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ARIZONA CORPORATION COMMISSION
DOCKET CONTROL

Attorney for Midvale Telephone Exchange, Inc.

BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

DOCKETED

NOV 17 2009

COMMISSIONERS

MIKE GLEASON - Chairman
JEFF HATCH-MILLER
WILLIAM A. MUNDELL
KRISTIN K. MAYES
GARY PIERCE

DOCKETED BY

**IN THE MATTER OF THE
APPLICATION OF MIDVALE
TELEPHONE EXCHANGE, INC. FOR
AUTHORIZATION TO PROVIDE
FACILITIES-BASED LOCAL EXCHNGAGE
SERVICE TO CURRENTLY UNSERVED
RESIDENTIAL DEVELOPMENTS
KNOWN AS CROSSROADS RANCH,
POQUITO VALLEY AND BEEZY PINE.**

DOCKET NO.: T-0253²A-03-0017

**REQUEST FOR EXTENSION OF TIME
FOR COMPLIANCE WITH DECISION
66510**

Midvale Telephone Exchange, (hereinafter "Midvale" or "Applicant"), through counsel, hereby respectfully submits an updated status of its compliance with Decision 66510 and requests an extension of time to December 31, 2009 for its compliance with Decision 66510. Midvale avows that it has discussed with Arizona Corporation Commission Utility Division Staff ("Staff") its request for an extension of time to comply with Decision 65510 and that Staff indicated no objection to the requested extension of time.

1 **I. REQUIRED COMPLIANCE**

2 Midvale has one remaining compliance issue stemming from Decision 66510. The
3 decision requires Midvale to:

4 File a certification with the Director of the Utilities Division that all the required
5 tower and right of way permits have been obtained within 365 days of the
6 effective date of this Decision.

7 **II. COMPLIANCE STATUS**

8 Midvale originally intended to serve the Poquito subdivision by locating a receiving
9 microwave radio tower in the subdivision. However, that plan met substantial resistance from
10 the homeowners. The plan was abandoned in favor of serving the area by underground cable.
11 On November 9, 2008 Midvale filed a "Status of Compliance" updating the status of Midvale's
12 various permit applications required for the installation of necessary cable.

13 The issue of Midvale's compliance in this docket was discussed with Commission Staff
14 and with the presiding Administrative Law Judge in a hearing regarding Midvale's application to
15 extend its service territory in docket T-02532A-07-0586. It was agreed that Midvale would file a
16 request for extension of time to comply with decision 66510. An updated status of Midvale's
17 required permits follows.

18 **A. National Forest Service Permitting**

19 An application was submitted on February 20, 2007, to cross approximately ten miles
20 within the Prescott National Forest. The required application has been submitted to, and
21 accepted by the National Forest Service. The National Forest Service indicates Midvale has
22 provided all requested information required under the National Environmental Policy Act for
23 evaluation of Midvale's permit application.

24 The Forest Service now indicates that it has forwarded the cultural survey report to AZ
25 SHPO and is waiting for the SHPO reply. The Forest Service indicates that the SHPO reply will

1 complete all necessary information on which to base its decision. Midvale estimates the
2 necessary permit will be issued by the end of February, 2009.

3 **B. Bureau of Land Management Permitting**

4 An application was submitted on October 29, 2007 to cross approximately ½ mile of land
5 administered by the Bureau of Land Management (BLM). It is our understanding that the BLM
6 has only recently assigned personnel to evaluate the application. Midvale hopes to receive the
7 BLM decision early in 2009.

8 **C. Arizona State Land Department Permitting**

9 An application was submitted on March 18, 2008 to cross approximately seven miles of
10 Arizona Trust Lands over which the Arizona State Land Department (ASLD) exercises
11 authority. ASLD has informed Midvale that ASLD has all required information to make its
12 decision. Midvale anticipates a decision in early 2009.

13 **D. Arizona Department of Transportation Permitting**

14 An application was submitted to the Arizona Department of Transportation (ADOT) on
15 April 30, 2008 to cross approximately seven miles of State Route 89A right of way. On August
16 26, 2008, ADOT informed Midvale that all required information has been received and a permit
17 to construct will be issued within 30 days of Midvale indicating to ADOT that it is ready to begin
18 construction.

19 **E. Yavapai County Permitting**

20 On January 11, 2008, Yavapai County indicated it had no concerns regarding the project.
21 The County further indicated that it would issue an easement to occupy the right-of-way upon
22 receipt of an application. Midvale will submit its application early in 2009 when the other
23 permitting agencies near completion of their respective permitting processes.

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1 **III. REQUEST FOR EXTENSION OF TIME TO COMPLY**

2 Due to concerns regarding its construction of the planned microwave tower, progress on
3 the Poquito project has been significantly delayed. Midvale is moving forward with providing
4 service to the area via buried cable. Applications for required permits have been submitted with
5 the exception of the Yavapai County right-of-way permit. Midvale estimates that all permitting
6 will be completed no later than December 31, 2009 and requests its time to comply be extended
7 until December 31, 2009. Staff has indicated it does not object to the requested extension.

8 RESPECTFULLY SUBMITTED this 14th day of November, 2008.

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11 
12 _____
13 Gary H. Horton, Esq.
14 Attorney for Midvale Telephone Exchange, Inc.

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17
18 Original and 14 copies of the foregoing
19 mailed this 14th day of November, 2008 to:

20 Docket Control
21 Arizona Corporation Commission
22 1200 West Washington St.
23 Phoenix, Arizona 85007-2996

24 Copies of the foregoing mailed this
25 14th day of November, 2008 to:

Lynn Farmer, Esq.
Chief Administrative Law Judge
Hearing Division

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9 By: gt

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