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BEFORE THE ARIZONA CORPORATION COMMISSION

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AZ CORP COMMISSION
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Arizona Corporation Commission

DOCKETED

AUG 26 2010

TONY GRANILLO

DOCKETED BY

Complainant

Docket No. T-03471A-10-0274

v.

COX ARIZONA TELCOM, L.L.C.

Respondent

**COX ARIZONA TELCOM, L.L.C.'s
RESPONSE TO REPLY TO
ANSWER AND MOTION
TO DENY DISMISSAL**

Cox Arizona Telcom, L.L.C. ("Cox") files this Response to Mr. Tony Granillo's ("Complainant") Reply to Answer & Motion to Deny Dismissal dated August 11, 2010 ("Reply"). Cox submits this response to clarify and address certain statements of Complainant that are in error or new statements not part of Complainant's original complaint.

1. Complainant makes several references to Cox's failure to provide a satisfactory level of service per Commission rule A.A.C R14-2-507(c). However, the facts surrounding this case support Cox's efforts to accommodate Complainant and resolve his complaint in a reasonable and timely manner. In fact, Complainant makes specific statements regarding one of the lines in question that were never raised with Cox personnel during his contacts with Cox representatives or in any written correspondence until his Reply. Mr. Granillo's attempt to de facto amend his complaint should be accorded no weight, as it is apparent the "facts" are being reconstructed to try and overcome the more-than-reasonable efforts by Cox to address Mr. Granillo's service outage.

2. The allegations in Mr. Granillo's Reply require Cox to expand the discussion of Cox's interactions with Complainant as described in Cox's Answer. Complainant's spouse contacted Cox on September 8, 2009 to advise Cox that the primary line (602-626-7126) was not

1 working. This line was the first telephone Cox line installed at Complainant's residence in 2006.
2 Cox was not provided any information during the September 8, 2009 contact that Complainant
3 believed this line had been out of service for over one week. Complainant's letter dated September
4 9, 2009, indicated that he believed the primary line was out of service due to the Cox technician
5 who had performed the installation for the second line that was installed on August 15, 2009.

6 3. Cox's internal notes confirmed that customer admitted that there was another
7 working line in the home and that no medical emergency existed. Complainant did not mention
8 any reason the other line was not generally accessible at the time the outage was reported to Cox.
9 Complainant raises this possibility for the first time in his Reply; It was never mentioned during
10 Complainant's September 8th contact with Cox, the September 9, 2009 letter to Steve Rizley, the
11 October 30, 2009 letter to Steve Rizley, the November 6, 2009 fax to Ms. Ornoski in Cox's
12 Human Resources department, the November 20, 2009 fax to Christopher Smith, Manager of
13 Government Relations, the December 2, 2009 letter to the City of Phoenix, the February 12, 2010
14 letter to the Arizona Corporation Commission ("ACC"), and the March 1, 2010 letter to the ACC.
15 Perhaps most importantly, the allegation that his second Cox line was not always accessible also
16 was never mentioned in either Complainant's informal complaint or in the Complaint in this
17 docket. Cox cannot be expected to have acted differently based on information it did not have at
18 the time and Cox reasserts that it fulfilled the requirements of A.A.C R14-2-507(c) in timely
19 responding to the Granillo's. Cox addressed and accommodated Complainant's request for an
20 expedited appointment and resolved the issue in accordance with its tariffs and applicable
21 Commission rules.

22 4. Finally, Complainant states in paragraph twelve of his Reply that he did not refuse
23 delivery of the certified letter from Cox. Complainant received notice of the first delivery attempt
24 on May 14, 2010, and a second delivery attempt on May 19, 2010. Mr. Granillo could have
25 arranged to pick up the letter from USPS after either of those delivery attempts. The USPS
26 verified to Cox that it holds any certified letter for 15 days from the first attempted date of
27 delivery. Since complainant apparently made no attempt to pick up the certified letter, it was

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1 ultimately returned to Cox on May 29, 2010. The notices left by the USPS identified the originator
2 of the letter. That Mr. Granillo may never have personally refused to accept the letter is not
3 relevant and does not refute Cox's claim that its certified letter was refused delivery. Mr. Granillo
4 fails to raise credible new facts or issues in his Reply, and the Commission should dismiss the
5 complaint and rule that Cox made timely and reasonable attempts at resolution and did so
6 according to its tariff and the Commission's rules.

7 5. WHEREFORE, having fully answered Tony Granillo's Complaint, Cox requests
8 that the Commission issue a Decision dismissing the Complaint with prejudice.

9 RESPECTFULLY SUBMITTED this 26th day of August, 2010.

10
11 **COX ARIZONA TELCOM, L.L.C.**

12
13 By 
14 Michael W. Patten
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17 **ORIGINAL** and **13 COPIES** of the
18 foregoing filed this 26th day of August 2010,
19 with:

20 Docket Control
21 Arizona Corporation Commission
22 1200 West Washington Street
23 Phoenix, Arizona 85007

24 **COPIES** of the foregoing hand-delivered/mailed
25 this 26th day of August 2010 to:

26 Mr. Tony Granillo
27 9017 N. 14th St.
Phoenix, AZ 85020

Yvette Kinsey, Esq.
Administrative Law Judge
Arizona Corporation Commission
1200 West Washington
Phoenix, Arizona 85007

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By Mary Spolito