

OPEN MEETING ITEM



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MEMORANDUM

Arizona Corporation Commission

DOCKETED

REL. REC'D
AZ CORP COMMISSION

TO: THE COMMISSION

DEC 24 1998

DEC 24 3 22 PM '98

FROM: Utilities Division

DOCKETED BY	<i>SA</i>
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DOCUMENT CONTROL

DATE: December 24, 1998

RE: IN THE MATTER OF U S WEST COMMUNICATIONS, INC. - PETITION FOR APPROVAL OF CIVANO LAND DEVELOPMENT AGREEMENT (DOCKET NO. T-01051B-98-0731)

On December 18, 1998, U S WEST Communications, Inc. (USWC) filed an application for approval of a Land Development Agreement (LDA) between USWC and The Community of Civano LLC (the Developer). The Developer plans to construct a development known as The Community of Civano (the Community) which consists of approximately 1,100 acres of land in Pima County. Pursuant to A.A.C. R14-2-506 and its tariff governing construction charges (Section 4, USWC Exchange and Network Services Tariff) USWC has entered into an agreement with the Developer for the construction of feeder and distribution facilities which would serve the Community. USWC tariffs require developers or builders in new housing developments to pay USWC in advance its cost for installing facilities in new housing developments. In its filing, USWC is requesting that the Arizona Corporation Commission (Commission) waive the normal LDA requirement for prepayment. Under the agreement, the Developer would endorse USWC as the preferred provider of telecommunications service to the Community's residents and business. The term of the agreement is ten years during which time the developer agrees not to enter into a similar agreement with another service provider. In summary, the proposed agreement introduces a new process for providing facilities to serve new housing developments.

On December 11, 1998, USWC filed revisions to its Section 4 Exchange and Network Services Tariff (Docket No. T-01051B-98-0708). These tariff revisions also introduce a new process for providing facilities to serve new housing developments. The new process is referred to as the Provisioning Agreement for Housing Development (PAHD) and would replace the existing Land Development Agreement (LDA) provisions in USWC's tariff. Staff has requested that the Commission suspend the PAHD filing for a period of ninety days to allow Staff additional time to complete its evaluation of the filing. Similarly, Staff needs additional time to complete its review of the Civano Land Development Agreement and therefore recommends that the petition also be suspended for a period of ninety days.

Ray T. Williamson

Ray T. Williamson
Acting Director
Utilities Division

RTW:DWS:lh\ PAB

ORIGINATOR: Del Smith

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BEFORE THE ARIZONA CORPORATION COMMISSION

JIM IRVIN
Commissioner - Chairman
TONY WEST
Commissioner
CARL J. KUNASEK
Commissioner

IN THE MATTER OF THE PETITION)
OF U S WEST COMMUNICATIONS, INC.)
FOR APPROVAL OF CIVANO LAND)
DEVELOPMENT AGREEMENT)
_____)

DOCKET NO. T-01051B-98-0731

DECISION NO. _____

ORDER

Open Meeting
January 6 and 7, 1999
Phoenix, Arizona

BY THE COMMISSION:

FINDINGS OF FACT

1. U S WEST Communications, Inc. (USWC) is certified to provide telephone service as a public service corporation in the State of Arizona.

2. On December 18, 1998, USWC filed an application for approval of a Land Development Agreement (LDA) between USWC and The Community of Civano LLC (the Developer). The Developer plans to construct a development known as The Community of Civano (the Community) which consists of approximately 1,100 acres of land in Pima County. Pursuant to A.A.C. R14-2-506 and its tariff governing construction charges (Section 4, USWC Exchange and Network Services Tariff) USWC has entered into an agreement with the Developer for the construction of feeder and distribution facilities which would serve the Community. USWC tariffs require developers or builders in new housing developments to pay U S WEST in advance its cost for installing facilities in new housing developments. In its filing, USWC is requesting that the Arizona Corporation Commission waive the normal LDA requirement for prepayment. Under the agreement, the Developer would endorse USWC as the preferred provider of telecommunications service to the Community's residents and business. The term of the agreement is ten years during which time the developer agrees not to enter into a

1 similar agreement with another service provider. In summary, the proposed agreement
2 introduces a new process for providing facilities to serve new housing developments.

3 3. On December 11, 1998, USWC filed revisions to its Section 4 Exchange and
4 Network Services Tariff (Docket No. T-01051B-98-0708). These tariff revisions also introduce
5 a new process for providing facilities to serve new housing developments. The new process is
6 referred to as the Provisioning Agreement for Housing Development (PAHD) and would replace
7 the existing Land Development Agreement (LDA) provisions in USWC's tariff. Staff has
8 requested that the Commission suspend the PAHD filing for a period of ninety days to allow
9 Staff additional time to complete its evaluation of the filing. Similarly, Staff needs additional
10 time to complete its review of the Civano Land Development Agreement.

11 4. Staff has recommended that the petition be suspended for a period of ninety days.

12 CONCLUSIONS OF LAW

13 1. USWC is an Arizona public service corporation within the meaning of Article
14 XV, Section 2, of the Arizona Constitution.

15 2. The Commission has jurisdiction over USWC and over the subject matter of the
16 application.

17 3. The Commission, having reviewed the petition and Staff's Memorandum dated
18 December 24, 1998, concludes that it is in the public interest to suspend the petition for a period
19 of ninety days.

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ORDER

THEREFORE, IT IS ORDERED that the petition be and hereby is suspended until and including April 16, 1999.

IT IS FURTHER ORDERED that this Decision shall become effective immediately.

BY ORDER OF THE ARIZONA CORPORATION COMMISSION

COMMISSIONER - CHAIRMAN

COMMISSIONER

COMMISSIONER

IN WITNESS WHEREOF, I, JACK ROSE, Executive Secretary of the Arizona Corporation Commission, have hereunto, set my hand and caused the official seal of this Commission to be affixed at the Capitol, in the City of Phoenix, this ____ day of _____ 1999.

JACK ROSE
Executive Secretary

DISSENT _____

RTW: DWS:lh