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BEFORE THE ARIZONA CORPORATION COMMISSION

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BOB STUMP - Chairman  
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BOB BURNS  
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ORIGINAL

IN THE MATTER OF MIDVALE  
TELEPHONE COMPANY, INC.'S  
APPLICATION FOR EXTENSION OF ITS  
CERTIFICATE OF CONVENIENCE AND  
NECESSITY.

DOCKET NO. T-02532A-08-0542

PROCEDURAL ORDER  
(Setting a Hearing Date)

**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 ("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 was Qwest rather than QCC that was providing local exchange telecommunications services in the 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") 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 including the extension area. Midvale stated that

1 the amended application changed the description of the extension area and provided updated loop/line  
2 counts. Subsequently, Midvale filed a revised legal description for the extension area.

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

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

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

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

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

26 On August 11, 2010, a Procedural Order was issued joining Qwest as a necessary party in  
27 interest in this matter and suspending the time frame in this matter until Midvale filed with Docket  
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1 Control either another amendment to its application or a document stating that it was ready to go  
2 forward 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 extension area was located and amended  
5 the extension area to include additional areas.

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

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

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

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

18 No additional filings were made in this docket until December 16, 2011, when a Procedural  
19 Order was issued requiring Midvale and Qwest to make filings providing their current positions in the  
20 matter and proposals for how the matter should proceed and requiring Staff to make a filing in  
21 response and including a recommendation as to how this matter should proceed.

22 On January 6, 2012, in Docket No. T-02532A-10-0207 et al., Decision No. 72728 was issued  
23 approving a Midvale request to transfer its assets, liabilities, and customers to Midvale Telephone  
24 Company, Inc. ("MTCI") and transferring to MTCI both Midvale's CC&N for facilities-based local  
25 exchange telecommunications services and Midvale's Eligible Telecommunications Carrier ("ETC")  
26 designation.

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1 On January 17, 2012, Qwest dba CenturyLink-QC ("CenturyLink") filed its response to the  
2 December 2011 Procedural Order, stating that its position in this matter had not changed and that it  
3 continued to support the proposed transfer of territory as set forth in the Second Amended  
4 Application, as amended by Midvale's Attachment C. CenturyLink added that it believed this matter  
5 should proceed in typical fashion, with a Staff Report, followed by a brief hearing after notice to  
6 affected customers.

7 On January 30, 2012, MTCI fna Midvale filed its response to the December 2011 Procedural  
8 Order, stating that MTCI desired to seek transfer of the territory in the Second Amended Application,  
9 as amended by Midvale's Attachment C. MTCI stated that it believed the matter should move  
10 forward with a Staff Report, notice to Midvale's customers, and a short hearing. MTCI also stated  
11 that it would not object to having the matter proceed to Open Meeting without a hearing.

12 On February 17, 2012, Staff filed its response to the December 2011 Procedural Order, stating  
13 that Staff agreed that the matter should proceed, but had not yet received Midvale's response to  
14 Staff's Second Letter of Insufficiency and Second Data Request. Staff recommended that, in order to  
15 move forward, Midvale file its response to the Second Data Request and all future Data Requests in  
16 an expeditious manner, to allow Staff to make a sufficiency finding and complete its analysis. Staff  
17 stated that it agreed with the process described by CenturyLink in its January 2012 filing.

18 No additional filings were made in this docket until April 9, 2013, when a Procedural Order  
19 was issued requiring MTCI and CenturyLink to make filings providing their current positions in the  
20 matter and proposals for how the matter should be resolved, requiring Staff to make a filing in  
21 response and including a recommendation as to how the matter should be resolved, and requiring all  
22 of the parties to address whether this docket should be administratively closed.

23 On May 10, 2013, CenturyLink filed its response to the April 2013 Procedural Order, stating  
24 that its position had not changed and that it continued to support the proposed transfer of territory as  
25 set forth in Midvale's Second Amended Application, as amended by Midvale's Attachment C filed  
26 on December 15, 2010. CenturyLink stated that the proceeding should move forward.

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1 On May 13, 2013, MTCI filed its response to the April 2013 Procedural Order, stating that it  
2 was still in the public interest for the transfer to be completed; that the only barrier to sufficiency was  
3 the filing of an acceptable legal description of the transfer area; and that the matter should move  
4 forward to Open Meeting, without a hearing, once the application was found sufficient, a Staff Report  
5 was filed, and notice was given to affected customers.

6 On May 21, 2013, Staff filed its response to the April 2013 Procedural Order, stating that  
7 Staff agreed the matter should proceed, that Staff had been working on the correct legal description  
8 with MTCI and CenturyLink, and that Staff would be filing a corrected legal description. Staff stated  
9 that it would then make a sufficiency finding, complete its analysis, and file a Staff Report.

10 On November 18, 2013, Staff filed a corrected legal description and corresponding map.  
11 Staff stated that both MTCI and CenturyLink agreed as to the legal description and that CenturyLink  
12 had confirmed that it had no customers in the transfer area.

13 On February 11, 2014, Staff filed its Staff Report, recommending approval of MTCI's  
14 application, subject to certain conditions.

15 The Commission now issues this Procedural Order to govern the preparation and conduct of  
16 this proceeding.

17 IT IS THEREFORE ORDERED that the **hearing** in the above-captioned matter shall be held  
18 on **April 15, 2014 at 10:00 a.m.**, or as soon thereafter as is practical, at the Commission's office,  
19 1200 West Washington St., Hearing Room No. 1, Phoenix, Arizona 85007.

20 IT IS FURTHER ORDERED that MTCI shall provide public notice of the hearing in this  
21 matter in the following form and style, with the heading in no less than 10-point bold type and the  
22 body in no less than 6-point regular type:

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**IN THE MATTER OF MIDVALE TELEPHONE COMPANY, INC.'S APPLICATION FOR  
EXTENSION OF ITS CERTIFICATE OF CONVENIENCE AND NECESSITY  
TO PROVIDE FACILITIES-BASED LOCAL EXCHANGE TELECOMMUNICATIONS  
SERVICES IN ARIZONA.**

**DOCKET NO. T-02532A-08-0542**

**Summary**

Midvale Telephone Company, Inc. ("MTCI") has applied to the Arizona Corporation Commission ("Commission") for an extension of its Certificate of Convenience and Necessity ("CC&N"), to include customer locations currently within the service area of Qwest dba CenturyLink-QC ("CenturyLink"). MTCI desires Commission authorization to provide facilities-based local exchange service and toll service in an area of Yavapai County immediately contiguous to the Long Meadows portion of MTCI's Mill Site Exchange ("extension area"). The extension area contains 8 residences, 2 of which already obtain service from MTCI. CenturyLink has no customers in the extension area and supports MTCI's application. The Commission's Utilities Division ("Staff") has recommended approval of MTCI's application, subject to certain conditions.

**The Commission is not bound by the proposals made by MTCI, CenturyLink, Staff, or any intervenor. The Commission will issue a Decision regarding this case after consideration of testimony and evidence presented at an evidentiary hearing.** If MTCI's application is approved, MTCI will be required to provide service under the rates, charges, terms, and conditions established by the Commission.

**How to View the Parties' Filings**

Copies of the documents filed by MTCI are available for inspection during regular business hours at MTCI's offices [Insert Company Address]; and at the Commission's Docket Control Center at 1200 West Washington, Phoenix, Arizona. All of the parties' filings in this matter are also available via the Commission's website (www.azcc.gov) using the e-Docket function located at the bottom of the main page.

**Public Hearing**

The Commission will hold a **hearing** on MTCI's application on **April 15, 2014, at 10:00 a.m.**, at the Commission's offices, 1200 West Washington Street, Hearing Room No. 1, Phoenix, Arizona. Public comments will be taken on the first day of the hearing.

**How Interested Persons May Participate**

An interested person may participate in this matter by (1) providing written or oral public comment, or (2) filing for intervention and becoming a formal party to the proceeding. Written public comments must refer to **Docket Nos. T-02532A-08-0542** and may be submitted at any time as follows:

By Mail: Arizona Corporation Commission  
Consumer Services Section  
1200 West Washington Street  
Phoenix, AZ 85007

On the Website: [www.azcc.gov](http://www.azcc.gov) using the link "To Submit a Comment on an Issue," located near the bottom of the main page

Anyone requiring assistance may contact the Consumer Services Section at 1-800-222-7000 or 602-542-4251.

**About Intervention**

Any person or entity entitled by law to intervene and having a direct and substantial interest in the matter will be permitted to intervene. The granting of intervention

1 entitles a person to participate as a party by presenting sworn testimony and evidence  
 2 and cross-examining witnesses. Anyone wishing to intervene must file an original  
 3 and 13 copies of a written motion to intervene with the Commission's Docket Control  
 4 Center no later than **April 1, 2014**, and must send a copy of the motion to each of the  
 5 parties to this matter or their counsel. Contact information for the parties is available  
 6 using the eDocket function and Docket No. T-02532A-08-0542.

7 Each motion to intervene must contain the following:

- 8 1. The name, address, and telephone number of the person requesting  
 9 intervention and of any person upon whom service of documents is to be  
 10 made, if not the same person;
- 11 2. A short statement of the proposed intervenor's interest in the proceeding (e.g.,  
 12 a customer or potential customer of the Company, a member or shareholder of  
 13 the Company, etc.);
- 14 3. A statement certifying that a copy of the motion to intervene has been mailed  
 15 to the parties of record in the case or their counsel; and
- 16 4. If the proposed intervenor is not represented by an attorney who is an active  
 17 member of the Arizona State Bar, and is not an individual representing  
 18 himself or herself, information and any appropriate documentation  
 19 demonstrating compliance with Arizona Supreme Court Rules 31, 38, and 42,  
 20 as applicable.

21 The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except  
 22 that all motions to intervene must be filed on or before April 1, 2014. Persons who  
 23 do not intervene will receive no further notice of the proceedings in this docket.  
 24 However, **all documents filed in the docket are available online** (usually within 24  
 25 hours after docketing) through the eDocket function on the Commission's website.

26 **ADA/Equal Access Information**

27 The Commission does not discriminate on the basis of disability in admission to its  
 28 proceedings. Persons with a disability may request a reasonable accommodation such  
 as a sign language interpreter, and may request this document in an alternative  
 format, by contacting ADA Coordinator, Shaylin Bernal, at [SABernal@azcc.gov](mailto:SABernal@azcc.gov),  
 voice phone number 602-542-3931. Requests should be made as early as possible to  
 allow time to arrange the accommodation.

IT IS FURTHER ORDERED that MTCI shall, by **March 14, 2014**, provide the above **notice**  
 by (1) having the notice published in a newspaper/s of general circulation in the extension area, and  
 (2) mailing the notice, by First Class U.S. Mail, to the residents of the extension areas.

IT IS FURTHER ORDERED that MTCI shall file, by **April 1, 2014**, an **Affidavit of**  
**Publication and Mailing** with the Commission.

IT IS FURTHER ORDERED that all **motions for intervention** shall be filed by **April 1,**  
**2014**, and shall be in accordance with A.A.C. R14-3-105.

...

1 IT IS FURTHER ORDERED that any **objections to intervention** shall be filed by **April 7,**  
2 **2014.**

3 IT IS FURTHER ORDERED that **specific disagreements/comments**, if any, to the Staff  
4 Report or application shall be filed by **April 7, 2014.**

5 IT IS FURTHER ORDERED that **all parties must comply with Arizona Supreme Court**  
6 **Rules 31, 38, and 42 with respect to practice of law and admission *pro hac vice*.**

7 IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance  
8 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Arizona  
9 Supreme Court Rule 42). Representation before the Commission includes appearance at all hearings  
10 and procedural conferences, as well as all Open Meetings for which the matter is scheduled for  
11 discussion, unless counsel has previously been granted permission to withdraw by the Administrative  
12 Law Judge or the Commission.

13 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113 - Unauthorized  
14 Communications) applies to this proceeding and shall remain in effect until the Commission's  
15 Decision in this matter is final and non-appealable.

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

19 Dated this 14<sup>th</sup> day of February, 2014.

22   
23 SARAH N. HARPRING  
ADMINISTRATIVE LAW JUDGE

24 Copies of the foregoing mailed  
25 this 14 day of February, 2014 to:

26 Gary H. Horton  
27 Attorney at Law  
989 South Main Street, Suite A #477  
28 Cottonwood, AZ 86326

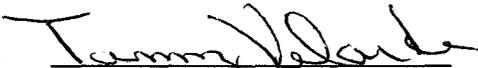
1 Midvale Telephone Company, Inc.  
2 P.O. Box 7  
3 2205 Keithley Creek Road  
4 Midvale, ID 83645

5 Norman G. Curtright  
6 Reed Peterson  
7 QWEST CORPORATION DBA CENTURLINK-QC  
8 20 East Thomas Road, 16th Floor  
9 Phoenix, AZ 85012

10 Janice Alward, Chief Counsel  
11 Legal Division  
12 ARIZONA CORPORATION COMMISSION  
13 1200 W. Washington Street  
14 Phoenix, AZ 85007

15 Steven Olea, Director  
16 Utilities Division  
17 ARIZONA CORPORATION COMMISSION  
18 1200 W. Washington Street  
19 Phoenix, AZ 85007

20 COASH & COASH  
21 COURT REPORTING, VIDEO AND  
22 VIDEOCONFERENCING  
23 1802 North 7<sup>th</sup> Street  
24 Phoenix, AZ 85006

25  
26  
27  
28  
By:   
Tammy Velarde  
Assistant to Sarah N. Harpring