

ORIGINAL



0000111509

1 Gary H. Horton, Esq.
2 Arizona Bar No.: 021517
3 PMB 447
4 989 S. Main St., Suite A
5 Cottonwood, Arizona 86326
6 928-649-9413
7 Fax: 928-649-9586
8 Ghorton_57@msn.com

RECEIVED

2010 MAY 12 A 9:30

ARIZONA CORPORATION COMMISSION
DOCKET CONTROL

Arizona Corporation Commission
DOCKETED

MAY 12 2010

Attorney for Midvale Telephone Exchange, Inc.

DOCKETED BY [Signature]

BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

KRISTEN K. MAYES - Chairman
PAUL NEWMAN
GARY PIERCE
SANDRA KENNEDY
BOB STUMP

**IN THE MATTER OF MIDVALE
TELEPHONE EXCHANGE INC.'S
APPLICATION FOR AN AMENDMENT
TO ITS CERTIFICATE OF
CONVENIENCE AND NECESSITY**

DOCKET NUMBER: T-02532A-08-0542

**AMENDED APPLICATION OF MIDVALE
TELEPHONE EXCHANGE, INC.**

18 Midvale Telephone Exchange, (hereinafter "Midvale" or "Applicant"), through counsel,
19 provides the following information in support of its **Amended** Application for an Amendment to
20 its Certificate of Convenience and Necessity. Midvale requests to amend its current territory to
21 include customer locations within Qwest Communications Corporation's (hereinafter "Qwest")
22 service area which Qwest is unwilling to serve. Qwest has indicated to Midvale that it will
23 support this application before the Arizona Corporation Commission. **This amendment makes**
24 **changes to the description of the area to be transferred from Qwest to Midvale. Loop/Line**
25 **counts are amended to provide updated information.**

1 **I. INTRODUCTION**

2 Midvale is the holder of an amended Certificate of Public Convenience and Necessity in
3 Arizona. Approval of Midvale's Application would result in an extension of Midvale's current
4 territories to territories currently with Qwest boundaries which Qwest is unwilling to serve, and
5 which Midvale is in a position to serve.

6 **II. THE APPLICANT**

7 Midvale currently provides telephone service in rural Arizona communities. According
8 to its **March 31, 2010** Loop/ Line count, Midvale serves approximately **1319** rural residential
9 and 124 rural business customers in five Arizona exchanges. **Midvale serves a total of 2380**
10 **rural customers in Idaho, Oregon, and Arizona.** The Commission has received only 7
11 Midvale customer complaints in the last 14 years.

12 Copies of Midvale's Certificate of Incorporation and Articles of Incorporation are
13 attached hereto as Attachment "A". The applicant's exact name and the address of its principle
14 business office are:

15 Midvale Telephone Exchange, Inc.,
16 P.O. Box 7
17 2205 Keithley Creek Road
18 Midvale, Idaho, 83645

18 **III. DESIGNATED CONTACT**

19 The name and address of the person authorized, on behalf of the applicant, to receive notices
20 and communications regarding this application is:

21 Gary H. Horton, Esq.
22 PMB 447
23 989 S. Main St., Suite A
24 Cottonwood, Arizona, 86325
25 Telephone: 928-649-6113
Email: ghorton_57@msn.com

1 **IV. MIDVALE'S EXTENSION REQUEST**

2 This Application requests Commission authorization to provide facilities-based, basic
3 local exchange service and toll service to two currently unserved customers in Qwest's service
4 area in Yavapai County, Arizona. These areas are immediately contiguous to existing Midvale
5 territories in the Long Meadows portion of its Mill Site Exchange (the "Extended Territory").

6 According to Midvale's **March 31, 2010** Loop/ Line count, Midvale now serves **226**
7 residential and **12** business customers in its Mill Site Exchange. Midvale's basic rates in the
8 exchange are \$24.00 for its residential customers and \$30.00 for its business customers. Midvale
9 has broadband available to its customers in the Mill Site exchange, and will provide it on
10 demand in the Extended Territory. Service in the Extended Territory will not require the hiring
11 of any additional employees in Arizona.

12 Midvale maintains an 800 number for all its customers for customer service related
13 issues. This line is attended to by Midvale five days a week, eight hours a day. Midvale also
14 provides its customers with 24/7 emergency and service outage reporting, with employees on
15 standby to correct problems.

16 As the Extended Territory will become a part of the existing Long Meadows **portion of**
17 **its Millsite Exchange**. No new connections will be required to interface with the public network
18 switch. Midvale's existing switches provide network services such as local and toll directory
19 assistance, operator assistance, 911 routing, and N11 routing.

1 **V. LEGAL DESCRIPTIONS OF THE EXTENSIONS**

2 The first location is the main gate location of the Las Vegas Ranch Estates at 15411 N.
3 Las Vegas Road. The amendment to include this location in Midvale's territory and to remove it
4 from Qwest's territory amends the boundary between Qwest and Midvale and establishes the
5 boundary at: The Southeast ¼ of section 13, T-16N, Range R-04W. A map is included as
6 Attachment "B".

7 The second location is the Richter home located at 14010 North Tonto Road. The
8 amendment to include this location in Midvale's territory and to remove it from Qwest's territory
9 amends the boundary between Qwest and Midvale and establishes the boundary at: the part of
10 the SE ¼ of Section 23, T16N, R04W. A map is included Attachment "C".

11
12 **VI. PROVISION OF SERVICES**

13 All construction will feature Fiber to the Home ("FTTH") technology. This technology
14 will allow Midvale to provide a full range of telephone, high speed internet, and video services to
15 this portion of rural Arizona. Midvale would connect with existing outside plant. No switch
16 replacement would be required.

17 **VII. FINANCING THE EXTENDED TERRITORY**

18 The construction and resulting cost to serve these two locations will be minimal.
19 Midvale will use general funds to finance construction. Midvale will connect the Extended
20 Territory with existing outside plant. No switch replacement or upgrades will be required to
21 serve the new customers.

22 Midvale is an Eligible Telecommunications Carrier and in the past received both Arizona
23 and Federal Universal Service Funds in the Mill Site Exchange. The Universal Service Fund
24 draws will fold in with Midvale's existing cost study. Midvale will not borrow any money to
25 finance the construction.

1 Docket Control
Arizona Corporation Commission
2 1200 West Washington St.
Phoenix, Arizona 85007-2996

3 Copies of the foregoing mailed this
4 11th day of May, ~~2009~~ to:
2010

5
6 Lynn Farmer, Esq.
Chief Administrative Law Judge
Hearing Division
7 Arizona Corporation Commission
1200 West Washington St.
8 Phoenix, Arizona 85007-2996

9 Janice Alward, Esq.
Chief Counsel, Legal Division
10 Arizona Corporation Commission
1200 West Washington St.
11 Phoenix, Arizona 85007-2996

12 Steven M. Olea
Director, Utilities Division
13 Arizona Corporation Commission
1200 West Washington St.
14 Phoenix, Arizona 85007-2996

15 Qwest Corporation
c/o Reed Peterson
16 20 East Thomas Rd., 16th Floor
17 Phoenix, Arizona 85012

18 Norman G. Curtright
Qwest Corporate Counsel
19 20 East Thomas Rd., 16th Floor
Phoenix, Arizona 85012

20
21 By: Erin Underwood
22
23
24
25