

04011



29

BEFORE THE ARIZONA CORPORATION COMMISSION

2003 JAN 24 A 8: 24

Arizona Corporation Commission

DOCKETED

JAN 24 2003

DOCKETED BY [Signature]

MARC SPITZER
CHAIRMAN
JIM IRVIN
COMMISSIONER
WILLIAM A. MUNDELL
COMMISSIONER
JEFF HATCH-MILLER
COMMISSIONER
MIKE GLEASON
COMMISSIONER

AZ CORP COMMISSION
DOCUMENT CONTROL

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

DOCKET NO. T-02532A-00-0512
STIPULATION FOR CLARIFICATION OF
MIDVALE'S CC&N AND REQUEST
FOR AN ORDER *NUNC PRO TUNC*
INCORPORATING THE CLARIFICATION

Midvale Telephone Exchange Inc. ("Midvale"), Qwest Corporation ("Qwest") and Arizona Corporation Commission Staff ("Staff") hereby seek clarification that Midvale's Certificate of Convenience and Necessity ("CC&N") as expanded in Decision 64011 dated September 5, 2001, now includes what is referred to as the Granite Mountain Exchange. The parties request entry of an order *nunc pro tunc* incorporating this clarification.

On July 14, 2000, Midvale filed an Application with the Commission for authority to increase rates and for disbursements from the Arizona Universal Service Fund. Midvale's Application also requested permission to extend the Company's CC&N to include the Millsite exchange (which encompasses the Henderson Valley noncontiguous area) and the Silver Bell exchange (which at the time encompassed the Rio Verde noncontiguous area). In Decision 64011, the Commission granted Midvale's request for CC&N expansion and in Ordering Paragraph 2 stated that "...Midvale Telephone Exchange Inc.'s request for an extension of its Certificate of Convenience and Necessity to serve the Millsite and Silver Bell exchanges shall be granted."

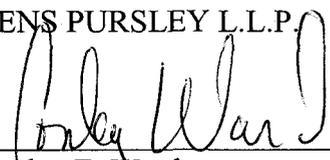
1 On December 20, 2001, Midvale and Qwest filed a Joint Stipulation¹ requesting
2 correction of Midvale's CC&N to delete certain real property already encompassed by Qwest's
3 existing service area. The parties also asked for an Order Nunc Pro Tunc validating the
4 correction. Staff filed comments in support of the Joint Stipulation, and identified the need for a
5 further correction to the Order. Since then, Staff has identified the need for the instant
6 clarification requested herein.

7 The instant clarification is necessary because the noncontiguous Rio Verde portion of the
8 Silver Bell exchange has now become a separate and independent exchange referred to as the
9 Granite Mountain Exchange.² While the change occurred subsequent to Decision 64011, Staff
10 believes that clarification of Decision 64011 is necessary to ensure that there is no confusion in
11 the future regarding the exchanges included in Midvale's expanded CC&N. The new exchange
12 was necessary, in part, since the Silver Bell and Rio Verde service areas are in different LATAs
13 and to conform with industry practices. Clarification that Midvale's expanded CC&N includes
14 the Millsite, Silver Bell and Granite Mountain Exchanges does not result in any modification to
15 the new geographic area approved in Decision 64011.

16 Based on the foregoing, and because no party to this proceeding or customer will be
17 prejudiced by this clarification, Midvale, Qwest, and Staff respectively request entry of an order
18 *nunc pro tunc* incorporating this clarification to the area encompassed within Midvale's
19 expanded CC&N.

20
21 RESPECTIVELY SUBMITTED this 22nd day of January, 2003.

22 GIVENS PURSLEY L.L.P.

23
24 By 
25 Conley E. Ward
26 277 North 6th Street, Suite 200
27 Boise, Idaho 83701
28 Attorneys for
Midvale Telephone Exchange

¹ Stipulation For Correction of Midvale's CC&N And Request For An Order Nunc Pro Tunc Validating The Correction ("Joint Stipulation").

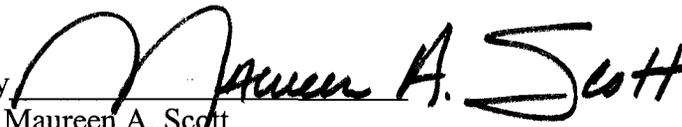
² See Joint Stipulation at page 2, lines 2 and 3.

1
2
3 FENNEMORE CRAIG, P.C.

4
5 By 

6 Timothy Berg
7 Theresa Dwyer
8 3003 North Central, Suite 2600
9 Phoenix, Arizona 85012
10 Attorneys for
11 Qwest Corporation

12 ARIZONA CORPORATION COMMISSION

13
14 By 

15 Maureen A. Scott
16 Attorney, Legal Division
17 1200 West Washington Street
18 Phoenix, Arizona 85007
19 Telephone: (602) 542-3402
20 Facsimile: (602) 542-4870
21 e-mail: maureenscott@cc.state.az.us

22 ORIGINAL and thirteen (13) copies of the foregoing
23 were filed this 24th day of January, 2003 with:

24 Docket Control
25 Arizona Corporation Commission
26 1200 West Washington Street
27 Phoenix, Arizona 85007

28 One copy of the foregoing hand-delivered
this 24th day of January, 2003 to:

Teena Wolfe
Administrative Law Judge
Hearings Division
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

1 Mr. Ernest G. Johnson
2 Director, Utilities Division
3 Arizona Corporation Commission
4 1200 West Washington
Phoenix, Arizona 85007

5 Mr. Christopher C. Kempley
6 Chief Counsel
7 Arizona Corporation Commission
8 1200 West Washington
Phoenix, Arizona 85007

9 One copy of the foregoing mailed
10 this 24th day of January, 2003 to:

11 Conley E. Ward
12 GIVENS PURSLEY LLP
13 P.O. Box 2720
14 Boise, Idaho 83701
15 Fax: (208) 388-1300
16 Attorneys for Midvale Telephone Exchange, Inc.

17 Tamara S. Herrera
18 RYLEY, CARLOCK & APPLEWHITE
19 101 North 1st Avenue, Suite 2700
Phoenix, Arizona 85003-1973
20 Fax: (6702) 257-9582
21 Attorneys for Midvale Telephone Exchange, Inc.

22 Deborah Scott
23 Associate General Counsel
24 Frontier Communications
25 2901 North Central Avenue, Suite 1660
26 Phoenix, AZ 85012

27 Curt Huttzell
28 Director, State Government Affairs
Frontier Communications
4 Triad Center, Suite 200
Salt Lake City, UT 84180

29 
30 Deborah A. Amaral
31 Secretary to Maureen Scott