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BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

2005 OCT 26 A 11: 33

JEFF HATCH-MILLER Chairman
WILLIAM A. MUNDELL
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KRISTIN K. MAYES

AZ CORP COMMISSION
DOCUMENT CONTROL

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

PROCEDURAL ORDER

BY THE COMMISSION:

On May 18, 2005, Cox Arizona Telcom, LLC ("Cox") filed with the Arizona Corporation Commission ("Commission") an application for an extension of the waiver of A.A.C. R14-2-805 ("Rule 805") that was granted to Cox in Decision No. 66234 (September 16, 2003).

On October 13, 2005, Qwest Corporation ("Qwest") filed an Application for Leave to Intervene.

On October 20, 2005, Cox filed a Response to Qwest's Application for Leave to Intervene ("Response"), objecting on the grounds that Qwest's intervention request does not sufficiently state the basis for its application and that it is untimely because Qwest should have known of Cox's filing five months ago, and failed to act sooner following Cox's filing.

On October 25, 2005, Qwest filed a Reply to Cox's Response. Qwest argues that as a direct competitor of Cox, it will be directly and substantially affected by the Commission's decision whether to extend the waiver of Rule 805. Qwest asserts that it wishes to participate in this proceeding in order to ensure that waivers of A.A.C. R14-2-801 *et seq.* granted to its competitors are applied on an equal and non-discriminatory basis. In response to Cox's argument that its intervention request is untimely, Qwest asserts that its intervention will not prejudice Cox because the Commission has twice suspended Cox's application for 120 days; no other activity has occurred in this docket; and no deadline for intervention has been set in this matter.

The fact that Qwest's intervention request came five months after Cox's application in this docket does not provide a sufficient basis for the denial of Qwest's intervention request. Other than

1 Cox's application, no substantive filings have been made in this docket, and no action has been taken
2 on Cox's application. No procedural schedule has been requested or set in this docket, and therefore
3 no deadline for intervention has been established.

4 Cox has not shown that Qwest's participation in these proceedings would broaden the issues
5 or unduly delay a Commission decision on the merits of Cox's application. Qwest's October 25,
6 2005 filing provides adequate support for its statement in its Application for Leave to Intervene that it
7 will be directly and substantially affected by the Decision in this proceeding.

8 Qwest's request for intervention should therefore be granted.

9 IT IS THEREFORE ORDERED that Qwest's Application for Leave to Intervene is hereby
10 granted.

11 Dated this 26th day of October, 2005

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14 
15 TEENA WOLFE
16 ADMINISTRATIVE LAW JUDGE

17 The foregoing was mailed/delivered
18 this 26 day of October, 2005 to:

19 Michael W. Patten
20 ROSHKA DEWULF & PATTEN
21 One Arizona Center
22 400 East Van Buren Street, Ste. 800
23 Phoenix, AZ 85004
24 Attorneys for Cox Arizona Telcom, LLC

25 Timothy Berg
26 Theresa Dwyer
27 FENNEMORE CRAIG
28 3003 N. Central Avenue, Ste. 2600
Phoenix, AZ 85012
Attorneys for Qwest Corporation

Norman Curtright
QWEST CORPORATION
4041 N. Central Avenue
Phoenix, AZ 85012

Christopher Kempley, Chief Counsel
Legal Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, AZ 85007

Ernest G. Johnson, Director
Utilities Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, AZ 85007

By: 
Molly Johnson
Secretary to Teena Wolfe