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MAR 18 2002 UTILITIES DIVISION'S PROPOSED AMENDMENT # 1 2002 MAR 18 P 12: 59

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TIME/DATE PREPARED: March 18, 2002

AZ CORP COMMISSION
DOCUMENT CONTROL

COMPANY: Touch America Services, Inc.

AGENDA ITEM NO. U-10

DOCKET NO. T-03911A-01-0448 and T-04011A-01-0645 OPEN MEETING DATE: 03/19/02

Page 5 **DELETE** lines 11 through 12 and **INSERT**:

- "19. In Decision No. 64628, dated March 14, 2002, the Commission adopted new language proposed by Staff and amended by the Commission, relative to applications for waivers of the Rules for competitive telecommunications carriers in Arizona.
- 20. The following partial waiver is consistent with that granted by Decision No. 64628;
- 21. Touch America, Inc., Touch America Services, Inc., and Montana Power should receive a waiver from A.A.C. R14-2-803 for organizations or reorganizations that would not directly or indirectly result in or cause an increase in their maximum rates on file with the Commission for any competitive service;
- 22. Touch America, Inc., Touch America Services, Inc., and Montana Power should receive a waiver from A.A.C. R14-2-804(B), (C), and (D) except for transactions that could directly or indirectly result in or cause an increase in their maximum rates on file with the Commission for any competitive service;
- 23. Touch America, Inc., Touch America Services, Inc., and Montana Power should receive a waiver from A.A.C. R14-2-805 unless diversification plans could directly or indirectly result in or cause an increase in their maximum rates on file with the Commission for any competitive service;
- 24. The recommended partial waiver of the Rules should be granted subject to the condition that Applicants notify the Commission, and file in advance for approval of any proposed organization or reorganization, transaction, or diversification plan that could directly or indirectly result in or cause an increase in their maximum rates on file with the Commission for any competitive service.

25. The language adopted by Decision No. 64628 is reasonable and should be adopted in this Decision."

Page 6 **DELETE** lines 2 through 14

Page 7, **DELETE** lines 1 and 2 and **INSERT**:

"IT IS FURTHER ORDERED that Touch America, Inc., Touch America Services, Inc. and Montana Power shall be required to file a notice of intent to enter into the transactions listed in A.A.C. R14-2-803 only when an organization or reorganization could directly or indirectly result in or cause an increase in their maximum rates on file with the Commission for any competitive service.

IT IS FURTHER ORDERED that Touch America, Inc., Touch America Services, Inc., and Montana Power shall receive a waiver from A.A.C. R14-2-804(B), (C), and (D) except for transactions that could directly or indirectly result in or cause an increase in their maximum rates on file with the Commission for any competitive service.

IT IS FURTHER ORDERED that Touch America, Inc., Touch America Services, Inc., and Montana Power should receive a waiver from A.A.C. R14-2-805 unless diversification plans could directly or indirectly result in or cause an increase in their maximum rates on file with the Commission for any competitive service.

IT IS FURTHER ORDERED that Touch America, Touch America Services, Inc., and Montana Power are granted these waivers subject to the condition that Applicants notify the Commission and file in advance for approval of any proposed organization or reorganization, transaction, or diversification plan that could directly or indirectly result in or cause an increase in their maximum rates on file with the Commission for any competitive service."