

**ORIGINAL**

**THIS AMENDMENT:**

Passed \_\_\_\_\_

Passed as amended by \_\_\_\_\_

Failed \_\_\_\_\_

Not Offered \_\_\_\_\_



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**REVISED  
SPITZER PROPOSED AMENDMENT #1**

TIME/DATE PREPARED 4:00 p.m. / November 7, 2005

COMPANY: Cox Arizona Telecom, LLC

AGENDA ITEM NO. U-9

DOCKET NO. T-03471A-05-0357

OPEN MEETING DATE: November 8 & 9, 2005

**RECEIVED**  
2005 NOV - 7 P 4: 05  
AZ CORP COMMISSION  
DOCUMENT CONTROL

**NEW FINDING OF FACTS**

**At page 12, line 23**

INSERT:

“10. The Commission recognizes Staff’s concerns with granting the waiver as stated in the Application.

11. The Commission believes technological innovations and “convergence” in telecom blur distinctions between modes of telephony. Further, the bundling of services has the potential to create confusion for consumers as to their rights and remedies. The Commission wishes to establish a framework to afford Arizona residential consumers the opportunity to arbitrate claims and/or disputes with respect to billing and unauthorized charges **for all modes of telecommunications services**. With the consumer protections afforded herein, we believe granting a complete waiver of A.A.C. R14-2-805 for a 30 month period from the date of this Decision is appropriate.”

**NEW CONCLUSIONS OF LAW**

**At page 12, line 28**

DELETE:

“3. The Commission, having reviewed the filing and Staff’s Memorandum dated October 26, 2005, concludes that it is not in the public interest to grant a complete waiver of A.A.C. R14-2-805 for an additional 30 months, retroactive to November 17, 2002.

And INSERT:

“3. Finding of Fact No. 11 justifies and supports the legal conclusion that the Arbitration Program ordered herein and defined below is authorized by Article XV of the Arizona Constitution.

4. We conclude that it is in the public interest to renew Cox Arizona's waiver of A.A.C. R14-2-805 for an additional 30 months from the date of this Decision.”

**At page 13, line 6,**

DELETE:

“denied.”

INSERT:

“granted for an additional 30 months from the date of this Decision.”

#### **NEW ORDERING PARAGRAPHS**

**At page 13, line 7**

INSERT:

“IT IS FURTHER ORDERED that all Arizona residential consumers of telecommunications services should have the opportunity to arbitrate disputes over billing and unauthorized charges before the Commission. Cox Arizona consents to participate in a binding arbitration program administered by the Commission (the “Arbitration Program”). The Arbitration Program will apply to all Arizona residential customers of Cox Arizona and/or its affiliates that offer or bundle telecommunications services, including but not limited to wireline, wireless and VOIP telephony.

IT IS FURTHER ORDERED that Cox Arizona’s acceptance of the Commission’s granting of the extension of the 30 month waiver constitutes Cox Arizona’s agreement with and acquiescence to the Commission’s jurisdiction with respect to the Arbitration Program.

IT IS FURTHER ORDERED that the Arbitration Program shall be administered within the consumer services section of the Utilities Division, and shall embrace Arizona residential customer disputes relating solely to billing and unauthorized charges. The Arbitration Program expressly includes wireline, wireless and/or VOIP services offered or bundled by Cox Arizona and/or its affiliates.

IT IS FURTHER ORDERED that on deciding a dispute between Cox Arizona and/or its affiliates and any of its customer(s) through the Arbitration Program established by this

Decision, the Commission shall forego imposing any monetary sanction, except restitution in any form, including billing credits, against any participant in the Arbitration Program.

IT IS FURTHER ORDERED that nothing in this Decision shall prevent the Commission from issuing an Order to Show Cause.

IT IS FURTHER ORDERED that nothing in this Decision shall compel a customer to participate in the binding Arbitration Program or foreclose a customer from pursuing an action in a court of law or equity.”