

ORIGINAL



0000112619

BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

RECEIVED

DOCKETED

2010 JUN -2 P 4: 23

JUN - 2 2010

ARIZONA CORPORATION COMMISSION  
SECRET CONTROL

DOCKETED BY	<i>mm</i>
-------------	-----------

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

8 IN THE MATTER OF THE APPLICATION OF  
9 TRACFONE WIRELESS INC. FOR  
10 DESIGNATION AS AN ELIGIBLE  
11 TELECOMMUNICATIONS CARRIER FOR  
12 THE LIMITED PURPOSE OF OFFERING  
13 LIFELINE AND LINK UP SERVICE TO  
14 QUALIFIED HOUSEHOLDS IN ARIZONA.

DOCKET NO. T-20664A-09-0148

**STAFF'S NOTICE OF FILING  
ON NOTICE ISSUE**

15 At a recent Procedural Conference on TracFone Wireless Inc.'s ("TracFone") Application for  
16 designation as an Eligible Telecommunications Carrier ("ETC") for Lifeline and Link Up in Arizona,  
17 Staff was asked to research and advise as to what Staff believed the appropriate notice requirements  
18 should be in this case.

19 Staff reviewed approximately eight other cases involving a wireless provider's request to be  
20 designated as an "ETC." Notice requirements have varied in these cases. In two instances, no notice  
21 was given when the application involved the offering of wireless ETC services by a competitive  
22 provider in Qwest's service area only, there were no interveners in the case; and there was no  
23 hearing.<sup>1</sup> In two instances where the application included rural areas, there were several interveners  
24 involved, and a hearing was scheduled; a notice was published in a newspaper serving the relevant  
25 areas.<sup>2</sup> In addition, a copy of the application and procedural order for the case were also mailed to  
26 each rural Incumbent Local Exchange Carrier ("ILEC") whose local exchange area would be served  
27 by the competitive ETC. Finally, in several cases involving applications by Smith Bagley for  
28 designation as an ETC, no notice appears to have been given.<sup>3</sup> In two of the cases, there were no  
29 interveners and no hearing was held. In the other case, there were interveners but they resolved their  
30 issues by settlement and there was no hearing.

<sup>1</sup> See Sprint Spectrum L.P., Docket No. T-04206A-03-0675; Telscape Communications, Docket No. T-04215A-04-0279.

<sup>2</sup> See Alltel Communications, Inc., Docket No. T-03887A-07-0295; WWC License LLC, Docket No. T-04248A-04-0239.

<sup>3</sup> See, Smith Bagley, Inc., Docket No. T-02556A-99-0207; Smith Bagley, Inc., Docket No. T-02556A-01-0931; Smith Bagley, Inc., Docket No. T-02556A-02-0223.

1 Given this, with respect to notification to the public at large, it appears to Staff that  
2 publication in a newspaper of general circulation in the affected areas is discretionary. Under federal  
3 law, the carrier is required to “advertise the availability of its services and the charges therefor using  
4 media of general distribution” after it has received the designation from the state commission.<sup>4</sup> Staff  
5 is aware of no state law notice requirements that would apply in this case. Other factors to consider  
6 include the fact that there is only one intervener in this case and it is possible that the parties may be  
7 able to settle the issues between them without the need for a hearing.

8 With regard to notice to affected Incumbent Local Exchange Carriers (“ILECs”), Staff  
9 believes that to the extent the rural carriers are members of the Association of Local Exchange  
10 Carriers (“ALECA”), they are probably already aware of TracFone’s Application, because of  
11 ALECA’s intervention in this case. However, non-ALECA ILECs affected by TracFone’s  
12 Application may benefit from receiving a copy of TracFone’s Application. Thus, Staff recommends  
13 that TracFone send a copy of its Application and the procedural order for this case to any rural ILEC  
14 that is not a member of ALECA serving an area of the state that would be affected by TracFone’s  
15 Application.

16 RESPECTFULLY SUBMITTED this 2<sup>nd</sup> day of June 2010.

17  
18  
19  
20   
21 Maureen A. Scott, Senior Staff Counsel  
22 Legal Division  
23 Arizona Corporation Commission  
24 1200 West Washington Street  
25 Phoenix, Arizona 85007  
26 (602) 542-3402

24 ...  
25 ...  
26 ...  
27 ...

28 <sup>4</sup> See 47 U.S.C. § 214.

1 ...

2 Original and thirteen (13) copies  
of the foregoing filed this  
3 2<sup>nd</sup> day of June 2010 with:

4 Docket Control  
Arizona Corporation Commission  
5 1200 West Washington Street  
Phoenix, Arizona 85007

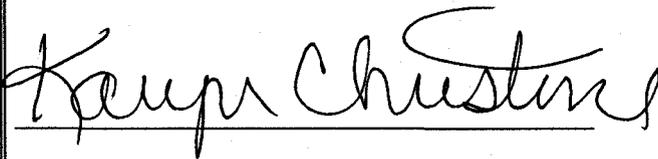
6  
7 Copies of the foregoing mailed this  
2<sup>nd</sup> day of June 2010 to:

8 Mitchell F. Brecher  
Debra McGuire Mercer  
9 Greenberg Traurig, LLP  
2101 L Street, NW, Suite 1000  
10 Washington, D.C. 20037

11 Craig A. Marks  
Craig A. Marks, PLC  
12 10645 North Tatum Boulevard  
Suite 200-676  
13 Phoenix, Arizona 85028

14

15

  
\_\_\_\_\_

16

17

18

19

20

21

22

23

24

25

26

27

28