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AZ CORP COMMISSION
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ORIGINAL

IN THE MATTER OF THE APPLICATION OF
COPPER VALLEY TELEPHONE, INC., AN
ARIZONA CORPORATION, FOR A HEARING
TO DETERMINE THE EARNINGS OF THE
COMPANY, THE FAIR VALUE OF THE
COMPANY FOR RATEMAKING PURPOSES,
AND TO INCREASE RESIDENTIAL RATES AS
NECESSARY TO COMPENSATE FOR THE
RATE IMPACTS OF THE FCC'S USF/ICC
TRANSFORMATION ORDER

DOCKET NO. T-02727A-13-0458

RESPONSE TO PROCEDURAL
ORDER Arizona Corporation Commission

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1 In the USF/ICC Transformation Order, the Federal Communications Commission
2 ("FCC") adopted a rate floor "to ensure that states are contributing to support and advance
3 universal service and that consumers are not contributing to the Fund to support customers
4 whose rates are below a reasonable level."¹ To implement this requirement, the Wireline
5 Competition Bureau was to survey urban rates for fixed voice and fixed broadband residential
6 services.

7 On December 19, 2013, Copper Valley Telephone, Inc., ("Copper Valley Telephone")
8 filed an application in the above-captioned docket to raise rates to a level that was anticipated to
9 be sufficient to comply with the USF/ICC Transformation Order and avoid losing high-cost loop
10 support.

11 On March 20, 2014, the Bureau announced that the average local end-user rate plus state
12 regulated fees of the surveyed incumbent LECs in urban areas is \$20.46. Under the
13 Transformation Order, this would have required rural telecom companies to set residential rates
14 at or above this level by June 1, 2014, or federal high-cost loop support would be reduced dollar
15 for dollar by the difference between the approved rates and the \$20.46 rate floor.

¹ Connect America Fund, WC Docket No. 10-90, Order, 28 FCC Rcd 4242 (Wireline Comp. Bur./Wireless Tel. Bur. 2013) (Rate Floor Order).

1 A hearing was held on March 27, 2014, concerning Copper Valley Telephone's
2 application to increase residential rates in response to the Transformation Order. At the hearing
3 Copper Valley Telephone asked that its residential rates be raised to the \$20.46 rate floor by the
4 then effective June 1, 2014 deadline set by the FCC.

5 On April 23, 2014, the FCC met and announced that it intended to delay the June 1, 2014,
6 deadline and to further phase in rate increases. Copper Valley Telephone and ACC Staff
7 recommended that the pending rate application be delayed until the FCC issued a final order
8 containing detailed guidance.

9 On June 10, 2014, the Federal Communications Commission ("FCC") issued Order FCC
10 14-54. Among other things, FCC 14-54 modified § 54.318(b) of *USF/ICC Transformation*
11 *Order* as follows:

12 Therefore, we waive the application of section 54.318(b) for lines reported July 1,
13 2014, with a rate of \$14 or above. Commencing January 2, 2015 (reflecting rates
14 as of December 1, 2014), and thereafter, through June 30, 2016, we waive section
15 54.318(b) to the extent reported lines are greater than or equal to \$16. For the
16 period between July 1, 2016, and June 30, 2017, we waive section 54.318(b) to
17 the extent reported rates are greater than or equal to \$18, or the 2016 rate floor,
18 whichever is lower. For the period between July 1, 2017, and June 30, 2018, we
19 waive section 54.318(b) to the extent reported rates are greater than or equal to
20 \$20, or the 2017 rate floor, whichever is lower.²

21 Through a Procedural Order dated July 1, 2014, Judge Rodda asked the parties to respond
22 to the following questions:

- 23 1. Specifically, what rates and time frame for implementation, do the parties now
24 recommend?
- 25 2. Can, or should, the Commission implement the recommended rates without re-
26 opening the hearing?
- 27 3. Given intervening events and any new recommendations, have these matters been
28 adequately noticed?
- 29 4. What are the procedural recommendations for addressing future rate increases
30 beyond December 1, 2014?

31 Copper Valley Telephone hereby responds to each of the four questions.

² Order FCC 14-54, ¶ 80, as corrected by Second Erratum dated July 11, 2014.

1 1. *Specifically, what rates and time frame for implementation, do the parties now*
2 *recommend?* Copper Valley Telephone recommends that its residential rates be raised in
3 accordance with the following schedule:

- 4 • Effective on and after December 1, 2014, to \$16.
- 5 • Effective on and after June 1, 2016, to the lower of \$18 or any new national
6 benchmark.
- 7 • Effective on and after June 1, 2017, to the lower of \$20 or any new national
8 benchmark.

9 2. *Can, or should, the Commission implement the recommended rates without re-*
10 *opening the hearing?* The Commission can and should implement the recommended rates
11 without reopening the hearing. The Commission has received all evidence needed to find that
12 the recommended rates are just and reasonable.

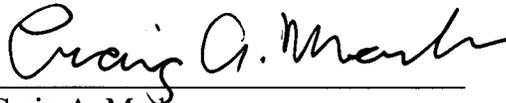
13 3. *Given intervening events and any new recommendations, have these matters been*
14 *adequately noticed?* The previously provided notice was adequate. It provided that Valley was
15 “requesting authority to increase its residential monthly basic local access line rate from \$14.00
16 to the lower of \$19.00 or the Federal Communications Commission’s (“FCC”) approved
17 residential rate floor.” It further provided that:

18 The Commission is not bound by the proposals made by the Company, Staff, or
19 any intervenors. Therefore, the final rates approved by the Commission may be
20 higher or lower than the rates requested by the Company. (Emphasis added.)

21 The recommended rates would be lower than the originally requested \$19 maximum rate until at
22 least June 1, 2017. Even after June 1, 2017, the recommended rate could be only \$1.00 more
23 than the originally requested \$19 maximum. This possibility was clearly provided for in the
24 notice, so the expense of additional notice is unwarranted

25 4. *What are the procedural recommendations for addressing future rate increases*
26 *beyond December 1, 2014?* The Recommended Opinion and Order should authorize each of the
27 requested rate increases. The companies should be required to provide notice of each rate
28 increase before it is implemented.

1 Respectfully submitted on July 31, 2014.
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5 Craig A. Marks
6 Craig A. Marks, PLC
7 10645 N. Tatum Blvd., Ste. 200-676
8 Phoenix, Arizona 85028
9 (480) 367-1956 (Direct)
10 (480) 304-4821 (Fax)
11 Craig.Marks@azbar.org
12 Attorney for Copper Valley Telephone, Inc.

Original and 13 copies filed
on July 31, 2014, with:

Docket Control
Arizona Corporation Commission
1200 West Washington
Phoenix, Arizona 85007

Copies mailed and e-mailed
on July 31, 2014 to:

Maureen Scott
Legal Division
Arizona Corporation Commission
1200 West Washington
Phoenix, AZ 85007
MScott@azcc.gov

Charles Hains
Legal Division
Arizona Corporation Commission
1200 West Washington
Phoenix, AZ 85007
CHains@azcc.gov

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