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BEFORE THE ARIZONA CORPORATION COMMISSION **RECEIVED**

COMMISSIONERS

Arizona Corporation Commission

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AZ CORP COMMISSION
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MARC SPITZER, Chairman
JIM IRVIN
WILLIAM A. MUNDELL
JEFF HATCH-MILLER
MIKE GLEASON

DOCKETED BY *CR*

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 "Company") 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. By its application, ALLTEL is seeking ETC designation 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.

On June 16, 2003, Table Top Telephone Company ("Table Top"), a rural LEC, filed a motion to intervene in this proceeding. A Procedural Conference was scheduled for discussion of procedural matters raised by the application and the intervention request. ALLTEL, Table Top and the Commission's Utilities Division Staff ("Staff") entered appearances. At the Procedural Conference, ALLTEL stated that it does not oppose Table Top's intervention. The motion to intervene was therefore granted.

Also discussed at the Procedural Conference were the issues of notice to entities potentially affected by a Commission Decision on ALLTEL's application, and whether a hearing should be scheduled on the application at this time.

Regarding notice, ALLTEL did not take a position on whether it would be more appropriate to provide a copy of the application to potentially affected entities or to publish notice of the

1 application in newspapers. Staff stated that the application should be sent via Certified U.S. Mail to
2 carriers with wire centers in the requested ETC service area, to Native American communities within
3 the requested area, and to Smith Bagley, Inc. ("Smith Bagley") which has an existing ETC
4 designation for a portion of the requested area. Staff was not opposed to requiring publication of
5 notice.

6 Regarding the need for a hearing on the matter, Staff stated that it requires more discovery to
7 make a determination on whether a hearing will be necessary. Table Top believes that a hearing
8 should be held. ALLTEL stated that its primary concern is the timely consideration of its application,
9 that a hearing process may delay such consideration, and that it would prefer for the Commission to
10 proceed in the same fashion as it has in prior Smith Bagley ETC applications, without a hearing.

11 Table Top stated that it could be prepared to file direct testimony within thirty days.

12 Staff anticipates two to three rounds of discovery on the application, and believes that a
13 reasonable timetable for preparation of a Staff Report would be a number of months, given that a
14 recommendation on the application will require a public interest determination in addition to analysis
15 of technical criteria.

16 Sufficient time should be allowed for Staff to conduct the discovery required for an analysis
17 of the technical and public interest aspects of the application, while also allowing for a timely
18 consideration of ALLTEL's application. The Commission has not established a practice of holding
19 hearings on ETC applications. However, because Table Top has intervened and requested a hearing
20 on this matter, the Staff Report should include a recommendation to the Commission regarding
21 whether a hearing should be held.

22 In order to assure that interested entities have notice of the application, we will require
23 ALLTEL to provide copies of the application to all carriers with wire centers in the requested ETC
24 service area, to all Native American communities within the requested area, and to Smith Bagley, via
25 Certified U.S. Mail, and will also require publication of notice of the application in the requested
26 area.

27 IT IS THEREFORE ORDERED that ALLTEL Communications, Inc. shall provide a copy of
28 its application and this Procedural Order to all carriers with wire centers in the requested ETC service

1 area, to all Native American communities within the requested area, and to Smith Bagley, via
 2 Certified U.S. Mail, by August 8, 2003.

3 IT IS FURTHER ORDERED that ALLTEL Communications, Inc. shall cause to be published
 4 in newspapers of general circulation in the requested ETC service area, by August 22, 2003, public
 5 notice of its application in the following form:

6
 7 **NOTICE OF THE APPLICATION OF ALLTEL COMMUNICATIONS, INC. FOR**
 8 **DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER AS A**
 9 **WIRELESS PROVIDER FOR FEDERAL UNIVERSAL SERVICE FUNDING IN**
 10 **AREAS SERVED BY RURAL LOCAL EXCHANGE CARRIERS THROUGHOUT**
 11 **ITS LICENSED SERVICE AREA IN THE STATE OF ARIZONA**
 12 **Docket No. T-03887A-03-0316**

13 ALLTEL Communications, Inc. ("Company") has filed with the Arizona
 14 Corporation Commission ("Commission") an application for designation as an
 15 Eligible Telecommunications Carrier ("ETC") for federal universal service funding
 16 throughout ALLTEL's licensed service area in the State of Arizona. By its
 17 application, ALLTEL is seeking ETC designation as a wireless provider in rural areas
 18 of Arizona served by rural local exchange carriers ("LECs"). ALLTEL is proposing
 19 to redefine rural LEC service areas for ETC purposes to determine the LEC areas in
 20 which ALLTEL is to be designated as an ETC.

21 The application and report of the Commission's Utilities Division Staff will be
 22 available for inspection during regular business hours at the offices of the Commission
 23 located at 1200 West Washington Street, Phoenix, Arizona 85007, and at the offices of
 24 the Applicant, [APPLICANT INSERT ADDRESS].

25 Under appropriate circumstances, interested parties may intervene in this
 26 proceeding and participate as a party. A.A.C. R14-3-105 governs the granting of
 27 motions to intervene. Persons desiring to intervene must file a written motion to
 28 intervene with the Commission and send such motion to the Company or its counsel
 and to all parties of record. The motion to intervene must contain the following:

1. The name, address, and telephone number of the proposed intervenor and of
 any party upon whom service of documents is to be made if different than the
 intervenor.

2. A short statement of the proposed intervenor's interest in the proceeding
 (e.g. a customer of the company, a shareholder of the company, a competitor, etc.).

3. A statement certifying that a copy of the motion to intervene has been
 mailed to the Company or its counsel and to all parties of record in the case.

Intervention is not required to make comments on this application. If you have any
 comments, mail them to:

The Arizona Corporation Commission
 Attention Docket Control
 re: ALLTEL Communications, Inc.
 Docket No. T-03887A-03-0316

1200 West Washington Street
Phoenix, Arizona 85007

If you have any questions about this application, or want further information on 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.

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

IT IS FURTHER ORDERED that ALLTEL Communications, Inc. shall file verification of the above-ordered mailing and publication as soon as practicable after mailing and publication have been completed.

IT IS FURTHER ORDERED that Staff shall file a report on the application by October 1, 2003. The Staff Report shall include a recommendation on whether a hearing should be held.

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

Dated this 17th day of July, 2003.


TEENA WOLFE
ADMINISTRATIVE LAW JUDGE

Copies of the foregoing mailed this 17th day of July, 2003 to:

- Raymond S. Heyman
- Michael W. Patten
- ROSHKA HEYMAN & DEWULF
- One Arizona Center
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- Phoenix, AZ 85004
- Attorneys for ALLTEL Communications, Inc.

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9
10 By: 
Molly Johnson
11 Secretary to Teena Wolfe

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