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Arizona Corporation Commission

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BEFORE THE ARIZONA CORPORATION COMMISSION

AUG 28 2000

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CARL J. KUNASEK
CHAIRMAN

JIM IRVIN
COMMISSIONER

WILLIAM A. MUNDELL
COMMISSIONER

DOCKETED BY [Signature]

AZ CORP COMMISSION
DOCUMENT CONTROL

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

DOCKET NO. T-02532A-00-0512

PROCEDURAL ORDER

BY THE COMMISSION:

On July 17, 2000, Midvale Telephone Exchange, Inc. ("Company" or "Midvale") filed with the Arizona Corporation Commission ("Commission") an application for authority to increase rates and for disbursement from the Arizona Universal Service Fund.

On August 2, 2000 Qwest Corporation ("Qwest") filed a Motion to Intervene.

On August 11, 2000, the Utilities Division Staff ("Staff") of the Commission filed a letter indicating the Company's rate application was sufficient and classifying the Company as a Class A utility.

On August 15, 2000, by Procedural Order, Qwest was granted intervention.

Pursuant to A.A.C. R14-3-101, the Commission now issues this Procedural Order to govern the preparation and conduct of this proceeding.

IT IS THEREFORE ORDERED that the hearing in the above-captioned matter shall commence on **April 19, 2001 at 10:00 a.m.**, or as soon thereafter as is practical, at the Commission's offices 1200 West Washington, Phoenix, Arizona 85007.

IT IS FURTHER ORDERED that a pre-hearing conference shall be held on **April 16, 2001**, at 10:00 a.m. at the Commission's offices, for the purpose of scheduling witnesses and the conduct of the hearing.

IT IS FURTHER ORDERED that the Staff Report and/or any testimony and associated exhibits to be presented at hearing on behalf of Staff shall be reduced to writing and filed on or before **noon on February 1, 2001.**

1 IT IS FURTHER ORDERED that any testimony and associated exhibits to be presented at
2 hearing on behalf of intervenors shall be reduced to writing and filed on or before **noon on February**
3 **1, 2001.**

4 IT IS FURTHER ORDERED that any rebuttal testimony and associated exhibits to be
5 presented at hearing by the Company shall be reduced to writing and filed on or before **noon on**
6 **March 8, 2001.**

7 IT IS FURTHER ORDERED that any surrebuttal testimony and associated exhibits to be
8 presented by the Staff or intervenors shall be reduced to writing and filed on or before **noon on**
9 **March 29, 2001.**

10 IT IS FURTHER ORDERED that any rejoinder testimony and associated exhibits to be
11 presented at the hearing on behalf of the Company shall be reduced to writing and filed on or before
12 **noon on April 12, 2001.**

13 IT IS FURTHER ORDERED that any objections to any testimony or exhibits, which have
14 been prefiled as of April 12, 2001, shall be made before or at the April 16, 2001 pre-hearing
15 conference.

16 IT IS FURTHER ORDERED that all testimony filed shall include a table of contents which
17 lists the issues discussed.

18 IT IS FURTHER ORDERED that any substantive corrections, revisions, or supplements to
19 pre-filed testimony shall be reduced to writing and filed no later than five days before the witness is
20 scheduled to testify.

21 IT IS FURTHER ORDERED that the parties shall prepare a brief, written summary of the
22 pre-filed testimony of each of their witnesses and shall file each summary at least two working days
23 before the witness is scheduled to testify.

24 IT IS FURTHER ORDERED that copies of summaries should be served upon the Presiding
25 Officer, the Commissioners, and the Commissioners' aides as well as the parties of record.

26 IT IS FURTHER ORDERED that intervention shall be in accordance with A.A.C. R14-3-105,
27 except that all motions to intervene must be filed on or before December 1, 2000.
28

1 IT IS FURTHER ORDERED that discovery shall be as permitted by law and the rules and
2 regulations of the Commission, except that: until February 1, 2001, any objection to discovery
3 requests shall be made within 7 days¹ of receipt and responses to discovery requests shall be made
4 within 10 days of receipt; after February 1, 2001 objections to discovery requests shall be made
5 within 5 days and responses shall be made in 7 days¹; the response time may be extended by mutual
6 agreement of the parties involved if the request requires an extensive compilation effort; and no
7 discovery requests shall be served after April 16, 2001.

8 IT IS FURTHER ORDERED that, in the alternative to filing a written motion to compel
9 discovery, any party seeking discovery may telephonically contact the Commission's Hearing
10 Division to request a date for a procedural hearing to resolve the discovery dispute; that upon such a
11 request, a procedural hearing will be convened as soon as practicable; and that the party making such
12 a request shall forthwith contact all other parties to advise them of the hearing date and shall at the
13 hearing provide a statement confirming that the other parties were contacted²

14 IT IS FURTHER ORDERED that any motions which are filed in this matter and which are
15 not ruled upon by the Commission within 10 days of the filing date of the motion shall be deemed
16 denied.

17 IT IS FURTHER ORDERED that any responses to motions shall be filed within five days of
18 the filing date of the motion.

19 IT IS FURTHER ORDERED that any replies shall be filed within five days of the filing date
20 of the response.

21 IT IS FURTHER ORDERED that the Company shall provide public notice of the hearing in
22 this matter, in the following form and style:

23
24 **PUBLIC NOTICE OF HEARING ON THE**
RATE APPLICATION OF
25 **MIDVALE TELEPHONE EXCHANGE, INC.**

26 On July 17, 2000, Midvale Telephone Exchange, Inc. ("Company") in Docket No T-
02532A-00-0512, filed an application with the Arizona Corporation Commission for

27 ¹ "Days" means calendar days.

28 ² The parties are encouraged to attempt to settle discovery disputes through informal, good-faith negotiations
before seeking Commission resolution of the controversy.

1 an increase in rates for the Cascabel exchange of 14.3% for residential local exchange
2 access service and 52.4% for business local exchange access service. For residents in
3 the Company's Young exchange territory the increase in rates is 93.5% for residential
4 local exchange access service and 0% for business local exchange access service. The
5 actual percentage rate increase for individual customers will vary depending upon the
6 type and quantity of service provided. Copies of the Company's application and
7 proposed tariffs are available at its office and the Commission's offices for public
8 inspection during regular business hours.

9 The Commission will hold a hearing on this matter beginning April 19, 2001 at 10:00
10 a.m. at the Commission's offices, 1200 West Washington, Phoenix, Arizona. Public
11 comments will be taken on the first day of the hearing.

12 The law provides for an open public hearing at which, under appropriate
13 circumstances, interested parties may intervene. Intervention shall be permitted to any
14 person entitled by law to intervene and having a direct and substantial interest in the
15 matter. Persons desiring to intervene must file a written motion to intervene with the
16 Commission, which motion should be sent to the Company or its counsel and to all
17 parties of record, and which, at the minimum, shall contain the following:

- 18 1. The name, address, and telephone number of the proposed intervenor
19 and of any party upon whom service of documents is to be made if
20 different than the intervenor.
- 21 2. A short statement of the proposed intervenor's interest in the
22 proceeding (e.g., a customer of the Company, a stockholder of the
23 Company, etc.).
- 24 3. A statement certifying that a copy of the motion to intervene has been
25 mailed to the Cooperative or its counsel and to all parties of record in
26 the case.

27 The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except
28 that all motions to intervene must be filed on or before December 1, 2000. The
29 granting of intervention, among other things, entitles a party to present sworn evidence
30 at hearing and to cross-examine other witnesses. However, failure to intervene will
31 not preclude any customer from appearing at the hearing and making a statement on
32 such customer's own behalf.

33 The Commission does not discriminate on the basis of disability in admission to its
34 public meetings. Persons with a disability may request a reasonable accommodation
35 such as a sign language interpreter, as well as request this document in an alternative
36 format, by contacting Cynthia Mercurio-Sandoval, ADA Coordinator, voice phone
37 number 602/542-0838, E-mail csandoval@cc.state.az.us. Requests should be made as
38 early as possible to allow time to arrange the accommodation.

39 IT IS FURTHER ORDERED that the Company shall mail to each of its customers a copy of
40 the above notice by October 3, 2000.

41 IT IS FURTHER ORDERED that the Company shall file certification of mailing as soon as
42 practicable after the mailing has been completed.

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

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

5 DATED this 28th day of August, 2000.

6 

7 _____
8 STEPHEN GIBELLI
9 ADMINISTRATIVE LAW JUDGE

10 Copies of the foregoing mailed
11 this 28th day of August, 2000 to:

12 Conley E. Ward
13 GIVENS PURSLEY LLP
14 277 North 6th Street, Suite 200
15 P.O. Box 2720
16 Boise, Idaho 83701
17 Attorneys for Midvale Telephone Exchange, Inc.

18 Tamara S. Herrera
19 RYLER, CARLOCK, & APPLEWHITE
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21 Phoenix, Arizona 85003-1973
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23 Timothy Berg
24 FENNEMORE CRAIG
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26 Phoenix, Arizona 85012
27 Attorneys for Qwest Corporation

28 Lyn Farmer, Chief Counsel
Legal Division
Arizona Corporation Commission
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Phoenix, Arizona 85007

Deborah Scott, Director
Utilities Division
Arizona Corporation Commission
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2 2627 N. Third Street, Suite Three
3 Phoenix, Arizona 85004-1103

4 By: Debbie Person
5 Debbie Person
6 Secretary to Stephen Gibelli
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