

ORIGINAL

NEW APPLICATION



0000123761

RECEIVED

BEFORE THE ARIZONA CORPORATION COMMISSION

2011 MAR -2 P 3:49

AZ CORP COMMISSION  
DOCKET CONTROL

GARY PIERCE  
Chairman

BOB STUMP  
Commissioner

PAUL NEWMAN  
Commissioner

SANDRA D. KENNEDY  
Commissioner

BRENDA BURNS  
Commissioner

Arizona Corporation Commission

DOCKETED

MAR - 2 2011

DOCKETED BY	<i>nr</i>
-------------	-----------

T-20421A-11-0102  
T-01954B-11-0102

IN THE MATTER OF THE APPLICATION )  
 OF AZTECH COMMUNICATIONS, LLC )  
 AND CITIZENS UTILITIES RURAL )  
 COMPANY, INC., DBA, FRONTIER )  
 CITIZENS UTILITIES RURAL FOR )  
 APPROVAL OF LEASE PURSUANT TO )  
 ARS § 40-285 )

DOCKET NO. \_\_\_\_\_

APPLICATION

(Expedited Approval Requested)

**I. INTRODUCTION**

Aztech Communications, LLC ("Aztech") and Citizens Utilities Rural Company, Inc., dba Frontier Citizens Utilities Rural ("Frontier") respectfully request approval pursuant to A.R.S. § 40-285, to the extent required, as well as any other applicable statutes or rules, to authorize Aztech to lease certain fiber optic telecommunications assets to Frontier in connection with a Lease Agreement dated February 28, 2011 ("Lease Agreement") between the parties.

Aztech is authorized to provide telecommunications services pursuant to a Certificate of Convenience of Necessity granted by the Commission in Decision No. 67750. Aztech serves certain customers in a development known as the El Rio Subdivision (including the El Rio Golf & Country Club, business park, residences, and golf course) located in Mohave Valley, Arizona (the "Service Area"). Aztech recently

1 filed an application with the Commission requesting authority to discontinue services and  
2 to cancel its Certificate. *See* Docket No. T-20421A-11-0023.

3 Frontier is an ILEC authorized to provide service in certain territory in Mohave  
4 County, including the Service Area. As a result of the pending discontinuance of service  
5 by Aztech, Frontier has commenced service to customers in the Service Area through the  
6 use of the facilities that are the subject of the Lease Agreement.  
7

## 8 **II. DESCRIPTION OF THE AGREEMENT**

9 In order to allow Frontier to commence service to those customers in the Service  
10 Area, Aztech and Frontier entered into the Lease Agreement.<sup>1</sup> Pursuant to the terms of the  
11 Lease Agreement, Aztech will lease to Frontier certain fiber optic telecommunications  
12 facilities (as described in the Lease Agreement) previously used by Aztech to provide  
13 service. The Lease Agreement has a term of one year. At any time during the lease term,  
14 Frontier shall have the option to purchase the assets and/or install its own facilities in the  
15 right of way in the Service Area. The lease commenced on March 1, 2011, which allowed  
16 Frontier to commence service to the residents within the Service Area prior to any  
17 discontinuance by Aztech.  
18

## 19 **III. PUBLIC INTEREST CONSIDERATIONS**

20 The approval of this Application is in the public interest as it allows Frontier to  
21 service customers in the Service Area that these customers will not experience any  
22 interruption of service. Without this lease, Frontier could not access the right of way  
23 within the development and would have no means to service these customers.  
24  
25  
26

---

<sup>1</sup> A copy of the Lease Agreement will be provided to Commission Staff subject to execution of an appropriate Protective Agreement.

1 **IV. CONCLUSION**

2 For the foregoing reasons, the parties request that the Commission approve the  
3 lease described in this Application (and in the Lease Agreement) pursuant to A.R.S. § 40-  
4 285 and any other statutes and rules deemed applicable. The parties further request that  
5 the Commission make this approval retroactive to the effective date of the Lease  
6 Agreement, which is February 28, 2011. Finally, the parties request that the Commission  
7 issue an Order in this docket on or before the date that an Order is issued in Docket No. T-  
8 20421A-11-0023.

9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

RESPECTFULLY SUBMITTED this 2nd day of March, 2011.

Aztech Communications, LLC

By \_\_\_\_\_

**LEWIS AND ROCA LLP**

By Michael T. Hallam

Michael T. Hallam  
40 North Central Avenue  
Phoenix, Arizona 85004  
602-262-5340  
602-734-3886 (fax)  
Attorneys for Frontier

ORIGINAL and 13 copies of the foregoing  
filed this 2nd day of March, 2011 with:

The Arizona Corporation Commission  
Utilities Division – Docket Control  
1200 W. Washington Street  
Phoenix, Arizona 85007

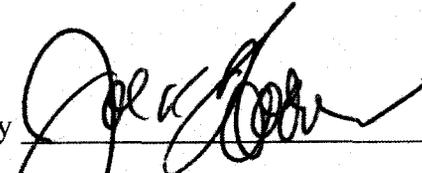
Copy of the foregoing hand-delivered  
this 2nd day of March, 2011, to:

Steve Olea  
Utilities Division  
Arizona Corporation Commission  
1200 W. Washington Street  
Phoenix, Arizona 85007

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

RESPECTFULLY SUBMITTED this \_\_ day of \_\_\_\_\_, 2011.

Aztech Communications, LLC

By   
\_\_\_\_\_

[insert information]

**LEWIS AND ROCA LLP**

By \_\_\_\_\_

Michael T. Hallam  
40 North Central Avenue  
Phoenix, Arizona 85004  
602-262-5340  
602-734-3886 (fax)  
Attorneys for Frontier

ORIGINAL and 13 copies of the foregoing  
filed this \_\_ day of \_\_\_\_\_, 2011 with:

The Arizona Corporation Commission  
Utilities Division – Docket Control  
1200 W. Washington Street  
Phoenix, Arizona 85007

Copy of the foregoing hand-delivered  
this \_\_ day of \_\_\_\_\_, 2011, to:

Steve Olea  
Utilities Division  
Arizona Corporation Commission  
1200 W. Washington Street  
Phoenix, Arizona 85007

1 Lyn Farmer, Chief Administrative Law Judge  
2 Hearing Division  
3 Arizona Corporation Commission  
4 1200 W. Washington Street  
5 Phoenix, Arizona 85007

6 Maureen Scott  
7 Legal Division  
8 Arizona Corporation Commission  
9 1200 W. Washington Street  
10 Phoenix, Arizona 85007

11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
