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ARIZONA CORPORATION COMMISSION

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October 21, 2009

2009 OCT 21 P 4: 24

AZ CORP COMMISSION
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Via E-mail and Certified Mail

Mr. Matthew R. Henriksen
Ms. Sharon M. Bertelsen
Ballard Spahr LLP
3300 Tower, Suite 1800
3300 North Central Avenue
Phoenix, Arizona 85012-2518

Arizona Corporation Commission
DOCKETED
OCT 21 2009
DOCKETED BY

RE: STAFF'S LETTER OF INSUFFICIENCY AND FIRST SET OF DATA REQUESTS TO CIMCO COMMUNICATIONS, INC. AND COMCAST PHONE OF ARIZONA, LLC DOCKET NOS. T-03434A-09-0477 AND T-04293A-09-0477

Dear Mr. Henriksen and Ms. Bertelsen:

On October 7, 2009, CIMCO Communications, Inc. ("CIMCO") and Comcast Phone of Arizona, LLC ("Comcast") (together, "Applicants"), filed a Joint Application at the Arizona Corporation Commission ("Commission") for authorization to transfer the Arizona customer base of CIMCO to Comcast, and cancel CIMCO's Certificate of Convenience and Necessity ("CC&N") related to providing telecommunications services within the State of Arizona. The Application submitted is not yet sufficient. This data request lists the information Staff needs to complete its analysis of the Application.

For each answer, please identify by name, title, e-mail address, telephone number and address each person providing information that forms the basis for the response provided. These data requests are continuing, and your answers or any documents supplied in response to these data requests should be supplemented with any additional information or documents that come to your attention after you have provided your initial responses.

Please provide Docket Control with the information being requested within **30 days** of the date of this letter. Mail an Original plus 13 copies to Docket Control, Arizona Corporation Commission, 1200 W. Washington Street, Phoenix, AZ 85007-2927. If no response is received, Staff will recommend that the Application be terminated. If the Application is terminated, the Applicant cannot discontinue the telecommunications services that it is authorized to provide in Arizona, until such time as a new Application is filed with and approved by the Commission.

Remember that information submitted concerning a CC&N will be made a part of the public record (including financial statements). Any information designated as confidential will not be accepted by Docket Control. If you have any questions, please contact me at (602) 542-0664. Thank you for your prompt response to this request.

Respectfully,

Pamela J. Genung

Pamela J. Genung
Public Utilities Analyst
Utilities Division

PJG:tdp

Enclosure(s)

CC: Docket Control (Original and Thirteen Copies)

STAFF'S FIRST SET OF DATA REQUESTS TO
CIMCO COMMUNICATIONS, INC. AND COMCAST PHONE OF ARIZONA, LLC
DOCKET NOS. T-03434A-09-0477; T-04293A-09-0477

Please make sure each numbered item and each part of the item is answered completely. If it is not, Staff will resubmit the numbered item(s) and/or part(s) of the item in a following data request. Also, please make sure all information you provide in response to item(s) concerning this Application, including Staff's data requests, is updated and current. If you need to update your response to any item(s)/request(s), please reference the item(s)/request(s) and provide your current response(s). In order for Staff to continue with its review of this Application, the following information must be submitted:

PJG1-1 Please indicate the average dollar amount per customer deposit that is currently being held on each of the 12 CIMCO business customers involved in this transaction.

PJG1-2 Please indicate whether CIMCO currently has a performance bond and/or irrevocable sight Draft Letter of Credit on file with this Commission. If yes, please also indicate the dollar amount.

PJG1-3 Please describe the plan the Applicants have developed for refunding deposits should the affected customers decide to switch service providers.

PJG1-4 For those CIMCO customers that are under service contracts, please describe how the service contracts will be honored or terminated.

PJG1-5 Are any service transfer or termination limitations, including termination charges placed on the customer by either CIMCO or Comcast? If yes, please explain why customers should not be allowed to terminate their contract without charge.

PJG1-6 Please describe with specificity Comcast's policy in regards to customers that desire to change to a different telecommunications service provider within the specified time period following a Commission decision in this matter.

PJG1-7 In reference to the tariff information provided on page 4 of the Application, please identify the anticipated date or timeframe that Comcast expects to begin making changes to the CIMCO products and services for those CIMCO customers not currently under contract.

PJG1-8 Please identify the number of Arizona employees at each of the following companies:
a. CIMCO
b. Comcast

PJG1-9 Please indicate whether Comcast foresees any Arizona workforce layoffs of employees from CICMO or Comcast should this Application be approved by the Commission.

PJG1-10 Please indicate whether Comcast foresees any Arizona plant or facility closings from CIMCO or Comcast should this Application be approved by the Commission.

PJG1-11 Please verify whether both Companies annual reports are up to date that are currently on file with this Commission. If not, please submit revised annual reports.

PJG1-12 Please provide a pristine electronic copy of the Asset Purchase Agreement between CIMCO and Comcast as referenced on page 4 of the Application. The file can be emailed to pgenung@azcc.gov . Pristine means the following:

a. A pdf file that has been printed DIRECTLY from the text source, such as MSW. This can be done by selecting a pdf or adobe printer driver when printing from MSW, for example.
   Or
b. A pdf file that has been SAVED from the source application, such as MSW. In MSW, for example, there is usually a 'create Adobe pdf' option.
   Or
c. There may be 'save as' options in your document application that allow saving to a pdf file.

PJG1-13 Please indicate the anticipated closing date of the proposed transaction.

PJG1-14 Please identify the value of Comcast's investment in Arizona.

PJG1-15 Pursuant to A.C.C. R14-2-1107, please provide a copy of the customer notification and indicate the date when it is sent relative to CIMCO's discontinuance of service.

Please be sure the following information is included in the customer notification:

These changes will be voted on at a future Open Meeting of the Arizona Corporation Commission (Commission). These changes will become effective only upon approval by the Commission. If you have any questions, please contact (insert Company contact name) at (insert Company contact phone number). If you have further questions, you may contact the Consumer Services Section of the Commission at 602-542-4251 or 1-800-222-7000 or you may go to its website at: www.azcc.gov.

PJG1-16 Pursuant to A.C.C. R14-2-1107(A), please provide a copy of the list of all alternative carriers providing the same or similar service within the affected geographic area and indicate the date that it was provided to the CIMCO customers.

PJG1-17 Pursuant to A.C.C. R14-2-1107(B) please provide an affidavit confirming publication of legal notice in all counties affected by the Application.