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BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

- KRISTIN K. MAYES - Chairman
- GARY PIERCE
- PAUL NEWMAN
- SANDRA D. KENNEDY
- BOB STUMP

MAY 25 2010

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DOCKETED BY

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AZ CORP COMMISSION
DOCKET CONTROL

IN THE MATTER OF THE APPLICATION
OF TRACFONE WIRELESS, INC. FOR
DESIGNATION AS AN ELIGIBLE
TELECOMMUNICATIONS CARRIER FOR
THE LIMITED PURPOSE OF OFFERING
LIFELINE AND LINK UP SERVICES TO
QUALIFIED HOUSEHOLDS IN ARIZONA.

DOCKET NO. T-20664A-09-0148

PROCEDURAL ORDER

BY THE COMMISSION:

On March 24, 2009, TracFone Wireless, Inc. ("TracFone") filed with the Arizona Corporation Commission ("Commission") an application for designation as an Eligible Telecommunications Carrier ("ETC") for the limited purpose of offering Lifeline and Link Up services in Arizona.

On July 27, 2009, TracFone filed a First Amendment to Petition for Designation as an ETC.

On August 7, 2009, TracFone filed a Revised First Amendment to its application.

On October 28, 2009, TracFone filed a Second Amendment to its application.

On December 18, 2009, the Arizona Local Exchange Carriers Association ("ALECA") filed a Motion to Intervene.

On February 8, 2010, TracFone filed a response to ALECA's Motion to Intervene, stating that TracFone does not object to ALECA's intervention and that its proposed services are not the same as those offered by ALECA member companies.

On February 19, 2010, by Procedural Order the Commission's Utilities Division ("Staff") was directed to file a response to ALECA's Motion to Intervene.

On March 1, 2010, Staff filed a response to ALECA's Motion to Intervene, stating that Staff has no objection to the intervention.

On March 16, 2010, by Procedural Order, ALECA's Motion to Intervene was granted.

On April 7, 2010, pursuant to Arizona Supreme Court Rule 38(a), Kristine K. Campbell, an

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1 attorney with Greenberg Taurig, LLP, filed with the Commission a Motion and Consent of Local
2 Counsel for *Pro Hac Vice* Admission of Mitchell Brecher on behalf of TracFone Wireless, Inc.

3 On April 15, 2010, by Procedural Order, Mitchell Brecher was admitted *pro hac vice* in this
4 matter with Kristine K. Campell as the designated member for the Arizona State Bar with whom
5 communications may be made and papers may be served.

6 On April 29, 2010, Staff issued a Staff Report, recommending approval of TracFone's
7 application with conditions.

8 On May 10, 2010, by Procedural Order, a procedural conference was scheduled for May 20,
9 2010.

10 On May 20, 2010, a procedural conference was held as scheduled. TracFone, Intervenor
11 ALECA, and Staff appeared through counsel. During the procedural conference, procedural
12 deadlines were discussed; other Commission Decisions regarding TracFone's proposed services were
13 discussed; the parties were directed to make a joint filing updating the Commission on any settlement
14 of the issues raised in this proceeding; and tentative dates for a status conference were discussed.

15 The Commission now issues this Procedural Order to govern the preparation and conduct of
16 this proceeding.

17 IT IS THEREFORE ORDERED that a **status conference** shall be held on **July 1, 2010, at**
18 **10:00 a.m.** or as soon thereafter as is practical, at the Commission's offices, 1200 West Washington
19 Street, Room 100, Phoenix, Arizona.

20 IT IS FURTHER ORDERED that **TracFone shall on or before June 4, 2010**, docket copies
21 of the agreements reached in the States of Washington and Nevada regarding TracFone's providing
22 service in those states similar to the service that TracFone is requesting to provide in Arizona.

23 IT IS FURTHER ORDERED that **Staff shall make a filing on or before June 4, 2010**,
24 identifying and providing copies of other Commission Decisions granting a wireless carrier a
25 designation as an ETC.

26 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized
27 Communications) applies to this proceeding.

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1 IT IS FURTHER ORDERED that withdrawal or representation must be made in compliance
2 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Rule 42 of the
3 Rules of the Arizona Supreme Court). Representation before the Commission includes appearances
4 at all hearings and procedural conferences, as well as all Open Meetings for which the matter is
5 scheduled for discussion, unless counsel has previously been granted permission to withdraw by the
6 Administrative Law Judge or the Commission.

7 IT IS FURTHER ORDERED that all parties must comply with Rules 31 and 38 of the Rules
8 of the Arizona Supreme Court and A.R.S. § 40-243 with respect to practice of law and admission *pro*
9 *hac vice*.

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

12 DATED this 25th day of May, 2010.

14 
15 YVETTE B. KINSEY
16 ADMINISTRATIVE LAW JUDGE

17 Copies of the foregoing mailed/delivered
18 this 25th day of May, 2010 to:

19 Mitchell F. Brecher
20 Debra McGuire Mercer
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By: 
Debra Broyles
Secretary to Yvette B. Kinsey