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BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

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COMMISSIONERS

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

2010 DEC -6 P 2:15

ARIZONA CORP COM
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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.

By Procedural Order issued on February 19, 2010, 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

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 settlement of any
14 of the issues raised in this proceeding; and tentative dates for a status conference were discussed.

15 On May 25, 2010, by Procedural Order, a status conference was scheduled to commence on
16 July 1, 2010.

17 On June 17, 2010, TracFone filed a Notice of Mailing Application and Procedural Order to
18 Rural Incumbent Local Exchange Carriers.

19 On June 21, 2010, Staff filed a request to vacate the July 1, 2010, status conference
20 ("Request"). The Request stated the parties were in the process of trying to resolve the disputed
21 issues and that all the parties were in an agreement that more time was needed.

22 On June 25, 2010, by Procedural Order, Staff's request to vacate the July 1, 2010, status
23 conference was granted and the parties were ordered to make a joint filing within 30 days updating
24 the Commission on the resolution of any disputed issues.

25 On July 26, 2010, the parties filed a joint status report stating that significant progress had
26 been made towards narrowing the disputed issues, but that additional time, until August 16, 2010, is
27 needed.

28 On August 3, 2010, by Procedural Order, the parties requested and were granted additional

1 time to resolve the disputed issues and were granted an extension until August 31, 2010 to file their
2 joint status report.

3 On September 3, 2010, the parties filed a Supplemental Joint Status Report (“Report”),
4 outlining the issues the parties have been able to resolve. The Report states that the parties were
5 unable to reach resolution regarding applicable 911 fees. Therefore issue(s) remain in dispute and a
6 pre-hearing conference should be held for the purposes of setting a hearing and establishing
7 associated procedural deadlines for this matter.

8 **IT IS THEREFORE ORDERED** that a **pre-hearing conference** shall be held on **December**
9 **22, 2010 at 10:00 a.m.** at the Commission’s offices, 1200 West Washington Street, Hearing Room
10 No. 1, Phoenix, Arizona.

11 **IT IS FURTHER ORDERED** that the parties shall bring a copy of a proposed procedural
12 schedule to the pre-hearing conference for distribution to the other parties.

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

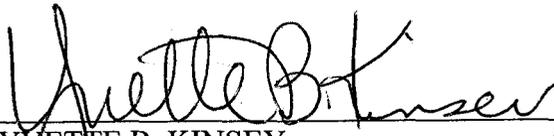
15 **IT IS FURTHER ORDERED** that withdrawal or representation must be made in compliance
16 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Rule 42 of the
17 Rules of the Arizona Supreme Court). Representation before the Commission includes appearances
18 at all hearings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

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

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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 6th day of December, 2010.

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7 YVETTE B. KINSEY
ADMINISTRATIVE LAW JUDGE

8 Copies of the foregoing mailed/delivered
9 this 6th day of December, 2010 to:

10 Mitchell F. Brecher
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