

ORIGINAL
OPEN MEETING



410

MEMORANDUM

TO: THE COMMISSION

FROM: Utilities Division

DATE: August 25, 2005

RE: IN THE MATTER OF THE APPLICATION OF COX ARIZONA TELCOM, LLC FOR A WAIVER OF RULE 805 OF THE PUBLIC UTILITY HOLDING COMPANIES AND AFFILIATED INTERESTS RULES (A.A.C. R14-2-801 *et seq.*) – DOCKET NO. T-03471A-05-0357

On May 17, 2005, Cox Arizona Telcom, LLC ("Cox") filed an application for an extension of the complete waiver of Public Utility Holding Companies and Affiliated Interests Rules, Arizona Administrative Code R14-2-805 that was granted to Cox in Decision No. 66234 (September 16, 2003).

On June 21, 2005, Decision No. 67994 suspended the May 17, 2005 Cox application until and including September 14, 2005.

Staff has not completed its evaluation of the application and, therefore, recommends that the filing be suspended for a period of sixty days, until and including November 14, 2005.

Armando Fimbres

for Ernest G. Johnson
Director
Utilities Division

EGJ:AFF:lhmm\MAS

ORIGINATOR: Armando Fimbres

RECEIVED
2005 AUG 25 1 A 9 35
AZ CORP COMMISSION
DOCUMENT CONTROL

Arizona Corporation Commission
DOCKETED
AUG 25 2005
DOCKETED BY *AK*

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
27
28

BEFORE THE ARIZONA CORPORATION COMMISSION

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

IN THE MATTER OF THE APPLICATION)
OF COX ARIZONA TELCOM, LLC FOR A)
WAIVER OF RULE 805 OF THE PUBLIC)
UTILITY HOLDING COMPANIES AND)
AFFILIATED INTERESTS RULES (A.A.C.)
R14-2-801 *et seq.*)

DOCKET NO. T-03471A-05-0357
DECISION NO. _____
ORDER

Open Meeting
September 7 and 8, 2005
Phoenix, Arizona

BY THE COMMISSION:

FINDINGS OF FACT

1. Cox Arizona Telcom, LLC ("Cox") is certificated to provide telecommunications services in the State of Arizona.
2. On May 17, 2005, Cox filed an application for an extension of the complete waiver of Public Utility Holding Companies and Affiliated Interests Rules, Arizona Administrative Code R14-2-805 that was granted to Cox in Decision No. 66234 (September 16, 2003).
3. On June 21, 2005, Decision No. 67994 suspended the May 17, 2005 Cox application until and including September 14, 2005.
4. Staff has not completed its evaluation of the application and, therefore, recommends that the filing be suspended for a period of sixty days, until and including November 14, 2005.

...
...

CONCLUSIONS OF LAW

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
27
28

1. Cox is an Arizona public service corporation within the meaning of Article XV, Section 2, of the Arizona Constitution.

2. The Commission has jurisdiction over Cox and of the subject matter in this filing.

3. The Commission, having reviewed the filing and Staff's Memorandum dated August 25, 2005 concludes that it is in the public interest to suspend this filing for a period of sixty days, until and including November 14, 2005.

...
...
...
...
...
...
...
...
...
...
...
...
...
...
...
...
...
...
...
...
...

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
27
28

ORDER

IT IS THEREFORE ORDERED that this filing be and is hereby suspended through November 14, 2005.

IT IS FURTHER ORDERED that this Order shall become effective immediately.

BY THE ORDER OF THE ARIZONA CORPORATION COMMISSION

CHAIRMAN

COMMISSIONER

COMMISSIONER

COMMISSIONER

COMMISSIONER

IN WITNESS WHEREOF, I BRIAN C. McNEIL, Executive Director of the Arizona Corporation Commission, have hereunto, set my hand and caused the official seal of this Commission to be affixed at the Capitol, in the City of Phoenix, this _____ day of _____, 2005.

BRIAN C. McNEIL
Executive Director

DISSENT: _____

DISSENT: _____

EGJ:AFF:lm\MAS

1 SERVICE LIST FOR: Cox Telcom, LLC
2 DOCKET NO. T-03471A-05-0357

3 Mr. Michael W. Patten
4 Roshka Heyman & DeWulf, PLC
5 One Arizona Center
6 400 East Van Buren Street, Suite 800
7 Phoenix, Arizona 85004

8 Mr. Ernest G. Johnson
9 Director, Utilities Division
10 Arizona Corporation Commission
11 1200 West Washington
12 Phoenix, Arizona 85007

13 Mr. Christopher C. Kempsey
14 Chief Counsel
15 Arizona Corporation Commission
16 1200 West Washington
17 Phoenix, Arizona 85007

18
19
20
21
22
23
24
25
26
27
28