



0000059638

ARIZONA CORPORATION COMMISSION FORMAL COMPLAINT FOR FORMAL COMPLAINT

Complainant Name: <u>Ernie + Sherry Thompson</u>		COMPLAINT NUMBER	DATE <u>7-2-02</u>
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ADDRESS <u>7120 E. Esteem Way - P.O. Box 27016, Prescott Valley AZ 86312</u>	PHONE (HOME) <u>(928) 899-2294</u>
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NAME OF RESPONSIBLE PARTY	PHONE (WORK) ()
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NAME OF UTILITY <u>Qwest (U.S. West)</u>	ACCOUNT NUMBER
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GROUND(S) FOR COMPLAINT: (COMPLETE STATEMENT OF THE GROUNDS FOR COMPLAINT, INDICATING DATE(S) OF COMMISSION/ OMISSION OR ACTS OR ISSUES COMPLAINED OF.) (USE ADDITIONAL PAGE IF NECESSARY.)

T-01051B-02-0512

Complete Statement And Document Attached.

RECEIVED
 2002 JUL -9 A 11: 2L
 ARIZONA CORPORATION COMMISSION
 DOCUMENT CONTROL

NATURE OF RELIEF SOUGHT: (USE ADDITIONAL PAGE IF NECESSARY.)

We are asking that the Arizona Corporation Commission make Qwest open the phone service to everyone within the range they have already extended. The area that boundaries were crossed encompasses from Esteem Way to Starburst Lane. This area consists of 20 lots minus the 4 they are already servicing. The parties involved can either trench their own lines OR are willing to incur the costs from the phone company to have them installed. If this

Cont. ->

SIGNATURE OF COMPLAINANT OR ATTORNEY

ARIZONA CORPORATION COMMISSION
FORMAL COMPLAINT FORM

GROUNDS FOR COMPLAINT : (CONTINUED) *Rest of Cont:*

Cannot be accomplished then I would like the phone Company to Re-install the lines for myself and the Denton Family that they ripped out last year, after we were given service. Thank You for your cooperation in considering this matter.

From all dealings with Qwest we got the opinion that if they gave any phone lines they had to open up a whole section. To all involved this would be the best result in this matter.

In 1997 my husband and I purchased a 2-acre parcel in Poquito Valley (103-01-172S). When we purchased the property we were given paper work and verbal conformation that all utilities were accessible. We specifically asked about phone service because my husband worked for Qwest and would be retiring in a few years. With retirement he would get a concession on phone service in the Qwest area. So after talking to the Phone Company and the Real Estate Agent we were under the assumption that service was available.

ORDER OF EVENTS:

1. 3/99 Phone service was given to the Dunn Family on Lot 103-01-195G (Highlighted on Map)
2. 5/99 Service was rejected for the Lehman Family on Lot 103-01-172K. (Highlighted on Map) with the excuse of being out of territory.
3. 5/99 The Lehman family contacted John Smith the then supervisor of installation and repair in Prescott and was given the OK to run line to the service area and the phone company would hook up service for him.
4. 8/99 Phone service was given to the Skipper family on Lot 103-01-195H. (Highlighted on Map) Also with the permission of John Smith with the understanding that he would have to run his own line to the service area.
5. 9/99 My husband and I requested service on Lot 103-01-172S.
6. 10/99 we received a letter from the Phone Company stating there were no lines available in the area so our order would be on hold.
7. 10/99 we received a second letter a week later telling us to purchase a cell phone and the Phone Company would reimburse us up to \$100 dollars a month for the service until our service was installed.
8. 12/99 we received a third letter stating that we were out of Qwest territory and they were not interested in extending the territory and would not pay for the cell phone service.
9. 1/00 my husband got a transfer from the Phoenix area to the Prescott area with Qwest and worked under John Smith.
10. 2/00 my husband asked John Smith (Supervisor) and John Dugan (Engineer) if we could run our own line to the service area as the others were permitted or if they would open up section 11 for phone service.
11. 3/00 John Dugan called and told us that the company wasn't interested in opening up the area and he would not give us permission to run our own line.
12. 3/00 we contacted the Arizona Corporation Commission and filed a complaint.
13. 4/00 we were told by the ACC that Qwest said we were out of territory and they had made a mistake in allowing the others to be hooked up but they had to draw the line somewhere.
14. 4/00 We didn't press the issue any further because John Smith was telling my husbands Co-workers that because my husband had called the ACC and filed an executive complaint with the company that he was going to find a way to fire him. Before he retires.
15. 1/01 my husband retired from the Phone Company.
16. 3/01 it was suggested that we ask to have service hooked up at our neighbor's house (Ted Moxley 103-01-176T) that is in territory and get permission to bring it to our home. Ted Moxley, The Denton Family Lot 103-01-172J and ourselves called in and talked to Jason and was told that this would be permissible because service would be billed for an address that was in territory. We then put in a service order for 2 lines one for the Denton Family and one for ourselves. Service was hooked up and we each received our own billing statements and finally got phone service.
17. 4/01 The Denton Family called in and ordered an additional phone line.
18. 4/01 Qwest sent someone out to install a second line and none were available. So they sent out Ted Drake (New Engineer) to find more lines for the area.
19. 4/01 Ted Drake (New Engineer) and Dan McFarland (New Supervisor of Prescott Area) came out and saw the lines we had run from Ted Moxleys house (with permission) and tore them out without notice. Then sent us a letter from a lawyer stating that it was illegal to take service out of area and if we did it again we would be prosecuted.
20. 7/01 service was rejected for the Hernandez Family Lot 103-01-172G (Highlighted

- on Map)
21. 12/01 the Hernandez Family spoke to Ted Drake and was told the only way they could get service in their home was to buy Lot 103-01-176N which is in territory. And he would let them run it to there home on Lot 103-01-172G which is out of territory. (Does this sound familiar)
 22. 1/02 The Hernandez Family bought Lot 103-01-172N and ordered phone service.
 23. 1/02 after permitting the Hernandez Family to get service Ted Drake Mysteriously got fired from the company.
 24. 02/02 after several failed attempts to get the phone lines installed because of no structure on the property John Dugan and Dan McFarland came out and talked to the Hernandez Family. Instructed them to install a 4x4 post on the in territory property line and run lines to the service area and instructed on how to run the lines to there home from the post. The Phone Company then installed an interface on the post on February 14 2002.
 25. 02/02 I then tried to contact John Dugan and Dan McFarland to discuss why they gave permission to the Hernandez Family to do the same thing I was disconnected and threaten with prosecution for. Dan McFarland said he knew nothing about it and to contact John Dugan (I saw Dan McFarland over at the Hernanadez House with John Dugan and I also talked to him when he was tearing out my lines in March of 2001). I finally contacted John Dugan and was told that the service for the Hernandez Family was hooked up to a building that was in territory. And they don't know anything about them running the line to there home out of territory so there was nothing he could do to help me.
 26. 02/02 I contacted Qwests executive office in Denver and told them what was going on they told me they would look into it and let me know what was going on. They called back and informed me I was out of territory and they were not interested in extending the line. They also informed me to call a company in Idaho called Midvale Communications, stating they were interested in opening up areas in the Prescott Valley Area. Myself and my neighbors contacted them and were told they were not interested in the area.
 27. 02/02 I contacted the ACC and after filing a complaint was told the Phone Company said I was out of territory and they were not interested in extending. I asked for arbitration and was told that Qwest refused. And I could file a formal complaint. But that I would have to come up with burden of proof , Rules, Statutes, Tariffs Etc. I was not sure how to go about this without a lawyer so I held off.
 28. 03/02 Lot 103-01-195G (The first lot that was hooked up out of territory) was for sale and sold. The new owners just called in and got their service hooked up with no questions or problems about being out of territory.
 29. 05/02 the ACC was holding a meeting in Prescott to hear public opinion on Qwest getting the long distance service. I informed some of my neighbors that are without service and asked them to attend because I had to work and could not be there.
 30. 05/02 Tammy Fatheree and others attended the meeting and informed the ACC and Qwest representatives about our situation.
 31. 05/02 we were asked to call Connie Walczak at ACC and give her the information above.
 32. 05/02 Qwest came back with the same answers as they had on previous occasions. We are out of territory and they were not interested (Makes you want to scream) and that they hooked up service to a building on lot 103-01-172N in territory. The pictures I enclosed with my complaint will show you were they hooked up the interface and if necessary I can give you the name of the employee who hooked it up (I would rather not because I wouldn't want him to get into any trouble over this). We all know that we are out of territory. What we want to know is why everyone out of territory doesn't have to play by the same rules.

LIST OF NAMES AND TITLES OF QWEST EMPLOYEES INVOLVED:

John Smith	Original Supervisor of Installation and Repair in Prescott till end of 2000.
Dan McFarland	Supervisor of Installation and Repair in Prescott as of Start of 2001.
John Dugan	Engineering Supervisor in Prescott Area All thru the calander of events.

Ted Drake
Jason ?

Engineer in Prescott Area for the year 2000.
Business Office

LIST OF PROPERTIES INVOLVED IN OUT OF TERRITORY HOOK UP: (Also Highlighted on Map)

103-01-195G - Dunn Family
103-01-172K - Lehman Family
103-01-195H - Skipper Family
103-01-172G - Hernandez Family (Also bought 103-01-176N)

LIST OF OTHER PROPERTIES INVOLVED:

103-01-172S - Thompson Family
103-01-172J - Denton Family
109-01-176T - Ted Moxley

OTHER INFORMATION INCLUDED WITH COMPLAINT:

Yavapai County Map of area
Pictures of homes with service
Page from Info packet received at time of purchase

Information given to us when we bought the property
When we called the Phone Company they gave us a verbal statement
that service was available.

Poquito Valley Information

BUILDING SITES

The subject property has limited flood plain, so excellent building sites abound. Please note, a parcel may be split five times without exceeding limitations and being classified as a subdivision, provided the minimum 2 acre zoning is not violated.

ACCESS

The dirt road providing access is a private road. A lender may require a road maintenance agreement be signed by those serviced by the road. According to the Poquito Valley developers, their responsibility for road maintenance expired 3 years after initial development, i.e. approximately 4-5 years ago. Efforts are being made to initiate a road maintenance agreement between the owners of lots 21-44.

ELECTRICITY

The closest electricity is on the South half of Lot 22. Arizona Public Service have confirmed that Poquito Valley is within their service area. The first 1,000 feet of installation is free to an individual consumer. This complimentary service installation is accumulative, i.e. If four consumers require service installed concurrently, then collectively they warrant 4,000 feet free of charge. (Check with APS regarding closest access point and availability of utility easements.) Underground utilities are required by the protective covenants, ensuring a more enduring desirable location for those wishing to live in the area.

TELEPHONE

U.S. West Communications has confirmed that Poquito Valley is within their exchange boundary for telephone service. Installation to the first consumer is charged at full rate, then a \$3,000 rebate toward costs is applied. This rebate program is believed to be accumulative to consumers requiring concurrent service installation.

WATER

Test wells in the area have been successful at 400'-450', and an abundant supply of water has been accessed by the production well for Viewpoint subdivision. It is possible to collaborate with neighbors (max. 4 per well) to drill a shared well and, thereby, split the cost of the well digging and maintenance.

This information has been received from sources deemed reliable, but no liability is assumed for error or omissions, and no warranties or representations are made or implied.

Yavapai County Map - 103-01-172 S -

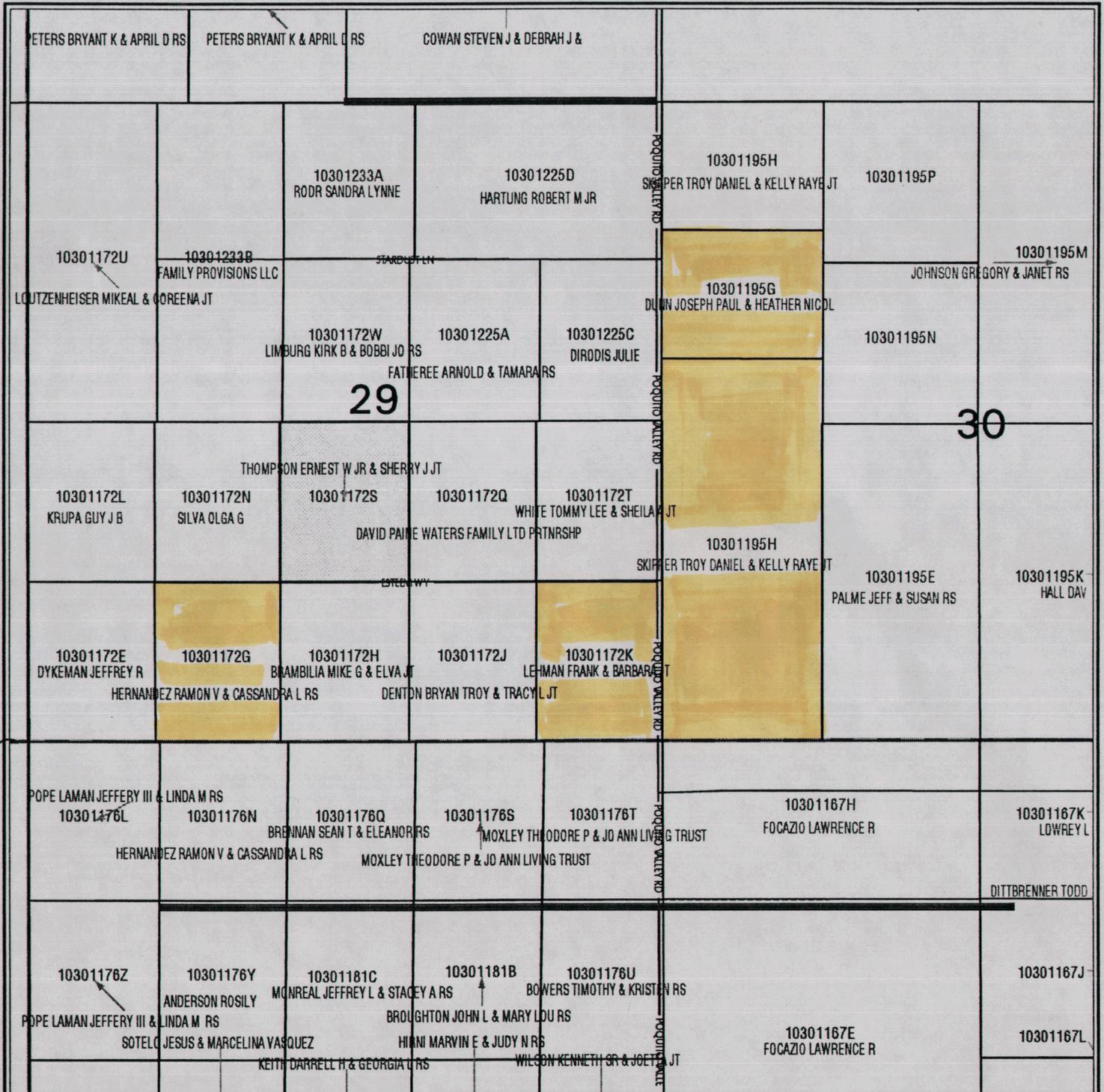


- Parcel Lines
- Historic Lines
- Road Centerlines
- Section Lines
- Township Range Lines

Lots Highlighted Are homes that have been given Service out of Area.



1 inch = 300 feet



YAVAPAI COUNTY ASSUMES NO RESPONSIBILITY FOR ERRORS, OMISSIONS, AND/OR INACCURACIES IN THIS MAPPING PRODUCT.

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territory Boundary line (south is in/north is out)

Yavapai County Map - 103-01-172 S -



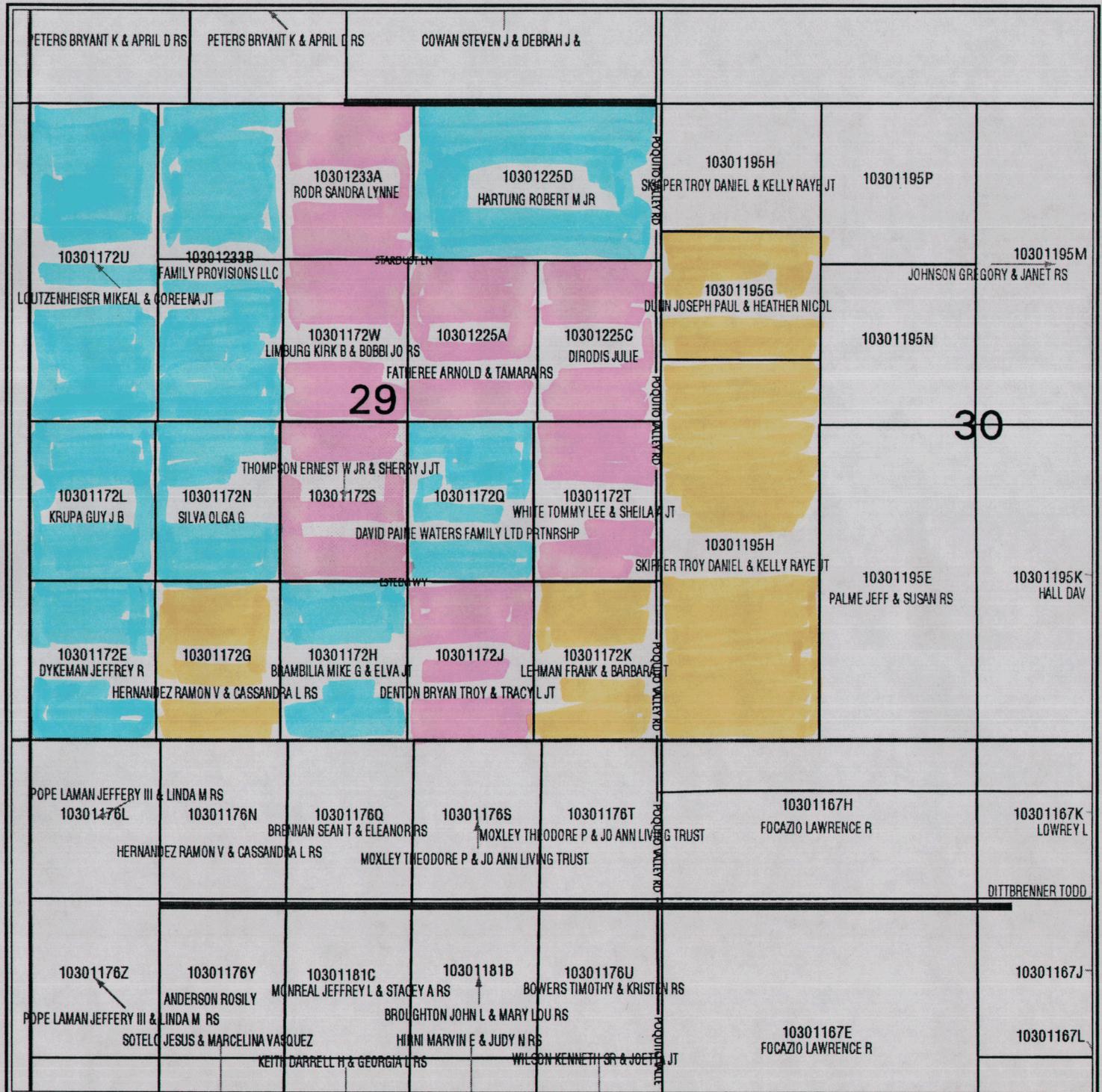
- Parcel Lines
- Historic Lines
- Road Centerlines
- Section Lines
- Township Range Lines

- Lots that currently have Homes But Don't have Service.
- Have Service Already
- No Home on lot



(Area that we are Requesting Service)

1 inch = 300 feet



YAVAPAI COUNTY ASSUMES NO RESPONSIBILITY FOR ERRORS, OMISSIONS, AND/OR INACCURACIES IN THIS MAPPING PRODUCT.

103-01-172 B

As you can see
the 4x4 post
and were they
brought the
service to the
home.

(Hooked up
Feb. 14 2002)

103-01-172 S

The Thompson Family
Home
No service now



103-01-176 W

2 Acre Parcel Bought
By the Hernandez
Family In Territory
(No structure except
4x4 post on property
line).

There never has been
any sort of structure
on this property
except the post
that was installed
in Feb of 2002



103-01-195G

103-01-195G
 the Donn Family
 Home that
 was the first
 Hooked up.
 Recently sold
 and new family
 just got service
 with no questions
 asked.

103-01-172T
 the white Family
 Home. (no service)



103-01-172K
 2nd frame Hooked
 up with service
 (the Lehman Family)

103-01-172J
 Tracy Dentons
 Home with
 no service now



103-01-195 H
the Skipper Family
Home at the end
of Esteem Way.