

ORIGINAL



0000126343

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

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

2011 JUN 14 P 2:39

AZ CORP COMMISSION
DOCKET CONTROL

Arizona Corporation Commission

DOCKETED

JUN 14 2011

DOCKETED BY

IN THE MATTER OF THE APPLICATION
OF CRICKET COMMUNICATIONS, INC.
FOR DESIGNATION AS AN ELIGIBLE
TELECOMMUNICATIONS CARRIER IN
THE STATE OF ARIZONA.

DOCKET NO. T-20721A-10-0019

PROCEDURAL ORDER

BY THE COMMISSION:

On January 20, 2010, Cricket Communications, Inc. ("Cricket") filed with the Arizona Corporation Commission ("Commission") an application for designation as an eligible telecommunications carrier ("ETC") to provide Lifeline and Link-Up services to low income households in Arizona.

On December 9, 2010, by Procedural Order, a Status Conference was set to be held on January 24, 2011.

On January 24, 2011, the Status Conference was held as scheduled. Cricket and the Commission's Utilities Division ("Staff") appeared through counsel. Staff stated that the application was in the review process, and that Staff anticipated the Staff Report being filed in the near future.

On February 24, 2011, Cricket filed a revised Exhibit B to its application.

On April 7, 2011, Staff filed a Staff Report recommending approval of Cricket's application with conditions.

Pursuant to A.A.C. R14-3-101, the Commission now issues this Procedural Order to govern the preparation and conduct of this proceeding.

IT IS THEREFORE ORDERED that a pre-hearing conference shall be held on August 16, 2011, at 10:00 a.m., or as soon thereafter as is practical, at the Commission's offices, 1200 West Washington Street, Room 100, Phoenix, Arizona 85007

1 IT IS FURTHER ORDERED that the **hearing** on the above-captioned application shall be
2 **held on August 22, 2011, at 10:00 a.m.** or as soon thereafter as is practical, at the Commission's
3 offices, 1200 West Washington Street, **Hearing Room No. 1**, Phoenix, Arizona 85007.

4 IT IS FURTHER ORDERED that **Cricket shall provide notice, by July 8, 2011**, of its
5 application and a copy of this Procedural Order to all Arizona rural incumbent local exchange carriers
6 and to any tribal communities, located within its requested service area.

7 IT IS FURTHER ORDERED that **Cricket shall publish public notice, by July 8, 2011**, of
8 the application and the hearing date, as stated below, with the heading **in no less than 12-point bold**
9 **type**, in a newspaper of general circulation in every county in Arizona in which Cricket desires to
10 provide service:

11 **IN THE MATTER OF THE APPLICATION OF CRICKET**
12 **COMMUNICATIONS, INC. FOR DESIGNATION AS AN ELIGIBLE**
13 **TELECOMMUNICATIONS CARRIER IN THE STATE OF ARIZONA.**
14 **(DOCKET NO. T-20721A-10-0019)**

15 On January 28, 2010, Cricket Communications, Inc., ("Cricket" or "Company")
16 filed with the Arizona Corporation Commission ("Commission") an application for
17 designation as an eligible telecommunications carrier ("ETC") to provide Lifeline
18 and Link-Up services to low income customers in Arizona. The Commission's
19 Utilities Division ("Staff") has recommended approval of Cricket's application,
20 subject to certain conditions. The Commission may issue a Decision on Cricket's
21 application without a hearing. The Commission is not bound by the proposals made
22 by Cricket, Staff, or any intervenors. Copies of the application, Staff Report, and
23 any written objections to the Staff Report filed by Cricket will be available at
24 Cricket's offices [insert address] and on the internet via the Commission website
25 (www.azcc.gov) using the e-docket function.

26 The Commission will hold a hearing on Cricket's application on **August 22,**
27 **2011, at 10:00 a.m.**, at the Commission's offices, 1200 West Washington Street,
28 Hearing Room No. 1, Phoenix, Arizona. Public comments will be taken on the
first day of the hearing. Written public comments may be submitted via email (go
to <http://www.azcc.gov/Divisions/Utilities/consumerservices.asp> for instructions) or
by mailing a letter referencing Docket No. T-20721A-10-0019 to: Arizona
Corporation Commission, Consumer Services Section, 1200 West Washington
Street, Phoenix, AZ 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 would like to intervene, you must file a written
motion to intervene with the Commission, and you must send copies of the motion
to Cricket or its counsel and to all parties of record in the case. Your motion to
intervene must contain the following:

- 1 1. The name, address and telephone number of the proposed intervenor and of
2 any person upon whom service of documents is to be made if different from
the intervenor;
- 3 2. A short statement of the proposed intervenor's interest in the proceeding (e.g.,
4 a customer of the Company, a shareholder of the Company, etc.); and
- 5 3. A statement certifying that a copy of the motion to intervene has been mailed
to the Company or its counsel and to all parties of record in the case.

6 The granting of motions to intervene shall be governed by A.A.C. R14-3-105,
7 except that all motions to intervene must be filed on or before July 22, 2011. The
8 granting of intervention, among other things, entitles a party to present sworn
9 evidence at the hearing and to cross examine other witnesses. However, failure to
intervene will not preclude any interested person or entity from appearing at the
hearing and making a statement on their own behalf. If representation by counsel is
required by Arizona Supreme Court Rules 31 and 38, intervention will be
conditioned upon the intervenor obtaining counsel to represent the intervenor.

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

14 IT IS FURTHER ORDERED that **Cricket shall file, by July 22, 2011, an Affidavit of**
15 **Publication** with the Commission.

16 IT IS FURTHER ORDERED that requests for **intervention shall be filed, by July 22, 2011,**
17 **and in accordance with A.A.C. R14-3-105.**

18 IT IS FURTHER ORDERED that **any objections to intervention(s) shall be filed by**
19 **August 5, 2011.**

20 IT IS FURTHER ORDERED that **Cricket or any intervenors shall file by August 5, 2011,**
21 **any specific disagreements/comments, regarding the Staff Report or the application.**

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

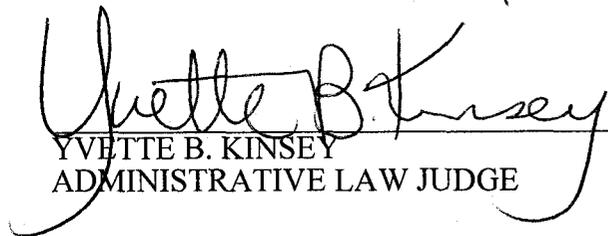
25 IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance
26 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Arizona
27 Supreme Court Rule 42). Representation before the Commission includes appearance at all hearings
28

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 14th day of June, 2011.

10
11
12 
13 YVETTE B. KINSEY
14 ADMINISTRATIVE LAW JUDGE

15 Copies of the foregoing mailed/delivered
16 this 14th day of June, 2011 to:

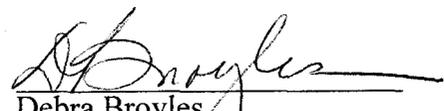
17 Michael W. Patten
18 ROSKHA, DeWULF & PATTEN, PLC
19 One Arizona Center
20 400 E. Van Buren, Suite 800
21 Phoenix, AZ 85004
22 Attorneys for Cricket Communications, Inc.

23 Janice Alward, Chief Counsel
24 Legal Division
25 ARIZONA CORPORATION COMMISSION
26 1200 West Washington Street
27 Phoenix, AZ 85007

28 Steven M. Olea, Director
Utilities Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, AZ 85007

ARIZONA REPORTING SERVICE, INC.
2200 North Central Avenue, Suite 502
Phoenix, AZ 85004-1184

By:


Debra Broyles
Secretary to Yvette B. Kinsey