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BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission

GARY PIERCE, Chairman  
BOB STUMP  
SANDRA D. KENNEDY  
PAUL NEWMAN  
BRENDA BURNS

2011 DEC 16 P 1:30

DOCKETED

AZ CORP COMMISSION  
DOCKET CONTROL

DEC 16 2011

DOCKETED BY [Signature]

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

DOCKET NO. T-02532A-08-0542

PROCEDURAL ORDER

BY THE COMMISSION:

On October 17, 2008, Midvale Telephone Exchange Inc. ("Midvale") filed with the Arizona Corporation Commission ("Commission") an application for an amendment to its Certificate of Convenience and Necessity ("CC&N"), to include customer locations within Qwest Communication Corporation's ("QCC's") service area. In the application, Midvale stated that it desired Commission authorization to provide facilities-based local exchange service and toll service to two currently unserved customers located in an area of Yavapai County immediately contiguous to the Long Meadows portion of Midvale's Mill Site Exchange ("requested extension area").

On November 12, 2008, Qwest Corporation ("Qwest") filed a notice indicating that it had accepted service of process of Midvale's application, as it is Qwest rather than QCC that provides local exchange telecommunications services in the requested extension area. Qwest also requested that the service list for this matter be revised to include Qwest and exclude QCC.

On November 14, 2008, the Commission's Utilities Division Staff ("Staff") issued a Letter of Insufficiency to Midvale, along with a request for additional data.

On May 7, 2010, a Procedural Order was issued requiring Staff to file an update on the status of this matter, including any appropriate recommendations as to how the matter should be resolved and a statement regarding whether the matter should be administratively closed.

On May 12, 2010, Midvale filed an amended application, in which Midvale continued to identify QCC as the provider for the service area that includes the requested extension area. Midvale

1 stated that the amendment changed the description of the requested extension area and provided  
2 updated loop/line counts. Subsequently, Midvale filed a revised legal description for the requested  
3 extension area.

4 On May 26, 2010, Staff filed a Staff Update stating that Staff was reviewing Midvale's  
5 application and would process it.

6 On June 14, 2010, Midvale filed Responses to Staff's First Set of Data Requests.

7 On June 29, 2010, Staff filed a Letter of Sufficiency stating that Midvale's amended  
8 application had met the sufficiency requirements of A.A.C. R14-2-502 and that the Commission had  
9 150 calendar days to complete its substantive review.

10 On July 1, 2010, a Procedural Order was issued requiring Qwest, by July 30, 2010, to file a  
11 document either requesting to be added to this docket as a joint applicant or explaining why it is not  
12 necessary for Qwest to participate as a party herein. The Procedural Order further permitted Midvale  
13 and Staff to make filings providing input on the need for Qwest to participate as a party herein and  
14 extended the Commission's time frame to issue a decision in this matter by 30 days.

15 On July 30, 2010, Qwest filed Qwest Corporation's Motion to Be Added as a Necessary  
16 Party, and Statement of Position, in which Qwest requested to be added as a necessary party in  
17 interest to this proceeding and not to be designated as a joint applicant. Qwest stated that Qwest  
18 supported Midvale's application and that Qwest was willing to participate and fully cooperate in the  
19 proceeding, but that Qwest was not the moving entity and did not believe that it should be required to  
20 bear the costs of the proceeding. Qwest also noted that Qwest and Midvale had agreed that the  
21 circumstances underlying Midvale's application also existed or could arise with other portions of  
22 Qwest's Prescott Exchange that border Midvale's existing service area. Qwest stated that Midvale  
23 and Qwest had agreed that it would be more efficient to address these circumstances  
24 comprehensively in this proceeding by including additional portions of Qwest's Exchange that could  
25 be served more economically by Midvale. Qwest also stated that it understood Midvale was  
26 preparing to amend its application.

27 On August 11, 2010, a Procedural Order was issued joining Qwest as a necessary party in  
28 interest in this matter and suspending the time frame in this matter until Midvale filed with Docket

1 Control either an amendment to its application or a document stating that it was ready to go forward  
2 with its application as it stood.

3 On November 15, 2010, Midvale filed a Second Amended Application, in which it again  
4 identified QCC as the holder of the service area in which the requested extension area was located  
5 and amended the requested extension area by requesting expansion of its CC&N service area to  
6 include all of Section 13, Township 16N, Range 4W (rather than only the southeast quarter of the  
7 Section); the southern one-half and northwest one-quarter of Section 23, Township 16N, Range 4W  
8 (rather than only part of the southeast one-quarter of Section 23); and the following additional  
9 territory:

10 Within Township 16N, Range 4W: The western one-half of Section 22, the southern one-half  
11 and northwest quarter of Section 15, the northern one-half and southwest quarter of Section  
12 14, all of Section 1, all of Section 2, all of Section 11, and all of Section 12; and

13 Within Township 16N, Range 3W: The western one-half of Section 20, and all of Section 17  
14 except for the Hootenanny Holler Development and that portion of Section 17 north of  
15 Williamson Valley Road.

16 On November 16, 2010, a Procedural Order was issued requiring Qwest to file a response to  
17 Midvale's Second Amended Application, requiring Staff to file a document regarding the sufficiency  
18 of Midvale's Second Amended Application, and suspending the time frame in this matter.

19 On December 7, 2010, Staff filed Staff's Second Letter of Insufficiency and Second Set of  
20 Data Requests.

21 On December 15, 2010, Midvale filed an amended Attachment C to its Second Amended  
22 Application, which included a legal description.

23 On January 4, 2011, Qwest filed its response to the Second Amended Application, stating that  
24 the legal description in the amended Attachment C to the Second Amended Application was correct;  
25 that Qwest was the local exchange service provider of record in the affected areas; and that Qwest  
26 consented to the transfer of the requested extension area to Midvale, for the reasons stated in Qwest's  
27 Motion filed on July 30, 2010.

28

1 No additional filings have been made in this docket since January 4, 2011, and it is possible  
2 that Midvale and Qwest's involvement in other dockets at the Commission since then could have  
3 altered either or both their positions in this matter. Thus, it is reasonable and appropriate to require  
4 Midvale and Qwest each to make a filing updating its position in this matter and proposing how the  
5 matter should proceed.

6 In addition, it is reasonable and appropriate to require Staff to make a filing in this docket  
7 responding to the Midvale and Qwest filings and recommending how this matter should proceed.

8 IT IS THEREFORE ORDERED that **Midvale shall, by January 17, 2012**, file a document  
9 providing Midvale's current position in this matter and Midvale's proposal for how this matter should  
10 proceed.

11 IT IS FURTHER ORDERED that **Qwest shall, by January 17, 2012**, file a document  
12 providing Qwest's current position in this matter and Qwest's proposal for how this matter should  
13 proceed.

14 IT IS FURTHER ORDERED that **Staff shall, by February 17, 2012**, file a document  
15 responding to the Midvale and Qwest filings and recommending how this matter should proceed.

16 IT IS FURTHER ORDERED that all parties must comply with Arizona Supreme Court Rules  
17 31 and 38 and A.R.S. § 40-243 with respect to the practice of law and admission *pro hac vice*.

18 IT IS FURTHER ORDERED that the Administrative Law Judge may rescind, alter, amend,  
19 or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at  
20 hearing.

21 DATED this 16<sup>th</sup> day of December, 2011.

22  
23  
24   
25 SARAH N. HARPRING  
26 ADMINISTRATIVE LAW JUDGE  
27  
28

1 Copies of the foregoing mailed/delivered  
this 16<sup>th</sup> day of December, 2011, to:

2 Gary H. Horton  
3 Attorney at Law  
4 PMB 447  
5 989 South Main Street, Suite A  
6 Cottonwood, AZ 86326

7 Midvale Telephone Exchange, Inc.  
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10 Midvale, ID 83645

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12 Reed Peterson  
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26  
27  
28  
By:

  
Debra Broyles  
Secretary to Sarah N. Harpring