ADA Coordinator, voice phone number 602/542-  
15 3931, E-mail LHogan@cc.state.az.us. Requests should be made as early as possible to  
16 allow time to arrange the accommodation.

17 IT IS FURTHER ORDERED that Valley shall publish the above notice in newspapers of

1 general circulation within its service territory, and shall file affidavits of publication as soon as  
2 practicable after publication is complete.

3 IT IS FURTHER ORDERED that notice shall be deemed complete upon publication  
4 of same, notwithstanding the failure of an individual customer to read or receive the notice.

5 IT IS FURTHER ORDERED that the Presiding Officer may rescind, alter, amend, or waive  
6 any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

7 Dated this 13<sup>th</sup> day of July, 2005

8  
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10   
11 JANE RODDA  
ADMINISTRATIVE LAW JUDGE

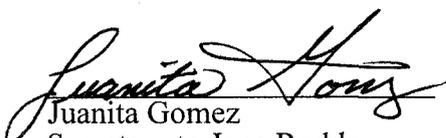
12 Copies of the foregoing mailed/delivered  
13 this 13<sup>th</sup> day of July, 2005 to:

14 Judy Burns, General Manager  
15 VALLEY CONNECTIONS, LLC  
16 P.O. Box 970  
17 Willcox, AZ 85644

18 Jeffrey W. Crockett  
19 SNELL & WILMER  
20 One Arizona Center  
21 Phoenix, AZ 85004  
22 Attorneys for Valley Connections, LLC

23 Christopher Kempsey, Chief Counsel  
24 Legal Division  
25 ARIZONA CORPORATION COMMISSION  
26 1200 West Washington Street  
27 Phoenix, AZ 85007

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

29  
30 By:   
31 Juanita Gomez  
32 Secretary to Jane Rodda