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BEFORE THE ARIZONA CORPORATION COMMISSION

JEFF HATCH-MILLER  
Chairman  
WILLIAM A. MUNDELL  
Commissioner  
MARC SPITZER  
Commissioner  
MIKE GLEASON  
Commissioner  
KRISTIN K. MAYES  
Commissioner

Arizona Corporation Commission

DOCKETED

NOV 14 2005

DOCKETED BY

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

DOCKET NO. T-03471A-05-0357

DECISION NO. 68299

ORDER

Open Meeting  
November 8 and 9, 2005  
Phoenix, Arizona

BY THE COMMISSION:

The Company's Request

On May 17, 2005, Cox Arizona filed an application for an extension of the complete waiver of Rule 805 that was granted in Decision No. 66234. The complete waiver of Rule 805 was limited to a thirty (30) month period from the effective date of the Decision. Rule 805 requires an annual filing of diversification activities and plans of a public utility and its public utility holding company on or before April 15th of each calendar year. In its application, Cox Arizona provided the basis for the extension of the complete waiver of Rule 805.

According to Cox Arizona, its operations represent a very small piece of the corporate structure of Cox Arizona's ultimate parent, therefore, "Cox Communications, Inc., application of Rule 805 to Cox Arizona would be unreasonably costly and burdensome"<sup>1</sup>. Cox Arizona states

<sup>1</sup>Page 2, Cox Arizona, May 17, 2005 application

1 that under Rule 805, Cox Arizona could be required to supply the Arizona Corporation  
2 Commission (“Commission”) with voluminous information concerning corporate diversification  
3 activities and plans – including transactions between Cox Arizona’s affiliates – and assessments of  
4 affiliate corporate structure.

5 Cox Arizona respectfully submits that it should continue to be exempt from Rule 805, as  
6 provided by Decision No. 66234 because (1) it operates in a highly competitive environment that,  
7 in conjunction with the Commission’s existing regulatory measures, already effectively protects  
8 customers from cross-subsidization or other activities that will detrimentally affect service to  
9 customers; (2) the partial waiver of Rules 803 and 804 still require Cox to seek Commission  
10 approval for transactions or activities that have a material impact in Arizona; and (3) the  
11 Commission will continue to be able to effectively regulate Cox Arizona as appropriate in a  
12 competitive market – just as the Commission has done during the pendency of the previous waiver  
13 of Rule 805. Cox Arizona’s application states in part<sup>2</sup>:

14 “Cox Arizona submits that application of Rule 805 to Cox Arizona and its public  
15 utility holding company continues to be both unnecessary and unreasonably burdensome.  
16 Indeed. Decision No. 66234 (line 17, page 4) noted that “The application of Rule 805 is  
17 unnecessary where a public utility company like Cox Arizona operates in a competitive  
18 environment, lacks monopoly power, and generates revenue in Arizona that represents only  
19 a small portion of its total corporate revenues.”

20 On its face, Rule 805 would require submission of reams of information for  
21 Commission review and evaluation concerning diversification activities and plans. Along  
22 with these plans, Cox Arizona and its holding company would have to file other  
23 information including, but not limited to, financial statements for each subsidiary, a  
24 description of the plans for the utilities’ subsidiaries to change business activities, an  
25 assessment of the effect of planned affiliated activities on the utility’s capital structure, the  
26 bases upon which the holding company allocates costs, the dollar amount transferred

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28 <sup>2</sup> Pages 3-4, Cox Arizona application, May 17, 2005

1 between the utility and each affiliate and most contracts between affiliates and the utility.  
2 These measures are imposed, presumably, to deter any potentially negative impact on  
3 Arizona ratepayers resulting from such activities.

4 Cox Arizona acknowledges that such regulations are quite appropriate in the  
5 context of utilities whose revenues in large part result from the provision of intrastate  
6 monopoly utility services. Monopoly service revenues might improperly capitalize the non-  
7 regulated affiliate business activities of such utilities, with utility ratepayers both  
8 potentially bearing the risk of failure and paying higher rates than necessary for monopoly  
9 service. Such activities would unjustly burden consumers of these utility services. Under  
10 such circumstances the role of Rule 805 in monitoring non-regulated utility activities are  
11 [is] prudent and clearly serve[s] to further the public interest.

12 In contrast to a monopoly provider, application of Rule 805 is unnecessary where a  
13 public utility, such as Cox Arizona: (i) operates in a competitive market; (ii) does not  
14 possess monopoly power; and (iii) generates revenues in Arizona that comprises only a  
15 small portion of its total corporate family revenues and investment. Indeed, due to  
16 competitive market forces in effect in Arizona, Cox Arizona has no incentive (or ability) to  
17 charge unduly high or above-market prices that could be used to fund or subsidize  
18 unregulated affiliates or to commingle utility and non-utility funds in a manner that is  
19 harmful to Arizona consumers. Moreover, the vast majority of affiliate transactions that  
20 would need to be reported under Rule 805 are either national or pertain exclusively to  
21 interests in other states, and, therefore, have little, if any, impact on Arizona. However, if  
22 such activities do have a material impact on Arizona, Cox Arizona must still comply with  
23 Rules 803 and 804.

24 Finally, the requested waiver of Rule 805 has been in effect for five years now with  
25 no adverse effect on Arizona consumers. The Rule 805 waiver should continue given that  
26 lack of adverse impact, the unnecessary reporting burden Rule 805 would place on Cox  
27 Arizona and the Commission's other existing regulatory authority over Cox Arizona.”  
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1 Staff's Analysis

2 Cox Arizona's application seeks an extension of the complete waiver of Rule 805 that was  
3 first granted in Decision No. 62582, dated May 17, 2000, and renewed in Decision No. 66234,  
4 dated September 16, 2003. Staff's analysis was focused in three areas:

- 5 (1) Have the market conditions fundamental to the Commission's two previous waivers  
6 of Rule 805 changed sufficiently to require that Cox Arizona now comply with Rule  
7 805?
- 8 (2) Have Cox Arizona's affiliate relationships changed? and,
- 9 (3) Is a waiver of Rule 805 for Cox Arizona consistent with the Rule 805 treatment of  
10 similar companies covered by the Commission's authority?

11 (1) Market Conditions

12 When Cox Arizona was granted its 1st wavier in May 17, 2000, Cox Arizona had been in  
13 operation for approximately two years and only in limited areas of the Phoenix metro area<sup>3</sup>. When  
14 Cox Arizona was granted a 2nd wavier, its Tucson operations had just been launched<sup>4</sup>. Cox  
15 Arizona is now a well established Competitive Local Exchange Carrier ("CLEC") with a large and  
16 growing residence customer base in the Phoenix and Tucson metro areas. The current importance  
17 of Cox Arizona to the Arizona local exchange markets is second only to that of Qwest.

18 The period for which Cox was granted its previous waivers of Rule 805 also coincided with  
19 a general downturn in the national local exchange market competitive situation. During this  
20 period, major providers, such as AT&T, MCI, McLeod and Qwest, struggled financially and  
21 competitively, adding more emphasis to the importance of Cox Arizona's position within the  
22 Arizona local exchange market.

23 In addition to Cox Arizona's expansion within developed areas of Phoenix and Tucson  
24 metro areas, Cox Arizona's competition for new, planned developments has also been significant.  
25 Cox Arizona is known to be the primary provider in at least a dozen, planned developments in the

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27 <sup>3</sup> X-changemag.com, 08/1999, Phoenix Area Offers Enormous Growth Potential

28 <sup>4</sup> Cox news release, June 23, 2003, Cox Communications Launches Cox Digital Telephone Service Throughout  
Tucson and Green Valley, Arizona

1 Phoenix and Tucson metro areas. Staff notes that Cox Arizona's participation in a major planned  
2 development, Vistancia, is the subject of one proceeding, T-03471A-05-0064, still before this  
3 Commission. Cox Arizona's participation in Vistancia was, in part, driven by the actions and,  
4 perhaps, leadership of its parent and affiliate, CoxCom, Inc. At a minimum, Cox Arizona's  
5 participation in Vistancia was heavily influenced by CoxCom, Inc. This perhaps exemplifies the  
6 affiliate actions that are the basis for concern by the Commission and led to the adoption of Rule  
7 805 by Decision No. 56844 in March 14, 1990. How the T-03471A-05-0064 proceeding is  
8 resolved may be weighed by the Commission before reaching a determination in this proceeding.

9 Staff's analysis indicates that as of June 2004, 42 CLECs were providing switched access  
10 lines to end-users. The range of participation, however, appears to be quite broad. For example,  
11 the top 10 CLECs hold business main listings that equal 92.4 percent of all CLEC business main  
12 listings. The top 10 CLECs hold residence main listings that approximately equal 99.4 percent of  
13 all CLEC residence main listings. Cox Arizona is unchallenged as the No. 1 CLEC providing  
14 local exchanges services to the residence market. There are also 33 Interexchange Providers  
15 ("IXCs") and 286 Long Distance Resellers listed on the Commission's website<sup>5</sup>. Cox provides  
16 long distance service to end-users but is not well-known for its long distance service.

17 The growing importance of intermodal services to the telecommunications markets  
18 necessitates a general understanding of Cox Arizona affiliate positions in video and broadband  
19 services within the Phoenix and Tucson metro areas. Not only is Cox Communications the  
20 dominate cable video provider in Arizona, Cox Communications is also the dominant broadband  
21 provider and, as such, is a major participant in the deployment of VoIP services by many  
22 providers. While Cox Arizona is not known to be a VoIP provider, the generally strong broadband  
23 position of Cox Communications is sure to result in competitive engagement with the established  
24 local exchange market if nothing else from non-Cox affiliates deploying VoIP services using Cox  
25 Communications broadband facilities. Future broadband plans by Cox Communications and their  
26 resulting impact on Cox Arizona are of interest and concern for the Commission.

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28 <sup>5</sup> [http://www.cc.state.az.us/utility/utility\\_list/IXC\\_list.pdf](http://www.cc.state.az.us/utility/utility_list/IXC_list.pdf)



1 minor impact on the overall operations of Cox Communications. The opposite, however, appears  
2 less true. In December 2004,<sup>7</sup> the minority shares of Cox Communications were acquired by Cox  
3 Holdings and Cox Enterprises, resulting in Cox Communications and, therefore, Cox Arizona  
4 becoming 100% privately held. While this does not necessarily impact the operations of Cox  
5 Arizona, the Commission's access to information becomes further limited as exemplified by Cox  
6 Arizona's response to AFF 1.12 – "Annual reports for 2004 and 2005 unavailable due to company  
7 going private."

8 (3) Rule 805 Treatment

9 Decision No. 56844, dated March 14, 1990, first adopted the Public Utility Holding  
10 Companies and Affiliated Interests Rules found in Article 8 of the Commission's Rules. The  
11 decision<sup>8</sup> explained that "Its [Article 8's] singular purpose is to ensure that ratepayers do not pay  
12 rates for utility service that include costs associated with the holding company structure,  
13 financially beleaguered affiliates, or sweetheart deals with affiliates intended to extract capital  
14 from the utility to subsidize non-utility operations." Stated otherwise, the objective of Article 8,  
15 and more directly Rule 805 pertaining to this matter, is to ensure that plans, activities and actions  
16 of affiliates do not include unreasonable risk that might have to be borne by the customers of  
17 entities regulated by the Commission, such as Cox Arizona.

18 Staff considered the decisions involving Incumbent Local Exchange Carriers ("ILECs")  
19 and CLECs who have applied for waivers or exemptions from Rule 805.

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<sup>7</sup> Cox News Release, 12/03/04

<sup>8</sup> D 56844, Attachment B

Company	805 Waiver	Decision	Date
AT&T	Denied	56844	03/14/90
Sprint	Denied	56844	03/14/90
Qwest (USW)	Denied	58087	11/23/92
Citizens	Limited Permanent Waiver Granted	58164	02/04/93
Verizon CA (GTE/Contel)	Limited Permanent Waiver Granted	58232	03/24/93
AT&T	Denied	58258	04/08/93
MCI	Denied	58257	04/08/93
Sprint	Denied	58256	04/08/93
Arizona Telephone	Denied	58513	01/13/94
TCG	Limited Permanent Waiver Granted	60728	03/23/98
Cox	30 Mth Complete Waiver Granted	62582	05/17/00
ACSI	30 Mth Complete Waiver Granted	62616	06/09/00
MCI	30 Mth Complete Waiver Granted	62702	06/30/00
MCImetro	30 Mth Complete Waiver Granted	62702	06/30/00
Brooks	30 Mth Complete Waiver Granted	62702	06/30/00
MCI	30 Mth Complete Waiver Granted	62702	06/30/00
Qwest (USW)	Denied	64654	03/25/03
Cox	30 Mth Complete Waiver Granted	66237	09/16/03
Qwest (USW)	Denied	66612	12/09/03

As in its previous two Rule 805 waiver applications, Cox Arizona states in its most current waiver application that compliance with Rule 805 would be costly and burdensome. Cox Arizona, however, was unable to identify the cost associated with the provision of Rule 805 information stating:

“Providing this information to the Commission would require a review of all transactions between Cox Arizona Telcom and/or its parent companies (the "public utility holding companies") and all of the approximately 194 Cox affiliates to determine what relates to Rule 805 annual reporting requirements. This involves a review of all business activities, financial records, contracts and agreements for all Cox Communications Inc.'s

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1 affiliates and subsidiaries. It would then require some analysis and reporting about the  
2 potential impacts of those transactions, no matter how trivial, on Cox Arizona Telcom.”<sup>9</sup>

3 “The cost to provide this information to the Commission would be extremely  
4 difficult to quantify. In particular, the cost to provide the requested information would vary  
5 from year to year depending on the scope of responsive information available for a specific  
6 year, thus making the cost figure a constant moving target. Moreover, one must factor in all  
7 variables (such as substantial employee time in reviewing documents and preparing  
8 descriptions/summaries as contemplated by Rule 805, costs of copying relevant  
9 documentation, etc.) to estimate the cost to provide the Commission all of the information  
10 Rule 805 entails. To prepare a reasonable estimate of the cost of complying with Rule 805  
11 would require Cox Arizona Telcom, LLC to perform basically the same burdensome  
12 functions it now seeks to avoid in its waiver application.”<sup>10</sup>

13 In the approximate five years since Cox Arizona was granted its 1st waiver on May 17,  
14 2000, no effort appears to have been devoted to substantiating the primary basis for seeking relief  
15 in three separate applications. Since neither an estimate nor range of estimates has been provided  
16 in three separate applications to support Cox Arizona’s position regarding the cost and burden for  
17 compliance with Rule 805, Cox Arizona’s belief that compliance with Rule 805 is costly and  
18 burdensome cannot be based on analysis. Cox Arizona’s belief is only an assumption.

19 Staff’s Analysis

20 Overall, Staff believes that using Rule 805 to monitor non-regulated affiliates of monopoly  
21 utility providers is prudent and in the public interest.

22 Although Staff recognizes that Cox does not possess monopoly power, Staff believes that  
23 Cox Arizona has become a major telecommunications provider in Arizona. In addition, in light of  
24 the Vistancia matter, Staff believes that Commission should proceed cautiously in granting a  
25 permanent waiver. Any affiliate issues that would impact Cox Arizona would impact major  
26 portions of the Phoenix and Tucson metro areas.

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28 <sup>9</sup> Cox Arizona’s data request response to AFF 2.1

1 Cox Arizona participates in a highly competitive local exchange environment dominated  
2 by a major ILEC, Qwest. In addition, Cox Arizona is increasingly confronted with alternatives  
3 from wireless and VoIP services.

4 Although Qwest remains the provider of last resort as the ILEC in Phoenix and Tucson  
5 metros, Cox Arizona is known to have a dominant position in select areas, especially in new,  
6 planned developments where Cox Arizona is the preferred provider.

7 ILEC and CLEC entities of Cox Arizona's main competitors – Qwest, SBC/AT&T, and  
8 Verizon/MCI – have not been granted permanent waivers of Rule 805. MCI received a 30 month  
9 waiver of Rule 805 that has expired.

10 Cox Arizona has been found to be in compliance and in good standing by the Compliance  
11 and Consumer Services organizations of the Commission Staff.

12 Cox Arizona has existing partial waivers of AAC R14-2-803 (“Rule 803”) and AAC R14-  
13 2-804 (“Rule 804”) as granted in Decision No. 62582.

14 Cox Arizona has been unable to substantiate its belief that compliance with Rule 805 is  
15 unreasonably costly or operationally burdensome. No cost, time or resource estimates have been  
16 provided. Staff generally believes that the provision of information is not as costly or burdensome  
17 as represented by Cox Arizona in its waiver application. For example, Staff believes the  
18 information that would be provided in accordance with R14-02-805A.8 is so fundamental to the  
19 financial analysis associated with the operations of Cox Arizona, that the information must be  
20 readily available. Without such information, even the simplest of Profit & Loss (“P&L”)   
21 statements would not be accurate. Even the very complexities presented in Exhibit A of its waiver  
22 application give rise to questions about affiliate relationships and corresponding risks. The  
23 organizational complexities were choices made by Cox Arizona and its affiliates and, if anything,  
24 add support to the reasons the Commission instituted Rule 805.

25 Finally Staff notes that many companies have complied with Rule 805. In 2005, 27  
26 companies filed Rule 805 information. Some companies provided one page responses to Rule 805.

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28 <sup>10</sup> Cox Arizona's data request response to AFF 2.2

1 One company provided two, three-ring binders in its 2005 response. Compliance with Rule 805  
2 does not appear to be unreasonably costly nor operationally burdensome for the companies that are  
3 responding.

#### 4 FINDINGS OF FACT

5 1. On May 17, 2005, Cox Arizona Telcom, LLC ("Cox Arizona") filed an application  
6 for an extension of the complete waiver of Public Utility Holding Companies and Affiliated  
7 Interests Rules, A.A.C. R 14-2-805 that was granted to Cox Arizona in Decision No. 66234 dated  
8 September 16, 2003.

9 2. On June 21, 2005, Decision No. 67994 suspended this filing for a period of one  
10 hundred twenty (120) days, up to and including September 14, 2005.

11 3. On September 9, 2005, Decision No. 68115 suspended this filing for a period of  
12 sixty (60) days, up to and including November 14, 2005.

13 4. Cox Arizona is a wholly-owned subsidiary of CoxCom, Inc. CoxCom, Inc.'s parent  
14 is Cox Communications, Inc. ("Cox Communications"), a Delaware corporation headquartered in  
15 Atlanta, Georgia. Cox Communications is one of the nation's largest broadband communications  
16 companies and provides a variety of services in numerous states through the operation of a large  
17 number of subsidiaries and other affiliated companies. Those operations and services include  
18 cable television, local and long distance telephone, digital video, and high-speed Internet access.  
19 Cox Arizona (and its predecessor Cox Arizona Telcom, Inc.) has been providing competitive  
20 telecommunications services in Arizona since 1998. The revenues generated by Cox Arizona  
21 comprise less than 2% of Cox Communications overall revenues.

22 5. Decision No. 56844, dated March 14, 1990, first adopted the Public Utility Holding  
23 Companies and Affiliated Interests Rules found in Article 8 of the Commission's Rules.  
24 Attachment B to the Decision was a concise explanatory statement that described and explained  
25 the Rules. The statement explained that "Its [Article 8's] singular purpose is to ensure that  
26 ratepayers do not pay rates for utility service that include costs associated with the holding  
27 company structure, financially beleaguered affiliates, or sweetheart deals with affiliates intended to  
28 extract capital from the utility to subsidize non-utility operations."

1           6.     In Decision No. 60285, dated July 2, 1997, the Company's predecessor, Cox  
2 Arizona Telcom, Inc., received a Certificate of Convenience and Necessity to provide intrastate  
3 competitive local exchange and resold long distance telecommunications services in Arizona.

4           7.     On May 17, 2000, the Commission granted Cox, Cox Arizona and all of Cox  
5 Arizona's affiliates a complete waiver of AAC R14-2-805 for a 30 month period from the date of  
6 the Order in Decision No. 62582. In addition, the Commission granted Cox, Cox Arizona and all  
7 of Cox Arizona's affiliates a partial waiver to AAC R14-2-803 ("Rule 803") and R14-2-804  
8 ("Rule 804"). Pursuant to that partial waiver under Rule 803, Cox, Cox Arizona and all of Cox  
9 Arizona's affiliates need to file a notice of intent to enter into transactions when there is a (1)  
10 significant increase in capital costs of the Arizona operations; (2) significant additional costs  
11 allocated or charged directly to the Arizona jurisdiction; or (3) significant reduction of net income  
12 to the Arizona operations. For Rule 804, Cox, Cox Arizona and all of Cox Arizona's affiliates  
13 only need to obtain Commission approval for transactions that are likely to have a material adverse  
14 effect on Arizona operations.

15           8.     On September 16, 2003, the Commission granted Cox, Cox Arizona and all of Cox  
16 Arizona's affiliates a complete waiver of AAC R14-2-805 for a 30 month period from the date of  
17 November 17, 2002 in Decision No. 66237.

18           9.     Based on annual reports ending December 31, 2004, Cox Arizona generated more  
19 than \$1.0 million of Arizona jurisdictional revenue qualifying it as a Class A utility under  
20 Commission's Rules.

21           10.    The Commission recognizes Staff's concerns with granting the waiver as stated in  
22 the Application.

23           11.    The Commission believes technological innovations and "convergence" in telecom  
24 blur distinctions between modes of telephony. Further, the bundling of services has the potential  
25 to create confusion for consumers as to their rights and remedies. The Commission wishes to  
26 establish a framework to afford Arizona residential consumers the opportunity to arbitrate claims  
27 and/or disputes with respect to billing and unauthorized charges **for all modes of**  
28 **telecommunications services.** With the consumer protections afforded herein, we believe

1 granting a complete waiver of A.A.C. R14-2-805 for a 24 month period from the date of this  
2 Decision is appropriate.

3 CONCLUSIONS OF LAW

4 1. Cox Arizona Telcom LLC is a public service corporation within the meaning of  
5 Article XV of the Arizona Constitution.

6 2. The Commission has jurisdiction over Cox Arizona Telcom LLC and of the subject  
7 matter in this filing.

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

11 4. We conclude that it is in the public interest to renew Cox Arizona's waiver of  
12 A.A.C. R14-2-805 for an additional 24 months from the date of this Decision.

13 ORDER

14 IT IS THEREFORE ORDERED that Cox Arizona's application for an extension of the  
15 complete waiver of Public Utility Holding Companies and Affiliated Interests Rules, A.A.C. R 14-  
16 2-805 is granted for an additional 24 months from the date of this Decision.

17 IT IS FURTHER ORDERED that **all** Arizona residential consumers of telecommunications  
18 services should have the opportunity to arbitrate disputes over billing and unauthorized charges for  
19 all modes of telecommunications services before the Commission. Cox Arizona consents to  
20 participate in a binding arbitration program administered by the Commission (the "Arbitration  
21 Program"). The Arbitration Program will apply to all Arizona residential customers of Cox  
22 Arizona and/or its affiliates that offer or bundle telecommunications services, including but not  
23 limited to wireline, wireless and VoIP telephony.

24 IT IS FURTHER ORDERED that Cox Arizona's acceptance of the Commission's granting  
25 of the extension of the 24 month waiver constitutes Cox Arizona's agreement with and  
26 acquiescence to the Commission's jurisdiction with respect to the Arbitration Program.

27 IT IS FURTHER ORDERED that the Arbitration Program shall be administered within the  
28 Consumer Services Section of the Utilities Division, and shall embrace Arizona residential

1 customer disputes relating solely to billing and unauthorized charges for all modes of  
2 telecommunications services. The Arbitration Program expressly includes wireline, wireless  
3 and/or VoIP services offered or bundled by Cox Arizona and/or its affiliates.

4 IT IS FURTHER ORDERED that on deciding a dispute between Cox Arizona and/or its  
5 affiliates and any of its customer(s) through the Arbitration Program established by this Decision,  
6 the Commission shall forego imposing any monetary sanction, except restitution in any form,  
7 including billing credits, against any participant in the Arbitration Program.

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

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

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

5  
6 **BY THE ORDER OF THE ARIZONA CORPORATION COMMISSION**

7  
8   
9 CHAIRMAN

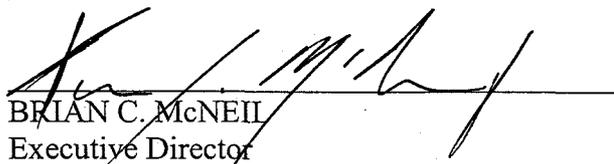
  
COMMISSIONER

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12 COMMISSIONER

  
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COMMISSIONER

13  
14 IN WITNESS WHEREOF, I BRIAN C. McNEIL, Executive  
15 Director of the Arizona Corporation Commission, have  
16 hereunto, set my hand and caused the official seal of this  
17 Commission to be affixed at the Capitol, in the City of  
18 Phoenix, this 14<sup>th</sup> day of November, 2005.

19   
20 BRIAN C. McNEIL  
Executive Director

21 DISSENT: \_\_\_\_\_

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23 DISSENT: \_\_\_\_\_

24 EGJ:AFF:red/MS  
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1 SERVICE LIST FOR: COX ARIZONA TELCOM, LLC  
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