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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

GARY PIERCE - Chairman
BOB STUMP
SANDRA D. KENNEDY
PAUL NEWMAN
BRENDA BURNS

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Arizona Corporation Commission
DOCKETED

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IN THE MATTER OF THE APPLICATION OF
I-WIRELESS, LLC FOR DESIGNATION AS AN
ELIGIBLE TELECOMMUNICATIONS CARRIER
IN THE STATE OF ARIZONA FOR THE
LIMITED PURPOSE OF OFFERING LIFELINE
SERVICE TO QUALIFIED HOUSEHOLDS.

DOCKET NO. T-20538A-10-0332

PROCEDURAL ORDER
(Schedules Hearing)

BY THE COMMISSION:

On August 6, 2010, i-wireless, LLC (“i-wireless” and the “Company”) filed with the Arizona Corporation Commission (“Commission”) an application for designation as an eligible telecommunications carrier (“ETC”) for the limited purpose of offering Lifeline Service to qualified households in Arizona.

On October 14, 2010, the Arizona Local Exchange Carriers Association (“ALECA”) filed a Motion to Intervene (“Motion”) in this proceeding. The Motion stated ALECA is comprised of small telephone companies and member-owned cooperatives, all of which provide local exchange telecommunication services to customers in rural, high-cost areas of Arizona. In its Motion, ALECA expressed concern that i-wireless’ offering may unfairly duplicate the similar offerings of its member companies. No objections were filed to ALECA’s Motion to Intervene.

On December 7, 2010, by Procedural Order, ALECA’s Motion to Intervene was granted and a procedural conference was scheduled for January 10, 2011.

On January 4, 2011, Michael W. Patten filed Notice of appearance as local counsel on behalf of i-wireless.

On January 10, 2011, i-wireless filed responses to Staff’s First Set of Data Requests.

On January 10, 2011, the procedural conference was held as scheduled. i-wireless, ALECA, and the Commission’s Utilities Division (“Staff”) appeared through counsel. During the procedural

1 conference, the procedural schedule was discussed.

2 On February 11, 2011, by Procedural Order, i-wireless, ALECA, and Staff were directed to
3 file, by March 18, 2011, a joint status report updating the Commission on the status of the application
4 and whether there had been resolution of any of issues raised in this docket. Further, i-wireless was
5 directed to provide, by February 28, 2011, notice of its application and a copy of the February 11,
6 2011, Procedural Order, to all Arizona rural incumbent local exchange carriers that are not members
7 of ALECA.

8 On March 8, 2011, i-wireless filed an Affidavit of Mailing.

9 On March 18, 2011, i-wireless, ALECA, and Staff filed a Joint Status Report ("Report"). The
10 Report stated that because i-wireless continues to request ETC designation for some tribal lands that
11 the issue should be addressed in a hearing. The Company requested that the matter be bifurcated to
12 allow the non-tribal land request for ETC designation to go forward without a hearing and that a
13 hearing be held on the ETC designation for the tribal land at a later time. Staff and ALECA disagree
14 with i-wireless' assertion that this matter should be bifurcated. Staff requested that the matter be set
15 for hearing.

16 On April 11, 2011, i-wireless filed responses to Staff's Second Set of Data Requests.

17 On May 9, 2011, i-wireless filed responses to Staff's Third Set of Data Requests.

18 A hearing is required to address the issues raised in the application. Therefore, i-wireless'
19 request to bifurcate this proceeding should be denied and this matter should be set for hearing.
20 Further, because i-wireless has requested Commission approval for an ETC designation to provide
21 Lifeline services statewide as well as to some portions of tribal lands, statewide notice of i-wireless'
22 application should be given, which should include notice to any tribal communities in i-wireless'
23 requested service area who are not members of ALECA.

24 IT IS THEREFORE ORDERED that the **hearing** on the above-captioned application shall be
25 held on **August 31, 2011, at 10:00 a.m.**, or as soon thereafter as is practical, at the Commission's
26 offices, 1200 West Washington Street, **2nd Floor Conference Room**, Phoenix, Arizona 85007.

27 IT IS FURTHER ORDERED that **i-wireless, LLC, shall provide, by July 15, 2011**, a copy
28 of its application, and this Procedural Order to any tribal communities, located within the requested

1 service area, who are not members of ALECA.

2 IT IS FURTHER ORDERED that i-wireless shall publish public notice, by July 15, 2011,
3 of the application and the hearing date, as stated below, with the heading in no less than 12-point
4 bold type and the body in no less than 10-point regular type, in a newspaper of general circulation
5 in every county in Arizona in which i-wireless desires to provide service.

6 **IN THE MATTER OF THE PETITION OF I-WIRELESS, LLC FOR**
7 **DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS**
8 **CARRIER IN THE STATE OF ARIZONA FOR THE**
9 **LIMITED PURPOSE OF OFFERING LIFELINE**
10 **SERVICE TO QUALIFIED HOUSEHOLDS.**
11 **(DOCKET NO. T-20538A-10-0332)**

12 On August 6, 2010, i-wireless, LLC ("i-wireless" or "Company") filed with the
13 Arizona Corporation Commission ("Commission") a petition for designation as an
14 eligible telecommunications carrier ("ETC") for the limited purpose of offering
15 Lifeline Service to qualified households in Arizona. The Company's application
16 seeks a statewide ETC designation and to provide service to some tribal lands.

17 The Commission's Utilities Division Staff ("Staff") has not yet made a
18 recommendation regarding i-wireless' application, and the Commission is not bound
19 by the proposals made by i-wireless, Staff, or any intervenors. The Commission will
20 issue a Decision regarding the Company's application following consideration of
21 testimony and evidence presented at an evidentiary hearing.

22 A copy of the application is available at i-wireless' offices [insert addresses] and at
23 the Commission's offices at 1200 West Washington Street, Phoenix, Arizona, for
24 public inspection during regular business hours, and on the internet via the
25 Commission website (www.azcc.gov) using the e-docket function. The Commission
26 will hold a hearing on the application on **August 31, 2011, at 10:00 a.m.**, at the
27 Commission's offices, 1200 West Washington Street, 2nd Floor Conference Room,
28 Phoenix, Arizona. Public comments will be taken on the first day of the hearing.
Written public comments may be submitted via e-mail (visit
<http://www.azcc.gov/Divisions/Utilities/consumerservices.asp> for instructions),
or by mailing a letter referencing Docket No. T-20538A-10-0332 to: Arizona
Corporation Commission, Consumer Services Section, 1200 West Washington Street,
Phoenix, Arizona 85007. If you require assistance, you may contact the Consumer
Services Section at 1-800-222-7000 or 602-542-4251.

The law provides for an open public hearing at which, under appropriate
circumstances, interested parties may intervene. Any person or entity entitled by law
to intervene and having a direct and substantial interest in the matter will be permitted
to intervene. If you wish to intervene, you must file an original and 13 copies of a
written motion to intervene with the Commission no later than **July 29, 2011**, and
send a copy of the motion to i-wireless or its counsel and to all parties of record. Your
motion to intervene must contain the following:

1. Your name, address, and telephone number and the name, address, and
telephone number of any person upon whom service of documents is to be
made, if not yourself;

- 1 2. A short statement of your interest in the proceeding; and
- 2 3. A statement certifying that you have mailed a copy of the motion to
- 3 intervene to i-wireless or its counsel and to all parties of record in the case.

4 The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except
5 that all motions to intervene must be filed on or before July 29, 2011. If
6 representation by counsel is required under Arizona Supreme Court Rule 31,
7 intervention will be conditioned upon the intervenor's obtaining counsel to represent
8 the intervenor. For information about requesting intervention, visit the Commission's
9 website at <http://www.azcc.gov/divisions/utilities/forms/interven.pdf>. The granting of
10 intervention, among other things, entitles a party to present sworn evidence at hearing
11 and to cross-examine other witnesses. However, failure to intervene will not preclude
12 any interested person or entity from appearing at the hearing and providing public
13 comment on the application or from filing written comments in the record of the case.

9 The Commission does not discriminate on the basis of disability in admission to its
10 public meetings. Persons with a disability may request a reasonable accommodation
11 such as a sign language interpreter, as well as request this document in an alternative
12 format, by contacting the ADA Coordinator Shaylin Bernal, E-mail
13 sabernal@azcc.gov, voice phone number 602-542-3931. Requests should be made as
14 early as possible to allow time to arrange the accommodation.

13 IT IS FURTHER ORDERED that **i-wireless shall file, by July 29, 2011, an Affidavit of**
14 **Publication and Mailing** with the Commission.

15 IT IS FURTHER ORDERED that **Staff shall file, by July 15, 2011, a Staff Report** on i-
16 wireless' application.

17 IT IS FURTHER ORDERED that **all motions to intervene shall be filed by July 29, 2011,**
18 and shall be filed in accordance with A.A.C. R14-3-105.

19 IT IS FURTHER ORDERED that any **objections to intervention(s)** shall be filed by **August**
20 **12, 2011.**

21 IT IS FURTHER ORDERED that **i-wireless or any intervenor** shall file specific
22 disagreements/comments, if any, regarding the Staff Report or application by **August 12, 2011.**

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

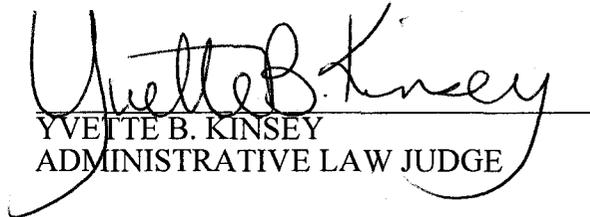
26 IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance
27 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Arizona
28 Supreme Court Rule 42). Representation before the Commission includes appearance at all hearings

1 and procedural conferences, as well as all Open Meetings for which the matter is scheduled for
2 discussion, unless counsel has previously been granted permission to withdraw by the Administrative
3 Law Judge or the Commission.

4 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113 - Unauthorized
5 Communications) applies to this proceeding and shall remain in effect until the Commission's
6 Decision in this matter is final and non-appealable.

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

9 Dated this 13th day of June, 2011.

11
12 
13 YVETTE B. KINSEY
14 ADMINISTRATIVE LAW JUDGE

15 Copies of the foregoing mailed/delivered
16 this 13th day of June, 2011 to:

17 Lance J.M. Steinhart
18 LANCE J.M. STEINHART, P.C.
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By: 
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Secretary to Yvette B. Kinsey