

ORIGINAL



0000094292

BEFORE THE ARIZONA CORPORATION COMMISSION

1
2 COMMISSIONERS
3 KRISTIN K. MAYES, Chairman
4 GARY PIERCE
5 PAUL NEWMAN
6 SANDRA D. KENNEDY
7 BOB STUMP

RECEIVED
2009 MAR -5 P 3: 34
AZ CORP COMMISSION
DOCKET CONTROL

Arizona Corporation Commission
DOCKETED
MAR - 5 2009

DOCKETED BY

8 IN THE MATTER OF THE APPLICATION OF
9 WWC LICENSE LLC ("WESTERN WIRELESS
CORPORATION") FOR DESIGNATION AS AN
ELIGIBLE TELECOMMUNICATIONS CARRIER
AND REDEFINITION OF RURAL TELEPHONE
COMPANY SERVICE AREA.

DOCKET NO. T-04248A-04-0239

PROCEDURAL ORDER

10 On March 26, 2004, WWC License LLC ("Applicant" or WWC") filed with the Arizona
11 Corporation Commission ("Commission") the above-captioned application for designation as an
12 eligible telecommunications carrier ("ETC"). WWC is now a wholly owned subsidiary of Alltel
13 Corporation ("Alltel"), and currently serves customers in LaPaz, Mohave and Yuma Counties in
14 Arizona.

15 Intervention was granted to the Arizona Local Exchange Carriers Association ("ALECA").¹

16 On November 2, 2007, following a lengthy procedural history, a second Recommended
17 Opinion and Order was filed in this docket. The November 2, 2007, Recommended Opinion and
18 Order has not been considered by the Commission.

19 On November 19, 2008, Notice of Substitution of Counsel was filed on behalf of ALECA.

20 Also on November 19, 2008, ALECA filed a Motion to Close Docket ("Motion"). ALECA
21 states in the Motion that Alltel, Applicant WWC's parent, is being acquired by Verizon Wireless, and
22 that the Federal Communications Commission ("FCC") has conditioned the acquisition on Verizon
23

24
25
26 ¹ ALECA is a non-profit trade association whose members include the following rural Commission-regulated incumbent
27 local exchange carriers ("ILECs"): Arizona Telephone Company, CenturyTel, Copper Valley Telephone, Frontier
28 Telecommunications, Midvale Telephone Exchange, Navajo Communications, South Central Communications, Southwestern
Telephone Company, Table Top Telephone Company, and Valley Telephone Cooperative. ALECA also includes the
following tribally-owned ILECs: Fort Mojave Telephone Company, Gila River Telecommunications, San Carlos Apache
Telecom Utility and Tohono O'Odham Utility Authority.

1 Wireless' agreement to phase out competitive ETC high cost support for the properties acquired from
2 Alltel over a five year period following closing of the transaction. ALECA asserts that this docket
3 should be closed, because the Applicant in this docket has twice been acquired; because the record is
4 stale; and because the FCC has required Verizon Wireless to phase out ETC high-cost support for the
5 Alltel properties.

6 On December 2, 2008, WWC filed its Response to the Motion. Therein, WWC asserts that
7 the pending acquisition of WWC by Verizon Wireless will occur at the holding company level, and
8 that WWC will continue for the present as the operating entity and is the appropriate entity to be
9 designated an ETC. WWC asserts that the timing and consequences of the anticipated closing of the
10 acquisition transaction should not be presumed, and that it is therefore premature to take action in this
11 docket. Applicant acknowledges that the FCC has required Verizon Wireless to phase out ETC high
12 cost support funds for the Alltel properties over five years, but states that the impact of the five year
13 phase out on WWC should not be presumed, and that closing this docket would preclude its potential
14 receipt of ETC funds for use in Arizona. WWC states that it will inform the Commission when the
15 transaction closes, and will advise whether the acquisition will result in any change in its request for
16 ETC designation in Arizona.
17
18

19 On December 5, 2009, ALECA filed a Reply to WWC's Response. ALECA reiterates its
20 arguments regarding the staleness of the record and changes in control of WWC, and asserts that if
21 WWC wants to continue to pursue ETC designation, the proper course of action would be for it to file
22 a new application in a new docket.
23

24 It is reasonable at this time to require WWC to provide an update in this docket informing the
25 Commission of the status of the pending acquisition of Alltel, and thus WWC, by Verizon Wireless,
26 and of the consequences to WWC in relation to this pending ETC application.

27 IT IS THEREFORE ORDERED that WWC License LLC shall file in this docket, no later
28

1 than April 1, 2009, and every thirty days thereafter until the pending acquisition is complete or the
2 closing of this docket, whichever comes first, a status update informing the Commission of the status
3 of the pending acquisition of its parent company by Verizon Wireless.

4 IT IS FURTHER ORDERED that the April 1, 2009, status update shall indicate the likely
5 consequences to WWC License LLC of its acquisition by Verizon Wireless in relation to this pending
6 ETC application.

7 DATED this 5th day of March, 2009.

8
9
10 
11 TEENA WOLFE
ADMINISTRATIVE LAW JUDGE

12 Copies of the foregoing mailed/delivered
13 This 5th day of March, 2009 to:

14 Michael W. Patten
ROSHKA DEWULF & PATTEN, PLC
15 One Arizona Center
400 East Van Buren Street, Suite 800
16 Phoenix, AZ 85004
Attorneys for WWC License LLC

Janice Alward, Chief Counsel
Legal Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, AZ 85007

17 Philip R. Schenkenberg
18 BRIGGS & MORGAN
2200 IDS Center
19 St. Paul, MN 55402

Ernest Johnson, Director
Utilities Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, AZ 85007

20 Timothy Berg
21 Teresa Dwyer
Darcy Renfro
22 FENNEMORE CRAIG
3003 North Central Avenue, Suite 2600
23 Phoenix, Arizona 85012-2913
24 Attorneys for Qwest Corporation

By: 
Debbi Person
Secretary to Teena Wolfe

25 Craig A. Marks
CRAIG A. MARKS, PLC
26 10645 N. Tatum Blvd., Suite 200-676
Phoenix, AZ 85028
27 Attorneys for ALECA
28