



BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

SUSAN BITTER SMITH - Chairman
BOB STUMP
BOB BURNS
DOUG LITTLE
TOM FORESE

Arizona Corporation Commission

DOCKETED

OCT 27 2015

DOCKETED BY [Signature]

IN THE MATTER OF THE APPLICATION OF
TABLE TOP TELEPHONE COMPANY, INC. FOR
AUTHORITY TO AMEND ITS CERTIFICATE OF
CONVENIENCE AND NECESSITY.

DOCKET NO. T-02724A-14-0412

IN THE MATTER OF THE APPLICATION OF
QWEST CORPORATION DBA CENTURYLINK
QC TO AMEND ITS CERTIFICATE OF
CONVENIENCE AND NECESSITY.

DOCKET NO. T-01051B-14-0412

IN THE MATTER OF THE APPLICATION OF
MIDVALE TELEPHONE COMPANY, INC. TO
AMEND ITS CERTIFICATE OF CONVENIENCE
AND NECESSITY.

DOCKET NO. T-20741A-14-0412

DECISION NO. 75317

OPINION AND ORDER

DATE OF HEARING: August 26, 2015
PLACE OF HEARING: Phoenix, AZ
ADMINISTRATIVE LAW JUDGE: Sasha Paternoster
APPEARANCES: Mr. Craig A. Marks, CRAIG A. MARKS, PLC, on behalf of Table Top Telephone Company, Inc.;
Mr. Norman G. Curtright, QWEST CORPORATION DBA CENTURYLINK QC, on behalf of Qwest Corporation dba CenturyLink QC;
Mr. Timothy J. Sabo, SNELL & WILMER, L.L.P., on behalf of Midvale Telephone Company, Inc.; and
Mr. Robert Geake, Legal Division, on behalf of the Utilities Division of the Arizona Corporation Commission.

BY THE COMMISSION:

Having considered the entire record herein and being fully advised in the premises, the Arizona Corporation Commission ("Commission") finds, concludes, and orders that:

FINDINGS OF FACT

1
2 1. On December 16, 2014, Table Top Telephone Company, Inc. ("Table Top"), Qwest
3 Corporation dba CenturyLink QC ("CenturyLink"), and Midvale Telephone Exchange, Inc.
4 ("Midvale") filed with the Commission a joint application to extend Table Top's Certificate of
5 Convenience and Necessity ("CC&N") to provide facilities-based local exchange
6 telecommunications services to seven parcels in Yavapai County and to one parcel in Maricopa
7 County, Arizona ("the Extended Territory"). As part of the application, CenturyLink and Midvale
8 requested that the portions of territory Table Top seeks to serve currently located in CenturyLink's
9 and Midvale's service areas be deleted from their respective CC&Ns.

10 2. On December 18, 2014, Table Top filed an Amendment to the Application, correcting
11 the caption and references to Midvale Telephone Exchange, Inc. and changing it to Midvale
12 Telephone Company, Inc.

13 3. On February 19, 2015, the Commission's Utilities Division ("Staff") filed an
14 Insufficiency Letter and requested additional information.

15 4. On March 23, 2015, Table Top filed its Response to Staff's First Set of Data Requests.

16 5. On April 22, 2013, Timothy J. Sabo filed a Notice of Appearance on behalf of
17 Midvale.

18 6. On April 27, 2015, a Notice to the Parties was filed by the Administrative Law Judge
19 ("ALJ") assigned to this matter.

20 7. On May 13, 2015, Staff filed its Second Set of Data Requests to Table Top.

21 8. On May 19, 2015, one consumer comment letter was docketed in support of the
22 application.

23 9. On May 22, 2015, Table Top filed its Response to Staff's Second Set of Data
24 Requests.

25 10. On May 27, 2015, one consumer comment letter was docketed in support of the
26 application.

27 11. On June 18, 2015, Staff filed a Staff Report recommending approval of Table Top's
28 application, subject to certain conditions.

1 12. On June 19, 2015, a Procedural Order was issued scheduling a hearing and setting
2 other procedural deadlines.

3 13. On July 13, 2015, one consumer comment letter was docketed in support of the
4 application.

5 14. On August 5, 2015, Table Top docketed Proofs of Notice, showing certified mail
6 receipts for the notice mailings to affected property owners and affidavits of publications from
7 Prescott's *The Daily Courier*, the *Ajo Copper News*, and *The Wickenburg Sun*, on July 9, 2015, July
8 14, 2015, and July 15, 2015, respectively.

9 15. No intervention requests were filed.

10 16. On August 6, 2015, by Procedural Order, CenturyLink was directed to file a Notice of
11 Appearance by August 19, 2015, and both Midvale and CenturyLink were noticed to provide a
12 witness at the hearing.

13 17. Also on August 6, 2015, one consumer comment letter was docketed in support of the
14 application.

15 18. On August 7, 2015, one consumer comment letter was docketed in support of the
16 application.

17 19. On August 12, 2015, counsel for CenturyLink docketed a Notice of Appearance.

18 20. On August 13, 2015, Midvale filed an Unopposed Motion for Leave to Present
19 Telephonic Testimony ("Motion").

20 21. On August 17, 2015, by Procedural Order, Midvale's Motion was granted.

21 22. On August 26, 2015, the hearing in this matter was held as scheduled before a duly
22 authorized ALJ of the Commission at its offices in Phoenix, Arizona. Table Top, CenturyLink,
23 Midvale, and Staff all appeared through counsel and presented evidence and testimony. No members
24 of the public appeared at the hearing to provide public comment.

25 23. Table Top is a Nevada corporation engaged in the provision of telecommunications
26 services authorized to conduct business in Arizona. (Ex. A-1 at 1.)

27 24. Table Top was initially granted a CC&N to provide local exchange carrier services for
28 the Aguila, Ajo, Bagdad, Sanders, and Seligman Exchanges in Decision No. 58763 (September 1,

1 1994). On April 30, 1998, the Commission issued Decision Nos. 60849 and 60852, extending Table
2 Top's CC&N to include the Escapees at North Ranch subdivision and other surrounding areas near
3 Congress, Arizona, as well as portions of the Inscription Canyon Ranch subdivision 15 miles north of
4 Prescott, Arizona, respectively. In Decision No. 62984 (November 2, 2000), the Commission
5 authorized Table Top to provide intrastate long distance telecommunications services to its
6 customers. (Ex. S-1 at 1.)

7 25. Table Top currently serves approximately 1,110 business customers and 2,355
8 residential customers over 2,840 square miles within the Aguila, Ajo, Bagdad, Inscription Canyon
9 Ranch, Sanders, and Seligman Exchanges. Table Top's rural service area has an average density of
10 approximately 1.23 access lines per square mile. (Ex. S-1 at 1.)

11 26. By its application in this case, Table Top seeks to expand its CC&N area to provide
12 local exchange telecommunications services to the Extended Territory that are more fully described
13 in Exhibit A, attached hereto and incorporated herein. The Staff Report states that one of the parcels,
14 K-4 Ranch, is partially located in CenturyLink's Chino Valley Exchange and partially located in
15 Midvale's Mill Site Exchange. The remaining seven parcels that Table Top seeks to include in its
16 CC&N are outside the service territory of any Arizona incumbent local exchange carrier. (Ex. S-1 at
17 2.)

18 27. Table Top has received requests for service from nine (9) residential customers and
19 four (4) business customers within the Extended Territory. (Tr. at 9, 15-17.)

20 28. CenturyLink and Midvale provided Table Top with letters of support, in which each
21 company requests that the portion of their CC&Ns that is occupied by K-4 Ranch be deleted from
22 their respective service territories. (Ex. A-1 at Ex. A.)

23 29. In its letter of support, CenturyLink states that it provides service to the K-4 Ranch via
24 a point of demarcation approximately 15 miles away and its one property owner uses private radio
25 equipment to transmit the signal to other locations on his property. (Ex. A-1 at Ex. A; Tr. at 11.)
26 CenturyLink states it does not oppose the transfer of a portion of its CC&N identified as census block
27 2033, Parcel # 300-45-004, T-18N, R-5W, S-20. (Ex. A-1 at Ex. A; Tr. at 21, 25.) At hearing,
28 CenturyLink's witness testified that inclusion in Table Top's CC&N would likely result in improved

1 service to K-4 Ranch. (Tr. at 27.)

2 30. Midvale's letter of support indicates it does not oppose the transfer of the portion of its
3 CC&N occupied by the K-4 Ranch, identified as census block 2033, Parcel #300-45-003A, T-18N,
4 R-5W, S-21. (Ex. A-1 at Ex. A; Tr. at 19, 29.) Midvale states the customer would be best served by
5 Table Top due to the location of Table Top's facilities and Table Top's ability to serve K-4 Ranch.
6 (Ex. A-1 at Ex. A.)

7 31. According to Table Top, the Commission authorized Table Top to borrow money
8 from the Rural Utilities Service and the Rural Telephone Bank to fund network improvements. Table
9 Top states, as a result of the network upgrades, its fiber-optic lines now traverse the Extended
10 Territory allowing Table Top to provide services to those currently requesting service within sixty
11 (60) days of the Commission issuing a Decision. (Ex. S-1 at 2; Tr. at 9-10.)

12 32. Pursuant to Table Top's authorized tariff, the residential basic local exchange services
13 is \$16.00 per month and the basic business local exchange is \$33.15 per month. As the Extended
14 Territory is outside of Table Top's base rate area, the monthly rate will include the monthly base rate
15 in addition to the Zone 2 rate which is \$0.80 per month for the residential charge and \$3.25 per month
16 for the business charge. Table Top's services include options for caller identification, call
17 forwarding, call waiting, and 3-way calling which can be purchased in a package for a discount.
18 Table Top also provides broadband services. (Ex. S-1 at 3.)

19 33. According to the Staff Report, Table Top has an 800 number that is attended to
20 Monday through Friday from 8:00 a.m. to 5:00 p.m. for customer service related issues. In the event
21 of an emergency, Table Top also has employees available to correct any problems.

22 34. Staff's Consumer Services Section reported that Table Top has had a total of four (4)
23 complaints since 2011, all of which have been resolved and closed.¹ Staff stated Table Top is in
24 good standing with the Commission's Corporations Division and is in compliance with the Utilities
25 Division Compliance Section.

26 35. Staff recommends approval of the joint application to amend Table Top's CC&N to

27 _____
28 ¹ According to the Staff Report, there was one (1) complaint in 2011, zero (0) complaints in 2012, one (1) complaint in
2013, two (2) complaints in 2014, and zero (0) complaints in 2015.

1 provide facilities-based local exchange telecommunications services to the Extended Territory. Staff
2 also recommends approval to transfer portions of CenturyLink's and Midvale's territories to Table
3 Top.

4 36. Staff further recommends that:

5 (a) Table Top, CenturyLink, and Midvale be required to update their service area
6 maps on file with the Commission within sixty (60) days of a Decision granting
7 the joint application; and

8 (b) Table Top be authorized to include the Extended Territory as part of its service
9 area and that it apply its current authorized tariffed rates and charges to the
10 Extended Territory until further Order by the Commission.

11 37. Staff believes that it is in the public interest to approve the joint application.

12 38. Table Top is willing to comply with all of the requirements that Staff recommends.

13 (Tr. at 19-20.)

14 39. Table Top has the requisite technical and financial capabilities to provide
15 telecommunications services to the Extended Territory.

16 40. Staff's recommendations in Findings of Fact Nos. 35 and 36 are reasonable and should
17 be adopted.

18 **CONCLUSIONS OF LAW**

19 1. Table Top, CenturyLink, and Midvale are public service corporations within the
20 meaning of Article XV of the Arizona Constitution and A.R.S. §§ 40-281 and 40-282.

21 2. The Commission has jurisdiction over Table Top, CenturyLink, and Midvale and the
22 subject matter of the joint application.

23 3. Notice of the joint application was given in accordance with the law.

24 4. There was no objection to the joint application.

25 5. There is an existing need for telecommunications services in the Extended Territory.

26 6. Pursuant to Article XV of the Arizona Constitution and the Arizona Revised Statutes,
27 it is in the public interest to extend Table Top's CC&N service area to include the Extended Territory
28

1 and to remove the appropriate portions from CenturyLink's and Midvale's CC&N, which is more
2 fully described in Findings of Fact Nos. 29 and 30 and is shown in Exhibit A attached hereto.

3 7. Table Top is a fit and proper entity to receive an extension of its CC&N service area to
4 include the Extended Territory.

5 8. It is just and reasonable and in the public interest to allow Table Top to charge in the
6 Extended Territory the rates and charges in Table Top's existing tariffs on file with the Commission.

7 9. Staff's recommendations, as set forth in Findings of Fact Nos. 35 and 36, are
8 reasonable and should be adopted.

9 **ORDER**

10 IT IS THEREFORE ORDERED that the joint application of Table Top Telephone Company,
11 Inc.'s for an extension of its Certificate of Convenience and Necessity to include the service area
12 shown in Exhibit A, attached hereto and incorporated herein by reference, is hereby granted.

13 IT IS FURTHER ORDERED that the joint application of Qwest Corporation dba
14 CenturyLink QC and Midvale Telephone Company, Inc. to transfer portions of its certificated
15 territory described in Findings of Fact Nos. 29 and 30 to Table Top Telephone Company, Inc. is
16 hereby granted.

17 IT IS FURTHER ORDERED that Table Top Telephone Company, Inc., Qwest Corporation
18 dba CenturyLink QC, and Midvale Telephone Company, Inc. shall, within sixty (60) days after the
19 effective date of this Decision, file with the Arizona Corporation Commission's Docket Control, as a
20 compliance item in this docket, an updated service map showing the extension and transfer areas
21 approved herein.

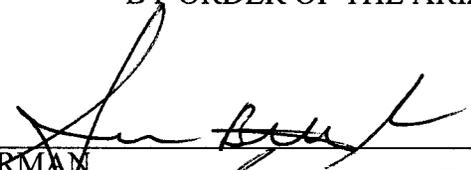
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1 IT IS FURTHER ORDERED that Table Top Telephone Company, Inc. shall charge in the
2 extension area those rates and charges set forth in Table Top Telephone Company, Inc.'s existing
3 tariffs on file with the Commission, until further Order of the Commission.

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

5 BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

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CHAIRMAN	COMMISSIONER	
		
COMMISSIONER	COMMISSIONER	COMMISSIONER

11
12 IN WITNESS WHEREOF, I, JODI JERICH, Executive
13 Director of the Arizona Corporation Commission, have
14 hereunto set my hand and caused the official seal of the
15 Commission to be affixed at the Capitol, in the City of Phoenix,
16 this 27th day of October 2015.

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JODI JERICH
EXECUTIVE DIRECTOR

DISSENT _____

DISSENT _____
SP:ru

1 SERVICE LIST FOR: TABLE TOP TELEPHONE COMPANY, INC.,
2 QWEST CORPORATION DBA CENTURYLINK QC,
3 AND MIDVALE TELEPHONE COMPANY, INC.

4 DOCKET NOS.: T-02724A-14-0412, T-01051B-14-0412, AND
5 T-20741A-14-0412

6 Craig A. Marks
7 CRAIG A. MARKS, PLC
8 10645 N. Tatum Blvd, Suite 200-676
9 Phoenix, AZ 85028
10 Attorney for Table Top Telephone Company

11 Michael W. Patten
12 Timothy J. Sabo
13 SNELL & WILMER, L.L.P.
14 One Arizona Center
15 400 East Van Buren Street, 19th Floor
16 Phoenix, AZ 85004
17 Attorney for Midvale Telephone Company, Inc.

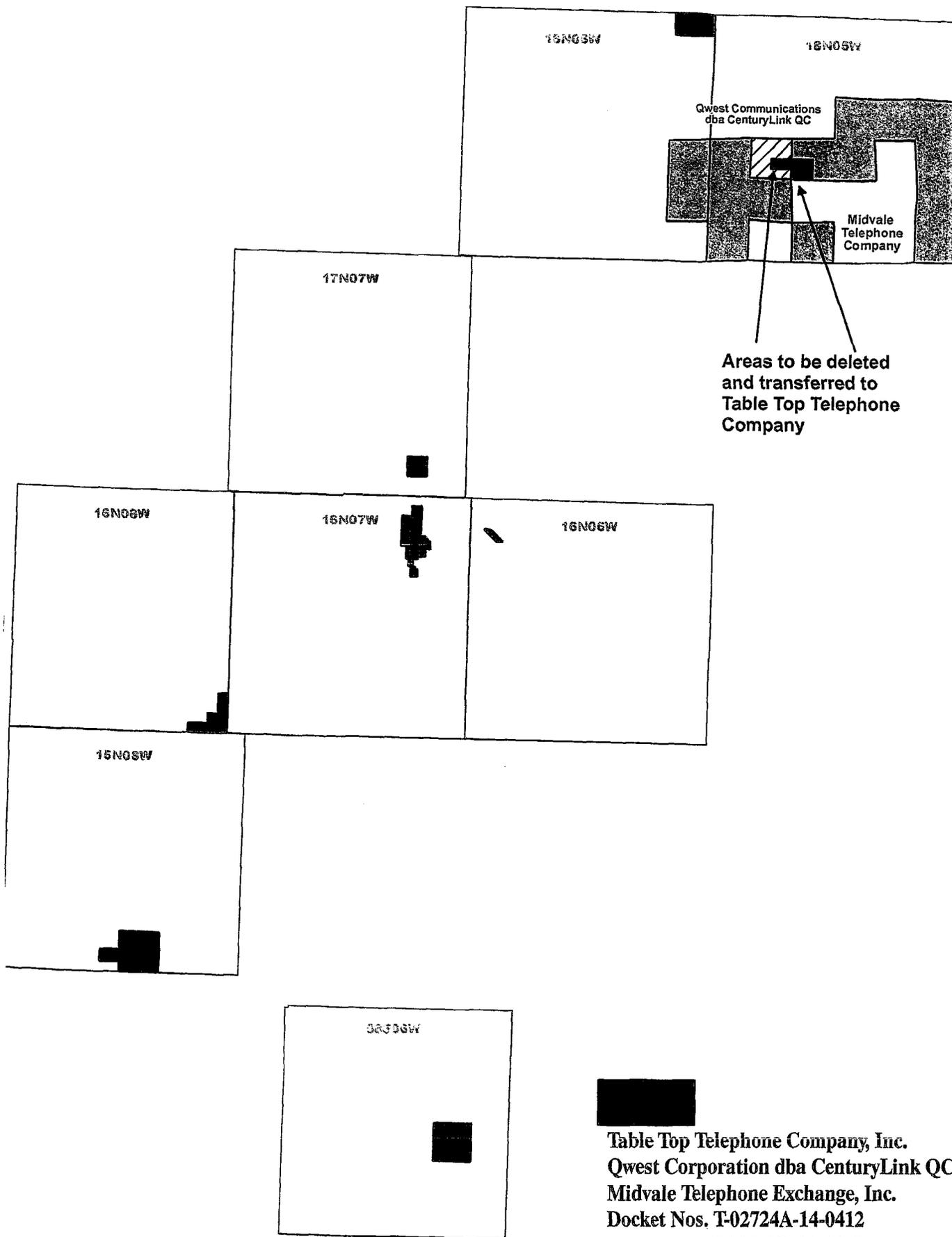
18 Norman G. Curtright, Corporate Counsel
19 QWEST CORPORATION DBA CENTURYLINK QC
20 20 East Thomas Road, 16th Floor
21 Phoenix, Arizona 85012

22 Janice Alward, Chief Counsel
23 Legal Division
24 ARIZONA CORPORATION COMMISSION
25 1200 West Washington Street
26 Phoenix, AZ 85007

27 Thomas Broderick, Director
28 Utilities Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, AZ 85007

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EXHIBIT A



Areas to be deleted and transferred to Table Top Telephone Company



Table Top Telephone Company, Inc.
 Qwest Corporation dba CenturyLink QC
 Midvale Telephone Exchange, Inc.
 Docket Nos. T-02724A-14-0412
 T-01051B-14-0412
 T-20741A-14-0412

(Application to Amend CC&Ns)

DECISION NO. 75317

K4 Ranch

Parcel #300-45-004

North $\frac{1}{2}$ of the Southeast $\frac{1}{4}$

Section 20

Township 18N Range ⁵SW

Parcel #300-45-003A

Southwest quarter

Section 21

Township 18N Range ⁵SW

Cienega Ranch

Parcel #300-46-002

N 1/2 of Section 1
Township 18N
Range 6W

PARCEL 3: COMMONLY KNOWN AS PADDOCK PLACE

Homestead Entry Survey No. 79, U.S. Patent, recorded in Book 102 of Deeds at pages 108-109, Yavapai County, Arizona.

Beginning at a corner No. 1 from which the Southeast corner of Section 1, Township 16 North, Range 7 West of the Gila and Salt River Base and Meridian bears South 59° 8' 40" West, 32.64 chains distant; thence North 39° 37' 30" East, 3.24 chains to corner No. 2; thence South 75° 21' 30" East, 13.15 chains to corner No. 3; thence South 47° 10' East, 31.92 chains to corner No. 4; thence South 84° 54' 30" West, 12 chains to corner No. 5; thence North 48° 24' West, 36.33 chains to corner No. 1, the place of beginning.

STROTJOST RANCH

SECTION 36 16N 8W E $\frac{1}{2}$, NE $\frac{1}{4}$; SE $\frac{1}{4}$; S $\frac{1}{2}$, SW $\frac{1}{4}$ Section 36, all in T 16 North, R 8 West G&SRM

Wagon Bow Ranch

PARCEL 2:

Lot 2;

The Southwest Quarter of the Northeast Quarter; The Northwest Quarter of the Southeast Quarter; and The Northeast Quarter of the Southwest Quarter of Section 2, Township 16 North, Range 7 West of the Gila and Salt River Base and Meridian.

PARCEL 8:

The North Half of the Northeast Quarter of Section 35, Township 17 North, Range 7 West of the Gila and Salt River Base and Meridian.

PARCEL 9:

The South Half of the Northeast Quarter of Section 35, Township 17 North, Range 7 West of the Gila and Salt River Base and Meridian.

Wildhorse Ranch

PARCEL II:

Section 34, Township 15 North, Range 8 West of the Gila and Salt River Base and Meridian, Yavapai County, Arizona.

PARCEL 1:

The North half of the Southeast quarter and the South half of the South half of the South half of the Northeast quarter of Section 33, Township 15 North, Range 8 West of the Gila and Salt River Base and Meridian, Yavapai County, Arizona.

EXCEPTING AND RESERVING to the United States all coal and other minerals in said lands as reserved in Patent recorded in Book 165 of Deeds, page 475, records of Yavapai County, Arizona.

McCraine Rev Trust

Access Rd from Campwood Rd to Wildhorse Ranch at Boulder Creek Section 33 T15N R8W

Yolo Ranch

PARCEL NO. 13:

SECTION 2

THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER; AND THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTIONS 2; AND THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER; AND THE WEST HALF OF THE NORTHEAST QUARTER; AND THE WEST HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER; AND THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER; AND THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER; AND THE WEST HALF OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER; AND THE NORTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER; AND THE NORTH HALF OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER; AND THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER; AND THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER; AND THE NORTH 20 FEET OF THE NORTH HALF OF THE NORTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 11;

ALL IN TOWNSHIP 16 NORTH, RANGE 7 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, YAVAPAI COUNTY, ARIZONA.

PARCEL NO. 14;

SECTION II

THE EAST HALF OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER; AND THE NORTH HALF OF THE NORTHEAST QUARTER OF NORTHEAST QUARTER OF THE SOUTHWEST QUARTER; AND THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER; AND THE EAST HALF OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER; AND THE WEST HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER; AND THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER; AND THE WEST HALF OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER; AND THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER; AND THE WEST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER; ALL IN SECTION 11, TOWNSHIP 16 NORTH, RANGE 7 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, YAVAPAI COUNTY, ARIZONA;

Ajo Mile Post 18

Section 23
Township 8 South
Range 6 West

Applicant Location

N 32° 42' 57.50"
W 112° 50' 28.19"