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BEFORE THE ARIZONA CORPORATION

IN THE MATTER OF PROPOSED)
AMENDMENTS TO ARTICLE 11,)
COMPETITIVE TELECOMMUNICATIONS)
SERVICES, R14-2-1107,)
APPLICATION TO DISCONTINUE OR)
ABANDON LOCAL EXCHANGE SERVICE)
AREA.)

DOCKET NO.
RT-00000J-03-0218
PUBLIC COMMENTS

At: Phoenix, Arizona
Date: August 19, 2003
Filed: **AUG 29 2003**

REPORTER'S TRANSCRIPT OF PROCEEDINGS

ARIZONA REPORTING SERVICE, INC.
Court Reporting
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Certified Court Reporter
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1 BE IT REMEMBERED that the above-entitled and
 2 numbered matter came on regularly to be heard before
 3 the Arizona Corporation Commission, in Hearing Room 1
 4 of said Commission, 1200 West Washington Street,
 5 Phoenix, Arizona, commencing at 10:02 a.m., on the
 6 19th day of August, 2003.

7
 8 BEFORE: TEENA WOLFE, Administrative Law Judge

9 APPEARANCES:

10 For Arizona Corporation Commission Staff:

11 Mr. Gary Horton
 12 Legal Division
 13 1200 West Washington
 14 Phoenix, Arizona 85007

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DAWNA J. BOSWELL, RPR
 Certified Court Reporter
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1 ALJ WOLFE: We can go on the record.

2 Good morning, and welcome to the Arizona
3 Corporation Commission.

4 We're here at the time and place scheduled
5 for Public Comment in Docket Number RT-00000J-030218 in
6 the matter of proposed amendments to Article 11,
7 Competitive Telecommunications Services, R14-2-1107,
8 Application to Discontinue or Abandon Local Exchange
9 Service Area.

10 My name is Teena Wolfe, and I'm the
11 administrative law judge assigned to this matter.

12 According to the Procedural Order issued on
13 May 30th, 2003, written comments were requested to be
14 filed in the docket by June 27, 2003, and responsive
15 comments by July 25, 2003. Subsequent to that
16 Procedural Order, no written comments on the published
17 proposed rules were filed.

18 At this time, I will take appearances.

19 MR. HORTON: Gary Horton on behalf of
20 Commission Staff.

21 ALJ WOLFE: And this would be the time for
22 taking public comment on the published proposed rules.
23 Let the record reflect that there are no persons present
24 to make comment, and the Hearing Division has received
25 no requests for telephonic appearances.

1 Mr. Horton, did you have a summary of the
2 proposed rule? Is there a statement you would like to
3 make?

4 MR. HORTON: The proposed rules would make
5 applicable to interexchange carriers the existing rules
6 that apply to local exchange carriers, and make them
7 meet the same notice requirements to the public when
8 they plan to abandon a served area.

9 ALJ WOLFE: And do you have verification
10 that the notice of proposed rulemaking was published and
11 the date of that publication?

12 MR. HORTON: Yes, Your Honor, we do. I have
13 a copy of the page from the Arizona Administrative
14 Register showing that notice was published. That was
15 accomplished on July 3rd, 2003.

16 ALJ WOLFE: And Mr. Horton, I realize that
17 no comments have been filed in the docket. Has the
18 Commission Staff received any comments, oral or written,
19 on the proposed rule?

20 MR. HORTON: No, Your Honor, none.

21 ALJ WOLFE: And I note that the decision
22 that has a copy of the proposed rule doesn't have a copy
23 of an Economic Small Business and Consumer Impact
24 Statement. Does Staff plan to prepare one of those?

25 MR. HORTON: Yes, ma'am, we will be

1 preparing the Economic Impact Statement and file it in
2 the docket.

3 ALJ WOLFE: Okay. And could you explain to
4 me why promulgation of this rule is in the public
5 interest?

6 MR. HORTON: Yes, Your Honor.

7 Currently, only local exchange carriers are
8 required to provide proper notice to customers before
9 the area is abandoned. We think that the absence of any
10 requirement for interexchange carriers to do so may
11 leave customers in the lurch if that particular area,
12 service area is abandoned and leave a customer with no
13 ability to make phone calls that would go outside of the
14 local exchange area. We feel it's in the public
15 interest for those consumers to receive notice before
16 that would happen, which would allow them to find an
17 alternative carrier.

18 ALJ WOLFE: And this should apply to
19 resellers of interexchange service as well?

20 MR. HORTON: Yes, resellers and
21 facilities-based interexchange carriers are included
22 within the rule.

23 ALJ WOLFE: And this rule would add resold
24 local exchange services?

25 MR. HORTON: That's correct, Your Honor.

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1 ALJ WOLFE: Now, would this apply to service
2 providers who provide only wholesale service?

3 MR. HORTON: Yes, it would, Your Honor. Any
4 time that a customer may be left without the service
5 that they currently have at their disposal, the rule
6 would apply. The purpose is to insure that people have
7 an opportunity to get alternative service before the
8 expiration of this service.

9 ALJ WOLFE: Thank you.

10 I note that there has been someone coming in
11 the room, and I would like to offer another opportunity
12 for making public comment.

13 A MALE VOICE: Just here for observation.
14 Thank you.

15 ALJ WOLFE: Let the record reflect that no
16 one wants to make public comment at this time.

17 Is there anything else you would like to add
18 to the record, Mr. Horton?

19 MR. HORTON: No, Your Honor. Thank you.

20 ALJ WOLFE: I'll take this matter under
21 advisement pending the submission of a Recommended
22 Opinion and Order to the Commissioners for their final
23 disposition. And that would actually, I will keep the
24 record open for the filing of the --

25 MR. HORTON: Economic Impact Statement?

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1 ALJ WOLFE: Yes. Thank you.
2 That concludes our hearing today.
3 MR. HORTON: Thank you, Your Honor.
4 (The proceedings concluded at 10:08 a.m.)
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