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BEFORE THE ARIZONA CORPORATION COMMISSION RECEIVED

Arizona Corporation Commission

COMMISSIONERS

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MARC SPITZER, Chairman
WILLIAM A. MUNDELL
JEFF HATCH-MILLER
MIKE GLEASON
KRISTIN K. MAYES

DOCKETED BY

IN THE MATTER OF THE APPLICATION OF
ALLTEL COMMUNICATIONS, INC. FOR
DESIGNATION AS AN ELIGIBLE
TELECOMMUNICATIONS CARRIER
PURSUANT TO SECTION 214(e)(2) OF THE
COMMUNICATIONS ACT OF 1934.

DOCKET NO. T-03887A-03-0316

PROCEDURAL ORDER

BY THE COMMISSION:

On May 19, 2003, Alltel Communications, Inc. ("Alltel" or "Applicant") filed an application with the Arizona Corporation Commission ("Commission") for designation as an Eligible Telecommunications Carrier ("ETC") for federal universal service funding throughout Alltel's licensed service area in the State of Arizona ("Application"). The Application seeks ETC designation for Alltel as a wireless provider in rural areas of Arizona served by rural local exchange carriers ("LECs"). Alltel is proposing to redefine rural LEC service areas for ETC purposes to determine the LEC areas in which Alltel is to be designated as an ETC.

Table Top Telephone Company ("Table Top") filed a request to intervene in this matter on June 16, 2003.

By Procedural Order of June 18, 2003, a Procedural Conference was set for June 25, 2003, and was held as scheduled. Alltel, Table Top and the Commission's Utilities Division Staff ("Staff") entered appearances, and Table Top was granted intervention. Table Top stated that it believed a hearing should be held on Alltel's application.

On July 11, 2003, a Procedural Order was issued that required Alltel to publish notice of its application, and set a date of October 1, 2003 for the filing of a Staff Report. The Procedural Order required that the Staff Report include a recommendation regarding whether the Commission should hold a hearing on the application.

Arizona Telephone Company was granted intervention in this matter on August 7, 2003.

1 On August 14, 2003, Alltel filed an Affidavit of Publication and Affidavit of Proof of Mailing
2 demonstrating compliance with the notice requirements of the July 11, 2003 Procedural Order.

3 Arizona Local Exchange Carriers Association ("ALECA") was granted intervention in this
4 matter on August 21, 2003.

5 On August 22, 2003, Table Top filed its Initial Comments on the Application.

6 Pursuant to a September 10, 2003, stipulation for an extension of time filed by Staff and
7 Alltel, the October 1, 2003 due date for the Staff Report was continued to October 29, 2003.

8 On October 14, 2003, ALECA filed comments and a request for hearing.

9 On October, 29, 2003, Staff filed its Staff Report recommending approval of the Application,
10 and stating that Staff is not opposed to holding a hearing in this matter.

11 A Procedural Conference was convened on November 14, 2003, at which the parties
12 discussed the necessity for a hearing, possible hearing dates, discovery timeframes, and the schedule
13 for pre-filed testimony in this matter.

14 Alltel expressed concern with the possible delay that holding a hearing on this matter could
15 cause on Alltel's receipt of federal funding, and stated that there is no statutory requirement that a
16 hearing be held. Alltel stated that if a hearing is held, it could agree to a procedural schedule with a
17 hearing in the third week of January, 2004.

18 ALECA stated that it is possible that the ongoing discovery process will obviate the need for a
19 hearing, but stood by its request for a hearing on this matter. ALECA agreed to a procedural
20 schedule with a hearing in the third week of January, 2004.

21 Staff stated that it was neutral on the issue of whether a hearing should be held, and that if a
22 hearing is held, it could agree to a procedural schedule with a hearing in the third week of January or
23 the first week of February, 2004.

24 According to Alltel, hearings have been held in some states on similar ETC applications, and
25 some states have approved their applications without a hearing.

26 Because ALECA has raised factual issues in its comments pertaining to the Commission's
27 determination of whether granting Alltel an ETC designation is in the public interest, and has
28 requested a hearing, it is proper that a hearing be scheduled in this matter.

1 IT IS THEREFORE ORDERED that the hearing in the above-captioned matter shall
2 commence on **January 23, 2004, at 10:00 a.m.** or as soon thereafter as practicable, at the
3 Commission's offices, 1200 West Washington Street, Phoenix, Arizona 85007.

4 IT IS FURTHER ORDERED that any direct testimony and associated exhibits to be presented
5 at hearing on behalf of Alltel Communications, Inc. in support of its application shall be reduced to
6 writing and filed on or before December 4, 2003.

7 IT IS FURTHER ORDERED that any testimony and associated exhibits to be presented at
8 hearing on behalf of intervenors shall be reduced to writing and filed on or before December 29,
9 2003.

10 IT IS FURTHER ORDERED that any amendments or additions to the Staff Report filed on
11 October, 29, 2003, and/or any testimony and associated exhibits to be presented at hearing on behalf
12 of Staff, shall be reduced to writing and filed on or before December 29, 2003.

13 IT IS FURTHER ORDERED that any rebuttal testimony and associated exhibits to be
14 presented at hearing by Alltel Communications, Inc. shall be reduced to writing and filed on or before
15 January 20, 2004.

16 IT IS FURTHER ORDERED that any substantive corrections, revisions, or supplements to
17 pre-filed testimony shall be reduced to writing and filed no later than five days before the witness is
18 scheduled to testify.

19 IT IS FURTHER ORDERED that intervention shall be in accordance with A.A.C. R14-3-105,
20 except that all motions to intervene must be filed on or before December 19, 2003.

21 IT IS FURTHER ORDERED that discovery shall be as permitted by law and the rules and
22 regulations of the Commission, except that any objection to discovery requests shall be made within
23 **5 calendar** days of receipt and responses to discovery requests shall be made within **10 business**
24 **days** of receipt. The response time may be extended by mutual agreement of the parties involved if
25 the request requires an extensive compilation effort. No discovery requests shall be served after
26 January 6, 2004.

27 IT IS FURTHER ORDERED that, in the alternative to filing a written motion to compel
28 discovery, any party seeking discovery may telephonically contact the Commission's Hearing

1 Division to request a date for a procedural hearing to resolve the discovery dispute; that upon such a
2 request, a procedural hearing will be convened as soon as practicable; and that the party making such
3 a request shall forthwith contact all other parties to advise them of the hearing date and shall at the
4 hearing provide a statement confirming that the other parties were contacted.¹

5 IT IS FURTHER ORDERED that any motions which are filed in this matter and which are
6 not ruled upon by the Commission within 10 days of the filing date of the motion shall be deemed
7 denied.

8 IT IS FURTHER ORDERED that any responses to motions shall be filed within five days of
9 the filing date of the motion.

10 IT IS FURTHER ORDERED that any replies shall be filed within five days of the filing date
11 of the response.

12 IT IS FURTHER ORDERED that the Alltel Communications, Inc. shall provide public notice
13 of the hearing in this matter, in the following form and style:

14
15 **PUBLIC NOTICE OF HEARING ON THE**
16 **APPLICATION OF ALLTEL COMMUNICATIONS, INC. FOR DESIGNATION AS AN**
17 **ELIGIBLE TELECOMMUNICATIONS CARRIER PURSUANT TO SECTION 214(e)(2) OF**
18 **THE COMMUNICATIONS ACT OF 1934.**
19 **(DOCKET NO. T-03887A-03-0316)**

20 On May 19, 2003, Alltel Communications, Inc. ("Alltel" or "Applicant") filed an
21 application with the Arizona Corporation Commission ("Commission") for
22 designation as an Eligible Telecommunications Carrier ("ETC") for federal universal
23 service funding throughout Alltel's licensed service area in the State of Arizona.
24 Copies of the application are available at the Applicant's offices [insert address] and
25 the Commission's offices for public inspection during regular business hours.

26 The Commission will hold a hearing on this matter beginning **January 23, 2004**, at
27 10:00 a.m., at the Commission's offices, 1200 West Washington, Phoenix, Arizona.
28 Public comments will be taken on the first day of the hearing.

The law provides for an open public hearing at which, under appropriate
circumstances, interested parties may intervene. Intervention shall be permitted to any
person entitled by law to intervene and having a direct and substantial interest in the
matter. Persons desiring to intervene must file a written motion to intervene with the
Commission, which motion should be sent to Alltel Communications, Inc. or its
counsel and to all parties of record, and which, at the minimum, shall contain the
following:

¹ The parties are encouraged to attempt to settle discovery disputes through informal, good-faith negotiations before seeking Commission resolution of the controversy.

- 1 1. The name, address, and telephone number of the proposed intervenor
2 and of any party upon whom service of documents is to be made if
 different than the intervenor;
- 3 2. A short statement of the proposed intervenor's interest in the
4 proceeding; and
- 5 3. A statement certifying that a copy of the motion to intervene has been
6 mailed to Alltel or its counsel and to all parties of record in the case.

7 The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except
8 that all motions to intervene must be filed on or before **December 19, 2003**. The
9 granting of intervention, among other things, entitles a party to present sworn evidence
 at hearing and to cross-examine other witnesses. Failure to intervene will not preclude
 any person from appearing at the hearing and making a statement for the record. You
 will not receive any further notice of this proceeding unless you request it.

10 If you have any questions about this application, or want further information on
11 intervention, you may contact the Consumer Services Section of the Commission at
 1200 West Washington Street, Phoenix, Arizona 85007 or call 1-800-222-7000.

12 The Commission does not discriminate on the basis of disability in admission to its
13 public meetings. Persons with a disability may request a reasonable accommodation
14 such as a sign language interpreter, as well as request this document in an alternative
15 format, by contacting Yvonne McFarlin, ADA Coordinator, voice phone number
 602/542-3931, E-mail ymcfarlin@cc.state.az.us. Requests should be made as early as
 possible to allow time to arrange the accommodation.

16 IT IS FURTHER ORDERED that Alltel Communications, Inc. shall cause the above notice to
17 be published at least once in a newspaper of general circulation in the requested ETC designation
18 areas, with publication to be completed no later than November 28, 2003.

19 IT IS FURTHER ORDERED that Alltel Communications, Inc. shall file certification of
20 publication as soon as practicable after the publication has been completed.

21 IT IS FURTHER ORDERED that notice shall be deemed complete upon mailing/publication
22 of same, notwithstanding the failure of an individual to read the notice.

23 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized
24 Communications) applies to this proceeding as the matter is now set for public hearing.

25 ...
26 ...
27 ...
28 ...

1 IT IS FURTHER ORDERED that the Presiding Officer may rescind, alter, amend, or waive
2 any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

3 Dated this 17th day of November, 2003.

4
5 
6 TEENA WOLFE
7 ADMINISTRATIVE LAW JUDGE

8 Copies of the foregoing mailed this
9 17th day of November, 2003 to:

10 Raymond S. Heyman
11 Michael W. Patten
12 ROSKA HEYMAN & DEWULF
13 One Arizona Center
14 400 East Van Buren Street, Ste. 800
15 Phoenix, AZ 85004
16 Attorneys for Alltel Communications, Inc.

ARIZONA REPORTING SERVICE, INC.
2627 N. Third Street, Ste. Three
Phoenix, AZ 85004-1003

By: 
Debbi Person
Secretary to Teena Wolfe

17 John Hayes, General Manager
18 TABLE TOP TELEPHONE COMPANY,
19 INC.
20 600 North Second Ave.
21 Ajo, Arizona 85321

22 Jeffrey W. Crockett
23 SNELL & WILMER
24 One Arizona Center
25 Phoenix, Arizona 85004-2202
26 Attorneys for Arizona Telephone Company
27 and Arizona Local Exchange Carriers
28 Association

29 Christopher C. Kempsey, Chief Counsel
30 Legal Division
31 ARIZONA CORPORATION COMMISSION
32 1200 West Washington Street
33 Phoenix, AZ 85007

34 Ernest G. Johnson, Director
35 Utilities Division
36 ARIZONA CORPORATION COMMISSION
37 1200 West Washington Street
38 Phoenix, AZ 85007

7180 4442 0100 0000 4841

RETURN RECEIPT SERVICE	POSTAGE	\$ 0.37	POSTMARK OR DATE
	RESTRICTED DELIVERY FEE	\$ 3.50	
	CERTIFIED FEE	\$ 2.30	
	RETURN RECEIPT FEE	\$ 0.00	
	TOTAL POSTAGE AND FEE	\$ 6.17	
SENT TO: John Hayes, General Manager Table Top Telephone Company, Inc. 600 North Second Avenue Ajo, AZ 85321			

PS FORM 3800 T-03887A-03-0316



RECEIPT FOR CERTIFIED MAIL
NO INSURANCE COVERAGE PROVIDED
NOT FOR INTERNATIONAL MAIL
(SEE OTHER SIDE)

7180 4442 0100 0000 4865

RETURN RECEIPT SERVICE	POSTAGE	\$ 0.37	POSTMARK OR DATE
	RESTRICTED DELIVERY FEE	\$ 3.50	
	CERTIFIED FEE	\$ 2.30	
	RETURN RECEIPT FEE	\$ 0.00	
	TOTAL POSTAGE AND FEE	\$ 6.17	
SENT TO: AZ Reporting Service, Inc. 2627 N. Third Street, Suite 3 Phoenix, AZ 85004-1104			

PS FORM 3800 T-03887A-03-0316

at line over top of envelope to the right of the return address



RECEIPT FOR CERTIFIED MAIL

7180 4442 0100 0000 4834

RETURN RECEIPT SERVICE	POSTAGE	\$ 0.37	POSTMARK OR DATE
	RESTRICTED DELIVERY FEE	\$ 3.50	
	CERTIFIED FEE	\$ 2.30	
	RETURN RECEIPT FEE	\$ 0.00	
	TOTAL POSTAGE AND FEE	\$ 6.17	
SENT TO: Jeffrey W. Crockett Snell & Wilmer One Arizona Center Phoenix, AZ 85004-2202			

PS FORM 3800 T-03887A-03-0316



RECEIPT FOR CERTIFIED MAIL
NO INSURANCE COVERAGE PROVIDED
NOT FOR INTERNATIONAL MAIL
(SEE OTHER SIDE)

7180 4442 0100 0000 4858

RETURN RECEIPT SERVICE	POSTAGE	\$ 0.37	POSTMARK OR DATE
	RESTRICTED DELIVERY FEE	\$ 3.50	
	CERTIFIED FEE	\$ 2.30	
	RETURN RECEIPT FEE	\$ 0.00	
	TOTAL POSTAGE AND FEE	\$ 6.17	
SENT TO: Raymond S. Heyman Michaek W. Patten Roshka Heyman & DeWulff, PLC One Arizona Center 400 East Van Buren Street Suite 800			

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