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Arizona Corporation Commission

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Commissioner

ARIZONA CORPORATION COMMISSION
REGISTRATION CONTROL

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IN THE MATTER OF THE GENERIC
INVESTIGATION OF THE EX PARTE
COMMUNICATION RULE

DOCKET NO. ACC-0000A-00-0030
RESPONSE TO COMMENTS

I.

INTRODUCTION

The Securities Division and the Utilities Division of the Arizona Corporation Commission file this coordinated Response to Comments pursuant to the February 9, 2000, Procedural Order issued by the Hearing Division in connection with Docket No. ACC-00000A-00-0030 (the "Procedural Order"). The Procedural Order requested comments on or before March 20, 2000, regarding A.A.C. R14-3-113 ("Rule 113") and possible changes to Rule 113 to accommodate various stated concerns and objectives. The Procedural Order requires that the Utilities Division and the Securities Division file a coordinated response to the written comments on or before April 20, 2000.

The Arizona Corporation Commission (the "Commission") received a comment paper on or before March 20, 2000, from each of the following: Southwest Gas Corporation ("SWG"), Residential Utility Consumer Office ("RUCO"), Avistar, Inc. ("Avistar"), AT&T Communications of the Mountain States, Inc. ("AT&T"), MCI WorldCom Inc. ("MCIW"), and Arizona Public Service Company ("APS") (collectively the "commenting persons"). This Response addresses the issues raised by the commenting persons.

II.

A.A.C. R14-3-113

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3 Rule 113 prohibits off-the-record communications about the substantive merits of a contested
4 matter with a Commissioner or Commission employee involved in the decision-making process,
5 regarding a proceeding from the time the matter is set for public hearing. Rule 113 states: The
6 prohibition contained in Rule 113 is frequently referred to as a prohibition against ex parte
7 communications.¹ The prohibition is grounded in the United States Constitution—no state shall
8 deprive any person of life, liberty, or property without due process of law. An essential
9 requirement of due process is notice and opportunity to respond. Stone v. Federal Deposit
10 Insurance Corporation, 179 F.3d 1368 (Fed. Cir. 1999) (introduction of new and material
11 information through ex parte communications to deciding official undermines constitutional due
12 process guarantee of notice and opportunity to respond).

13 Due process requires neutrality and fairness in all adjudicative proceedings. See Guenther v.
14 Commissioner of Internal Revenue, 889 F.2d 882, 884 (9th Cir. 1989) (“In entitling a person to an
15 impartial and disinterested tribunal, due process safeguards against deprivations of life, liberty, or
16 property based upon a distorted view of the facts.”). The hearing process and the rules of evidence
17 and procedure governing that process have been developed to ensure that a person obtain the due
18 process safeguards to which the person is entitled. Neutrality and fairness must not only be a
19 reality, but must appear to be a reality as well. See Guenther v. Commissioner of Internal
20 Revenue, 889 F.2d 882, 884 (9th Cir. 1989).

21 Rule 113 addresses an element essential to due process: the right of a person to have an equal
22 opportunity to participate in the determination of the relevant issues. See Guenther, 889 F.2d at
23 884. An off-the-record communication regarding the merits of the issues between one party and
24

25 ¹ An ex parte communication is a communication by or for one party; done for, in behalf of, or on the application of
26 one party only. Not all ex parte communications violate due process and not all ex parte communications are
prohibited. Rule 113 excepts from prohibited communications those that reflect the types of ex parte communications
that do not violate due process. As used in this paper, the term ex parte communication is used only with respect to
those prohibited communications concerning the substantive merits of a matter that violate due process and rule 113.

1 the final arbiter without the presence and participation of the other party is a deprivation of due
2 process. See San Carlos Apache Tribe v. Bolton, 977 P.2d 790, 794 (Ariz. 1999) (ex parte
3 communications deprive absent party of right to respond, suggest bias or partiality on the part of
4 the judge, can be misleading, and “may be an invitation to improper influence, if not outright
5 corruption”); Western Gillette, Inc. v. Ariz. Corp. Comm’n, 121 Ariz. 541, 542-43, 592 P.2d 375,
6 376-77 (Ct. App. 1979) (“The United States Supreme Court has categorically stated that a ‘fair
7 hearing’ is denied in quasi-judicial administrative proceedings when the finder of fact reaches his
8 decision after ex parte communications from one side,” citing Morgan v. United States, 304 U.S. 1,
9 58 S. Ct. 773 (1938)). The Ninth Circuit Court has stated that, absent compelling justification, ex
10 parte communications are not to be tolerated; “ex parte proceedings are anathema in our system of
11 justice.” Guenther, 889 F.2d at 884.

12 All of the commenting persons are in accord regarding the fundamental principles underlying
13 Rule 113 and the essential components to Rule 113. The commenting persons, the Utilities
14 Division, and the Securities Division are in agreement that as long as the Commissioners are the
15 triers of fact and deciders of law as to contested matters that come before the Commission, the
16 Commissioners and their staff must adhere to an ex parte rule.

17 Opinions differ, however, with respect to the implementation of that protection. The
18 commenting persons advocate increasing the scope of or more specifically defining prohibited
19 communications under Rule 113.

21 III.

22 SOUTHWEST GAS CORPORATION

23 Southwest Gas (SWG) questions the need for a communication between a party and a
24 decision-maker in the absence of the other parties. It proposes that the ex parte prohibition be
25 triggered by the initiation of a proceeding. SWG interprets the current ex parte prohibition to
26 apply to a decision-maker and “any person” -- not just a party. SWG supports this broad

1 prohibition. SWG proposes that the ex parte prohibition contained in Rule 113 be triggered by the
2 initiation of a proceeding rather than at the time a contested matter is set for public hearing.

3 SWG proposed the following changes to A.A.C. R14-3-113:

4 B. Application. The provisions of this rule apply from the time a **proceeding is**
5 **initiated** ~~contested matter is set for public hearing~~. The provisions of this rule do
6 not apply to rule making proceedings.

7 **f. Communications between either a party or a person who has filed an**
8 **application to intervene and a decision-maker, when all parties and all persons**
9 **who have filed applications to intervene are present.**

10 The Utilities Division believes that no change is necessary to the language of Rule 113. The
11 current rule is specific as to when the ex parte provisions take effect.

12 The Securities Division believes that, without further definition, the “time a proceeding is
13 initiated” is too vague. If any change is made to Rule 113(B), the Securities Division supports
14 adoption of the language in the ex parte prohibition model rule contained in the Arizona Agency
15 Handbook, which provides that the prohibition begins at the earlier of the time the proceeding is
16 noticed for hearing, the time a notice of opportunity for hearing is issued, or a request for hearing is
17 filed.

18 Neither the Securities Division nor the Utilities Division support the inclusion of the proposed
19 new subparagraph (C)(3)(f). Arizona Administrative Procedures Act (“APA”) provides at § 41-
20 1061(E) that “the record in a contested case shall include: . . . (2) Evidence received or
21 considered.” A.R.S. § 41-1061(G) requires that findings of fact be based exclusively on the
22 evidence and on matters officially noticed. In addition to the APA mandate of including all
23 evidence received or considered in the record, consideration should be given to the fact that
24 allowing off-the-record communications regarding the substantive merits of a contested
25 proceeding, even if all interested parties are present, opens the door to disputes regarding those
26 communications and fails to preserve a record for potential subsequent proceedings in the matter.

25 ...

26 ...

IV.

RESIDENTIAL UTILITY CONSUMER OFFICE

RUCO's position is that the current rule substantially addresses the problems posed by ex parte contacts. RUCO suggested that a provision be added to the rules to address the situation in which a non-party contacts a Commissioner to discuss the merits of a matter during the ex parte time period:

d. **Comments from the general public, provided that if a member of the general public contacts a Commissioner or a Commission employee involved in the decision-making process regarding the substantive merits of a pending matter, the recipient of the contact shall file a statement setting forth the substance of the communication within three working days of the communication in the public record of the case or proceeding.**

The Utilities Division and the Securities Division recognize RUCO's concern, but do not believe that the Commission ("recipient of the contact") should bear the burden of noticing the public. If the Commission were to accept such a change, the burden should be on the person making the contact to file notice regarding the communication. Additionally, the Securities Division suggests that copies of the statement be served on all parties to the proceeding.

V.

AVISTAR, INC.

Avistar, a company that provides competitive electric metering services and electric meter reading services, proposed to change A.A.C. R14-3-113B to state:

B. **Application. The provisions of this rule apply from the time a contested matter or other regulatory proceeding is filed with the Commission and continue until such time as the Commission issues a final adjudication of the matter is set for public hearing. The provisions of this rule do not apply to rule-making proceedings.**

Avistar also recommended the removal of the term "contested" from the remaining subparagraphs of the rule.

1 Other than to state that its intent is to "assist the Commission in addressing the identified
2 concerns and achieving the proposed concerns and objectives," Avistar provides no additional
3 bases or explanations regarding its proposals.

4 Both the Securities Division and the Utilities Division object to the proposed changes to the
5 extent the proposals extend Rule 113 to rulemaking and other uncontested matters. Rulemaking is
6 not quasi-judicial in character. See State ex rel. Corbin v. Ariz. Corp. Comm'n, 174 Ariz. 216,
7 218, 848 P.2d 301, 303 (Ct. App. 1992) (the Commission exercises its executive, administrative
8 function in adopting rules and regulations and its judicial jurisdiction in adjudicating grievances).
9 The rulemaking process is governed in detail by the Arizona Procedures Act at A.R.S. § 41-1021 *et*
10 *seq.* The public would not benefit from additional "safeguards."

11 VI.

12 AT&T COMMUNICATIONS OF THE MOUNTAIN STATES, INC.

13 AT&T's position is that the *ex parte* rule generally recognizes the dual roles of the
14 Commission as a decision-maker (contested proceedings) and a policy maker (rulemaking
15 decisions), by denying communications in contested proceedings and permitting them in
16 rulemaking proceedings. AT&T contended that this distinction should be retained. AT&T
17 addressed nine concerns/objectives regarding the *ex parte* rules in general. Among the first two,
18 "[t]o protect and maintain the integrity of the decision-making process" and "[t]o assure the
19 preservation of the due process rights of all parties", AT&T believes that the Commission must
20 adhere to these fundamental goals above all else.

21 AT&T voices concerns regarding the ability for the Commission Staff to maintain its status as
22 an independent party to Commission proceedings because that goal is ill-defined within the current
23 rule. Specifically, R14-3-113(C)(3)(c) permits "[i]ntra-agency or non-party communications
24 regarding purely technical and legal matters." It does not define what role the Staff is acting in
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26

1 once it becomes involved in a proceeding; thus, once involved, those members can no longer be
2 considered independent.

3 AT&T recommends that at the start of a contested proceeding in which Staff intends to appear
4 or participate, Staff should be required to notify all parties as to which Staff members will be
5 participating in the contested proceeding in any manner or capacity. These Staff members would
6 be prohibited from any unauthorized communications with Commissioners and their assistants.
7 Staff should also be required to identify the specific Staff members that will provide assistance to
8 the Commissioners and their assistants in order to deter unauthorized communications.

9 AT&T believes that it would be helpful if the procedural order setting the hearing referred to
10 R14-3-113 and stated explicitly that the rules apply to the remainder of the proceeding. A
11 procedural order that initiates a rulemaking proceeding should state explicitly that the proceeding is
12 a rulemaking, and R14-3-113 does not apply.

13 AT&T contends that off-the-record communications between the decision-maker and the
14 participants in a contested proceeding should not be permitted. The proper place to advocate one's
15 position is before the Hearing Officer.

16 AT&T concludes that there is no reason to make wholesale changes to the current rule.
17 However, AT&T believes that amendments to better define the Staff's role in a contested
18 proceeding would ensure Staff's independence when providing legal or technical advice to the
19 Commissioners.

20 Both the Securities Division and the Utilities Division agree with AT&T that staff members
21 participating in a proceeding do not fall within the exception to the prohibition for non-party staff
22 and that communications regarding the substantive merits of a matter between participating staff
23 members and the Commissioners and their staff violates due process. Both the Securities Division
24 and the Utilities Division recognize that the Commissioners and their staff may need expert
25 assistance and advice from time to time. The Securities Division and the Utilities Division agree
26 with AT&T that such assistance and advice cannot be obtained through communications between

1 the decision maker and the participants in a contested proceeding. AT&T's proposal that
2 participating staff be expressly identified may, however, become burdensome. Identification of
3 participating staff may burden the Commission's limited resources due to the number of matters
4 with which the Commission deals at any one time and staffing needs and personnel changes in
5 connection with any particular matter. To impose such a restrictive rule may be unworkable, given
6 the Commission's resource limitations.

7 8 VII.

9 MCI WORLDCOM INC.

10 MCI WorldCom (MCIW) states that the rule could be more specific and, thereby, provide
11 more guidance to Commissioners, Hearing Officers, Staff members, members of the public, and
12 persons who practice before the Commission. MCIW recommends repealing the existing rule and
13 replacing it with language addressing ex parte communications that provide more specificity and
14 guidance. MCIW also includes "standard of conduct" language that addresses the integrity and
15 independence concerns reflected in the Procedural Order dated February 9, 2000.

16 MCIW's proposed rule is as follows:

17 1) General Policy Considerations

18 Defines the purpose of this proposed rule: to ensure the Commission's decisions are free
19 from personal bias and that its decision-making processes are consistent with the concept of
20 fundamental fairness. It is also designed to prohibit off-the-record communications and to
21 maintain public confidence in the Commission's on-the-record proceedings. This rule would not
22 apply to rule-making proceedings.

23 2) Definitions

24 Defines what constitutes a material issue, off-the-record communication, on-the-record
25 proceeding, party, pending and person.

26

1 3) Off-the-Record Communications Prohibited

2 Prohibits off-the-record communications and is treated in accordance with paragraphs E
3 and F of this rule.

4 4) Functions of the Staff of the Commission

5 Divides the staff into an advisory staff and a testimonial staff when, in an on-the-record
6 proceeding, the staff enters an appearance and becomes a party. Staff would be required to
7 designate for the record the names of those staff members acting as testimonial staff and advisory
8 staff.

9 5) Treatment of Off-the-Record Communications

10 If a person makes an off-the-record communication, the communication must be
11 disclosed to all parties and made part of the record in an on-the-record proceeding as soon as it is
12 brought to the attention of a Commissioner or hearing officer. All parties would be given the
13 opportunity to respond and if necessary, call witnesses and cross-examine witnesses to address the
14 off-the-record communication.

15 6) Sanctions

16 A party who directly or indirectly makes an off-the-record communication is subject to a)
17 dismissal of the proceeding; b) adverse ruling on a pending issue that is the subject of the off-the-
18 record communication when other parties are prejudiced by the Commission; c) the striking of
19 evidence or pleadings when the evidence or pleading is tainted by the off-the-record
20 communication; d) a public statement of censure by the Commission; and e) such alternative or
21 additional sanctions as may be appropriate.

22 7) Motion to Recuse or Disqualify

23 If a party files an affidavit of personal bias of a Commissioner or hearing officer, the
24 Commissioner or hearing officer must rule within 10 days on the allegations including whether
25 such Commissioner or hearing officer will be disqualified. If the party filing the affidavit is
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1 dissatisfied with the ruling, the party may seek review of the ruling before the Commissioners by
2 filing a motion.

3 If a Commissioner or hearing officer at any time deemed himself or herself to have a
4 personal bias, the Commissioner or hearing officer would withdraw. A Commissioner or hearing
5 officer may if at any time withdraw for any other good reason.

6 Neither the Securities Division nor the Utilities Division recommends substitution of the rule
7 proposed by MCIW for Rule 113. While more detailed, the substantive elements of MCIW's
8 proposed rule are not materially different than those of Rule 113.

9
10 **VIII.**

11 **ARIZONA PUBLIC SERVICE COMPANY**

12 APS's position is that any proposed change to the rule must meet each of two equally
13 important criteria: 1) does it improve the flow of credible and relevant information to the
14 Commission; and 2) does it preserve the integrity of the Commission's current hearing process and
15 the associated due process rights accorded by that process?

16 APS supports the objective that it is necessary to protect and maintain the decision-making
17 process of the Commission.

18 APS believes that this goal is ill-served by weakening the existing rule. APS contends that the
19 best way to preserve the due process rights of parties is to discourage to the greatest degree
20 possible all ex parte communications in "contested cases".

21 APS acknowledges that Staff works for the Commission and is an extension of the agency. It
22 can not appeal any decision of the Commission nor does it have any pecuniary or other legal
23 interest in the outcome of a Commission proceeding. APS strongly supports a Staff that is free of
24 political influence and capable of providing unbiased advice to the Commission. APS also
25 believes that the Staff is already treated as a "party" for purposes of the current ex parte rule and
26 should continue to enjoy such status.

1 APS contends that the Commission's rules already provide for an opportunity to gather and
2 discuss information in order to make an informed decision. However, attempts by Commissioners
3 to gather information outside the parameters of the ex parte rule should not be encouraged. APS
4 believes that the Hearing Officer should establish whether the ex parte rule applies at the time the
5 matter is set for hearing so that all parties are aware of their obligations pursuant to Commission
6 rule.

7 APS expresses concerns that to "allow" ex parte communications on the record (by the filing
8 of a letter outlining matters discussed that would be docketed and sent to all parties) until sometime
9 shortly before the matter is taken up by the full Commission might imply that ex parte
10 communications would be sanctioned in "contested cases". APS believes this both unwise and
11 fraught with significant due process concerns.

12 APS expresses two concerns with providing a period of time in which any other party to a
13 proceeding would have the opportunity to discuss items that have been taken up in an ex parte
14 discussion that was held just prior to the close of the permissible ex parte window. The first is that
15 there is an implication that there is no opportunity to "discuss" items taken up in a prior ex parte
16 conversation if the first conversation were held earlier than "just prior to the close . . .". The
17 second concern is that the concept of a "permissible ex parte window" suggests a legitimacy to
18 such communications that APS finds disturbing when applied to "contested cases". APS agrees
19 that an ex parte rule should not mandate ex parte communications, even as a remedy to an earlier
20 ex parte communication.

21 APS suggests that the Commission may wish to formalize a practice of sending out
22 Commissioner-initiated data requests to the parties prior to the hearing and thereby avoid an ex
23 parte problem. This will allow an individual Commissioner to become well-briefed on potential
24 issues in anticipation of the hearing itself and allow for more informed consideration of the record
25 after the hearing. Commissioners should also take advantage of their unlimited access under the ex
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1 parte rule to the presiding hearing officer, who even in their absence can inquire into areas of
2 interest during the course of the hearing.

3 The Securities Division and the Utilities Division share some of APS's views regarding the
4 "concerns and objectives" set forth in the procedural order dated February 9, 2000. Specifically,
5 APS expresses concern that an amendment to Rule 113 may encourage ex parte communications.
6 Any implication in Rule 113 that an ex parte communication may be legitimate may undermine
7 fairness, in fact and in appearance. A fact-gathering process that may preclude one party from an
8 adequate opportunity to participate in the presentation of evidence or argument on all issues
9 involved jeopardizes the rudimentary requirement of fair play and public confidence in the
10 soundness of the governmental process. Cf. Guenther, 939 F.2d at 758 (written memorandum
11 delivered to judge setting forth the entire case of the Internal Revenue Service, a copy of which
12 was not delivered to Guenthers, did not allow an adequate opportunity to rebut the contentions
13 contained in the memorandum); Western Gillette, 121 Ariz. at 541, 592 P.2d at 375 (conferring
14 with counsel for one party and obtaining proposed forms of decision from that counsel provided no
15 opportunity for rebuttal and interfered with due process).

16 APS states that attempts by Commissioners to gather information outside of the parameters of
17 Rule 113 should not be encouraged. Both the Securities Division and the Utilities Division concur
18 that the hearing is the appropriate forum for the receipt of evidence and argument. A hearing is
19 designed to afford the safeguard that the decision makers will be bound to consider the evidence, to
20 be guided by that alone, and to reach his or her conclusion uninfluenced by extraneous
21 considerations, which in other fields may be a factor in determining purely executive action. The
22 'hearing' is the hearing of evidence and argument. State ex rel. Corbin v. Ariz. Corp. Comm'n:
23 143 Ariz. at 224, 693 P.2d at 367, quoting Morgan v. United States, 298 U.S. 468, 480-81, 56 S.
24 Ct. 906, 911-12 (1936).

25 APS comments that ex parte communications should not be mandated, even as a "remedy" to
26 prior ex parte communications. The Commission does have some discretion in fashioning a

1 remedy for an ex parte communication. Such discretion does not extend, however, to anything less
2 than fashioning a remedy that accords to all parties “the fairness essential to fundamental notions
3 of due process, while at the same time preserving the integrity of the adjudicative body,
4 considering the interests of that body and the duties imposed upon it.” State ex rel. Corbin v. Ariz.
5 Corp. Comm’n, 143 Ariz. at 227, 693 P.2d at 370. Depending upon the circumstances, the remedy
6 may include dismissal of the action or allowance of additional discovery, briefing, or argument.
7 The Securities Division and the Utilities Division concur, however, that Rule 113 should not allow
8 ex parte communications, even if an opportunity to cure is provided.

9 **IX.**

10 **CONCLUSION**

11 Neither the Securities Division nor the Utilities Division propose that the Rule be amended as
12 the result of the comments filed.

13 The Securities Division and the Utilities Division do not support changes to the current rule
14 that would diminish the due process protections related to contested administrative proceedings in
15 which the Divisions may be a party.

16 Contested administrative proceedings in which the Securities Division is a party include
17 denial, suspension, or revocation of securities, dealer, or salesman registration under the Arizona
18 Securities Act or investment adviser or investment adviser representative licensure under the
19 Investment Management Act and fraudulent activity by any person under either Act. Contested
20 cases in which the Utilities Division is a party include rate cases, merger and acquisition approvals,
21 and Certificate of Convenience and Necessity approvals. These proceedings are judicial in nature.
22 Care must be taken to protect the integrity of the hearing process and to avoid any violation, or
23 appearance of a violation, of constitutional due process rights that might raise appeal issues.
24 Indeed, ex parte communications may jeopardize Commission orders and result in increased
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1 litigation, which could delay recovery for victims or result in uncertainty for ratepayers and public
2 service corporations.

3 RESPECTFULLY SUBMITTED this 20th day of April 2000.

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By: *Lyn Farmer*
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on behalf of the Utilities Division

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 Dewey, Arizona 86327

1	<i>Telephone Co's.</i>	Fred M. Shepherd
2	Thomas F. Dixon, Jr.	TOHONO O'ODHAM UTILITY AUTHORITY
3	MCI WorldCom	P.O. Box 861
4	707 17 th Street	Sells, Arizona 85634
5	Denver, Colorado 80202	Jodie Caro
6	Thomas Dethlefs	MFS COMMUNICATIONS, INC.
7	U S WEST	999 Oakmont Plaza Dr., Apt. 400
8	1801 California Street, Suite 5100	Westmont, Illinois 60519-5516
9	Denver, Colorado 80202	Timothy Berg
10	Richard S. Wolters	FENNEMORE CRAIG
11	AT&T	3003 N. Central Ave, Suite 2600
12	1875 Lawrence Street, Suite 1575	Phoenix, Arizona 85012
13	Denver, Colorado 80202	Joan Burke
14	Brian Thomas	OSBORNE MALEDON
15	GST Telecom, Inc.	2929 N. Central Ave, Suite 2100
16	4001 Man Street	Phoenix, Arizona 85067-6379
17	Vancouver, Washington 98663	Thomas L. Campbell
18	Darren S. Weingard	LEWIS & ROCA
19	SPRINT COMMUNICATIONS CO., LP	40 N. Central Ave
20	1850 Gateway Drive, 7 th Floor	Phoenix, Arizona 85004-4429
21	San Mateo, California 94404	Richard L. Sallquist
22	Bradley S. Carroll	SALLQUIST & DRUMMOND
23	COX COMMUNICATIONS	2525 E. Arizona Biltmore Cir., Suite 117
24	1550 W. Deer Valley Rd.	Phoenix, Arizona 85016
25	Phoenix, Arizona 85027-2121	Norman James
26	Penny Bewick	FENNEMORE CRAIG
27	ELECTRIC LIGHTWAVE	3003 N. Central Ave., Suite 2600
28	4400 NE 77 th Avenue	Phoenix, Arizona 85012
29	Vancouver, Washington 98662	SPRINT SPECTRUM
30	Michael A. Morris	4900 Main Street, 12 th Floor
31	TCG	Kansas City, Missouri 64112
32	201 N. Civic Drive, Suite 210	e-spire
33	Walnut Creek, California 94596	133 National Business Parkway
34	Leroy Pilent	Annapolis Junction, Maryland 20701
35	VALLEY TELEPHONE COOPERATIVE, INC.	Central AZ Water Conservation District
36	P.O. Box 970	c/o Central Arizona Project
37	752 East Maley	23636 N. 7 th Street
38	Willcox, Arizona 85644	Phoenix, Arizona 85024
39	Joe Hanley	Lindy Funkhouser
40	ARIZONA TELEPHONE CO.	RUCO
41	2236 W. Shangri-La Rd.	2828 N. Central Ave., Suite 1200
42	Phoenix, Arizona 85029	Phoenix, Arizona 85004

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