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COMMISSIONERS
MARC SPITZER - Chairman
JIM IRVIN
WILLIAM A. MUNDELL
JEFF HATCH-MILLER
MIKE GLEASON

Executive Secretary

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ARIZONA CORPORATION COMMISSION

2003 JAN 28 A 9:03

DATE: January 28, 2003
DOCKET NOS: T-02532A-00-0512
TO ALL PARTIES:

AZ CORP COMMISSION
DOCUMENT CONTROL

Enclosed please find the recommendation of Administrative Law Judge Teena Wolfe. The recommendation has been filed in the form of an Order on:

MIDVALE TELEPHONE EXCHANGE, INC.
(RATES/ORDER NUNC PRO TUNC)

Pursuant to A.A.C. R14-3-110(B), you may file exceptions to the recommendation of the Administrative Law Judge by filing an original and thirteen (13) copies of the exceptions with the Commission's Docket Control at the address listed below by **4:00 p.m.** on or before:

FEBRUARY 6, 2003

The enclosed is NOT an order of the Commission, but a recommendation of the Administrative Law Judge to the Commissioners. Consideration of this matter has tentatively been scheduled for the Commission's Working Session and Open Meeting to be held on:

FEBRUARY 11 AND 12, 2003

For more information, you may contact Docket Control at (602)542-3477 or the Hearing Division at (602)542-4250.

Arizona Corporation Commission

DOCKETED

JAN 28 2003

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BRIAN C. McNEIL
EXECUTIVE SECRETARY

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 COMMISSIONERS

3 MARC SPITZER, Chairman
4 JIM IRVIN
5 WILLIAM A. MUNDELL
6 JEFF HATCH-MILLER
7 MIKE GLEASON

8 IN THE MATTER OF MIDVALE TELEPHONE
9 EXCHANGE, INC.'S APPLICATION FOR
10 AUTHORITY TO INCREASE RATES AND FOR
11 DISBURSEMENT FROM THE ARIZONA
12 UNIVERSAL SERVICE FUND.

DOCKET NO. T-02532A-00-0512

DECISION NO. _____

ORDER NUNC PRO TUNC

13 Open Meeting
14 February 11 and 12, 2003
15 Phoenix, Arizona

16 **BY THE COMMISSION:**

17 On September 5, 2001, the Commission issued Decision No. 64011 in this docket.

18 On December 20, 2001, Qwest Corporation ("Qwest") and Midvale Telephone Exchange, Inc.
19 ("Midvale") filed in this docket a Stipulation for Correction of Midvale's CC&N and Request for an
20 Order *Nunc Pro Tunc* Validating the Correction ("First Stipulation").

21 On March 19, 2002, the Commission's Utilities Division Staff ("Staff") filed comments in
22 response to the First Stipulation.

23 On January 24, 2003, Midvale, Qwest and Staff filed a Stipulation for Clarification of
24 Midvale's CC&N and Request for an Order *Nunc Pro Tunc* Incorporating the Clarification in this
25 docket ("Second Stipulation").

26 First Stipulation and Staff's Response

27 In the First Stipulation, Qwest and Midvale request that certain real property described as
28 Section 31, Township 5N, Range 6E of the Gila and Salt River Base and Meridian, Maricopa County,
Arizona ("Section 31") be deleted from Midvale's Certificate of Convenience and Necessity
("CC&N") service territory. Qwest and Midvale state in support of their request that Decision No.
64011 granted Midvale's request to extend Midvale's CC&N to encompass the Millsite and Silver
Bell exchanges, which include Section 31. The First Stipulation states that at the time Decision No.
64011 was issued, Qwest's tariff maps on file with the Commission did not accurately reflect the fact

1 that Qwest's service territory also encompasses Section 31. After the issuance of Decision No.
2 64011, Qwest filed revised maps with the Commission that accurately delineate Qwest's service area.
3 Consequently, at this time, Qwest's tariff maps and Midvale's CC&N both encompass Section 31.
4 The First Stipulation asserts that deletion of Section 31 from Midvale's CC&N territory will not
5 prejudice any customer or any party to Decision No. 64011.

6 Staff states in its response to the First Stipulation that it does not oppose the correction of
7 Midvale's CC&N to delete Section 31, and affirms that Qwest is, and has been, serving customers in
8 Section 31. In its response, Staff also describes an additional correction to Midvale's CC&N territory
9 which was addressed in the hearing record but was not reflected in Decision No. 64011. Staff states
10 that Section 33, Township 14N, Range 2E, which is a part of Qwest's Humboldt exchange and
11 included in Qwest's tariff map on file with the Commission ("Section 33"), should not be included in
12 Midvale's CC&N service territory. Staff states that it has consulted with both Qwest and Midvale
13 about this issue, and that there is no dispute by either Qwest or Midvale that Section 33 is in Qwest's
14 service area. Staff further states that on February 27, 2002, Midvale filed a corrected service area
15 map deleting Section 33 from its Millsite Exchange Henderson Valley service area.

16 Second Stipulation

17 By their joint filing of the Second Stipulation, Midvale, Qwest and Staff seek clarification that
18 Midvale's CC&N as expanded by Decision No. 64011 includes what is referred to as the Granite
19 Mountain Exchange. In Decision No. 64011, the Commission granted Midvale's request for
20 expansion of its CC&N and ordered that ". . . Midvale Telephone Exchange Inc.'s request for an
21 extension of its Certificate of Convenience and Necessity to serve the Millsite and Silver Bell
22 exchanges shall be granted."

23 The Second Stipulation explains that the Silver Bell exchange encompasses the Rio Verde
24 noncontiguous area, which has now become a separate and independent exchange referred to as the
25 Granite Mountain Exchange. Midvale, Qwest and Staff believe that while their requested
26 clarification would not result in any modification to the geographic area approved in Decision No.
27 64011, that the clarification is necessary to ensure that there is no confusion in the future regarding
28 the exchanges included in the Midvale CC&N territory expansion granted in Decision No. 64011.

1 The corrections requested by the First Stipulation and Staff's response thereto, and the
2 clarification requested by the Second Stipulation will result in no prejudice to any customer or any
3 party to this proceeding. Based on the facts and reasoning set forth in the First Stipulation, Staff's
4 response thereto, and the Second Stipulation, the requests therein are reasonable and should be
5 granted.

6 IT IS THEREFORE ORDERED that Decision No. 64011 (September 5, 2001) is hereby
7 corrected deleting Section 31 and Section 33 from the service area of Midvale Telephone Exchange,
8 Inc.

9 IT IS FURTHER ORDERED that it is hereby clarified that Decision No. 64011 (September 5,
10 2001) extended the service area of Midvale Telephone Exchange, Inc. to include the Granite
11 Mountain Exchange, and that this clarification results in no modification to the geographic service
12 territory approved in Decision No. 64011.

13 IT IS FURTHER ORDERED that this Decision shall become effective immediately.

14 BY ORDER OF THE ARIZONA CORPORATION COMMISSION.
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17 CHAIRMAN COMMISSIONER COMMISSIONER
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19 COMMISSIONER COMMISSIONER
20

21 IN WITNESS WHEREOF, I, BRIAN C. McNEIL, Executive
22 Secretary of the Arizona Corporation Commission, have
23 hereunto set my hand and caused the official seal of the
24 Commission to be affixed at the Capitol, in the City of Phoenix,
25 this ____ day of _____, 2003.

25 _____
26 BRIAN C. McNEIL
27 EXECUTIVE SECRETARY

26 DISSENT _____

27 DISSENT _____
28 MES:mlj

1 SERVICE LIST FOR: MIDVALE TELEPHONE EXCHANGE, INC.

2
3 DOCKET NO.: T-02532A-00-0512

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26
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THIS AMENDMENT:		ORIGINAL
Passed	Passed as amended by	
Failed	Not Offered	RECEIVED ^{Withdrawn}

T-02532A-00-0512

2003 FEB -5 P 1:15

HEARING PROPOSED AMENDMENT # 1

AZ CORP COMMISSION
DOCUMENT CONTROL

TIME/DATE PREPARED: 2/5/2003 1:08 PM

COMPANY: Midvale Telephone Exchange, Inc.

AGENDA ITEM NO. U-7

DOCKET NO. U-7

OPEN MEETING DATE: February 11 & 12, 2002

Page 3, Line 7 INSERT after "31":

“, Township 5N, Range 6E of the Gila and Salt River Base and Meridian, Maricopa County, Arizona,”

Page 3, Line 7 INSERT after "33":

“, Township 14N, Range 2E of the Gila and Salt River Base and Meridian, Yavapai County, Arizona,”

Arizona Corporation Commission

DOCKETED

FEB 05 2003

DOCKETED BY	<i>CHL</i>
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