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ORIGINAL

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October 3, 2002

AZ CORP COMMISSION  
DOCUMENT CONTROL

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Arizona Corporation Commission

DOCKETED

OCT - 7 2002

DOCKETED BY *CM*

Re: Docket No. T-01051B-02-0535

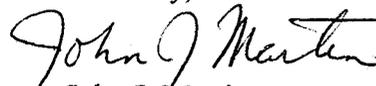
Dear Sir or Madam:

We have the following responses to your First Set of Data Requests:

- 1.1 Enclosed are
  - (a) The Warranty Deed dated March 31, 2002 conveying title to the land on which our home sits, and
  - (b) The Building Construction Contract between Neal Klein Homes and us for construction on our house.
- 1.2 The stamp in the upper right corner of the Warranty Deed indicates that the deed was recorded with Yavapai County on April 5, 2000.
- 1.3 No realtor was involved in either the purchase of the land or construction of the house. The closings for purchase of the land and completion of the construction contract were handled by Lisa M. Favour of the Capital Title Agency.
- 1.4 William Lacey, principal of the WHL Trust, from whom we purchased the land told us that neither electric service nor telephone service had been extended to the property, and that we would have to install a well and septic system.
- 1.5 We received no reports or correspondence from Yavapai County regarding the property.
- 1.6 Our home is a site built three bedroom ranch-style house. Construction began in late August, and we moved into the house on December 15.
- 1.7 The Warranty Deed was provided in response to item 1.1. The closing documents for the land and the house are enclosed.
- 1.8 A copy of the face page of title policy FTY 498649, issued by Old Republic National Title Insurance Company, is enclosed. The only reference in the policy to utilities has to do with "easements and rights incident thereto for roadway and public utilities..."
- 1.9 I have no documents, written or electronic, from anyone at Qwest, other than bills for phone service to my previous residence.

- 1.10 In June of 2002 I spoke with John Dugan, an engineer for Qwest, to inquire whether I could pay for, or install myself, wire from the nearest service post in Coyote Springs in order to obtain phone service. He asked for information regarding township, range and section numbers of my property. When I provided the requested information, he advised that I was outside the area for which Qwest is authorized to provide service. In particular, he said no service could be provided north of Sparrow Hawk road.
- 1.11 When I learned that some of my neighbors who also live north of Sparrow Hawk road do have Qwest phone service, I began to contemplate submitting a complaint to the Arizona Corporate Commission. As I began to formulate the complaint, I realized that I had never made a formal request to Qwest for service. I'm not sure of the date, but I believe it was late June 2002, that I called Qwest customer service and requested service. When asked, I provided the same township, range and section information I had given to Mr. Dugan. To my surprise, the CSR said installation of my service would be scheduled. He even apologized because I would have to wait 2 weeks for the installation. He went on to offer me a second line for my home computer, and when I accepted he even provided the phone numbers for my two lines. Two weeks later when I called to see when my service would be installed, I was told I was outside Qwest's service area. I discarded the two phone numbers.
- 1.12 A friend with property in neighboring Poquito Valley told me that Midvale Communications was interested in providing service to our area. I called the number I was given, (208) 355-2211, and spoke with Ms. Karen Williams. She asked for township, range and section numbers for the areas around me without service. I called the Yavapai County assessors office to get the information and provided it to Ms. Williams. I never received any response.
- 1.13 I know of no statute, rule or tariff provision which would compel Qwest to provide service to me. However, since Qwest has gone beyond its authorized area to provide service to some of my neighbors, I believe they should be willing to provide service to me, also. It seems inappropriate for a public utility to provide service on a discriminatory basis.
- 1.14 To my knowledge, no other telecommunication carrier has provided service to anyone in my area, so I have no reason to expect them to provide service to me.
- 1.15 I do not intend to call any witnesses or provide any exhibits at the hearing.
- 1.16 The neighbors who live outside the authorized service area and have Qwest service would seem to have relevant knowledge of the facts in this matter. They are  
The Dunn family (T15N, R1W, Sec 11-103-01-195G) – March 1999  
Barbara Lehman (T15N, R1W, Sec 11-103-01-172K0 – May 1999  
Troy Skipper (T15N, R1W, Sec 11-103-01-195H) – August 1999  
Ramon Hernandez (T15N, R1W, Sec 11-103-01-172E)

Sincerely,

  
John J. Martin

CC: Docket Control  
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