

ORIGINAL

OPEN MEETING AGENDA ITEM



0000137444

BEFORE THE ARIZONA CORPORATE

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COMMISSIONERS

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

2012 JUN 14 P 3: 38

ARIZONA CORPORATION RECEIVED

DOCKET

JUN 14 2012

DOCKET CONTROL

DOCKET [Signature]

IN THE MATTER OF PETITION OF T-MOBILE) DOCKET NO. T-20822A-12-0138
 WEST CORPORATION FOR CONDITIONAL)
 DESIGNATION AS AN ELIGIBLE)
 TELECOMMUNICATIONS CARRIER FOR THE)
 PURPOSES OF ESTABLISHING ELIGIBILITY)
 TO PARTICIPATE IN THE MOBILITY FUND)
 PHASE I AUCTION ON SEPTEMBER 27, 2012)
 AT THE FEDERAL COMMUNICATIONS)
 COMMISSION)

T-MOBILE WEST CORPORATION'S REQUEST TO CLARIFY THE PROPOSED ORDER

T-Mobile West Corporation ("T-Mobile"), through undersigned counsel, hereby requests that the Commission slightly amend the Proposed Order in this docket to reflect an upcoming name change of T-Mobile. This clarification is intended to avoid any technical issues at the FCC in connection with T-Mobile's participation in the upcoming Mobility Fund Phase I auction. T-Mobile has provided proposed amendment language in Exhibit A. In support of this request, T-Mobile states as follows:

T-Mobile appreciates the tremendous effort of the Commission in expeditiously processing the Application in this docket so that T-Mobile can participate in the upcoming Mobility Fund auction and seek to obtain funding to improve wireless service in Arizona's unserved rural areas. Although the Proposed Order provides the necessary conditional authority to allow T-Mobile to participate in the auction, there is a technical issue that T-Mobile believes needs to be addressed in an abundance of caution to ensure T-Mobile can seek such funds for Arizona.

On June 25, 2012, T-Mobile West Corporation, a Delaware corporation, will convert to and become T-Mobile West LLC, a Delaware limited liability company. Under Delaware law, a corporation that converts to a limited liability company is recognized as the same entity. The Commission has recognized in such circumstances that, as a result of such a conversion,

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1 authorizations held by the entity (such as a CC&N) are not being legally transferred and no
2 Commission approval would be required. See Decision No. 71450 (January 6, 2010). Therefore,
3 the authority granted to T-Mobile West Corporation by the Proposed Order would be held by T-
4 Mobile West LLC upon the conversion as a matter of Delaware law.

5 Bids for the Mobility Fund auction must be submitted between June 27, 2012 and July 11,
6 2012 – which is after the T-Mobile conversion takes place. As part of the bidding process, T-
7 Mobile must submit proof that it possesses an ETC designation for the areas on which it is
8 submitting bids. The FCC has stated that "[a]n Applicant [bidder] must be the entity designated
9 by a State or the [FCC] as an ETC in that geographic area." DA 12-641, AU Docket No. 12-25
10 (issued May 2, 2012), ¶93. Therefore, in order to avoid any technical issues in T-Mobile's bid, the
11 Proposed Order should make clear that the conditional ETC designation applies to T-Mobile West
12 LLC upon the conversion.

13 Wherefore, T-Mobile requests that the Commission acknowledge T-Mobile's impending
14 conversion and name change in the Proposed Order granting conditional ETC designation. T-
15 Mobile has provided proposed amendment language in Exhibit A.

16 RESPECTFULLY SUBMITTED this 14th day of June, 2012.

17 ROSKA DEWULF & PATTEN, PLC

18
19 By 
20 Michael W. Patten
21 One Arizona Center
22 400 East Van Buren Street, Suite 800
23 Phoenix, Arizona 85004

24 and

25 Teri Y. Ohta
26 Principal Corporate Counsel, State Regulatory Affairs
27 T-Mobile USA, Inc.
12920 SE 38th Street
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- 1 Original and 13 copies of the foregoing
- 2 filed this 14th day of June 2012 with:
- 3 Docket Control
- 4 Arizona Corporation Commission
- 5 1200 West Washington Street
- 6 Phoenix, Arizona 85007
- 7 Copy of the foregoing hand-delivered/mailed
- 8 this 14th day of June 2012 to:
- 9 Chairman Gary Pierce
- 10 Arizona Corporation Commission
- 11 1200 West Washington
- 12 Phoenix, Arizona 85007
- 13 Commissioner Bob Stump
- 14 Arizona Corporation Commission
- 15 1200 West Washington
- 16 Phoenix, Arizona 85007
- 17 Commissioner Sandra Kennedy
- 18 Arizona Corporation Commission
- 19 1200 West Washington
- 20 Phoenix, Arizona 85007
- 21 Commissioner Paul Newman
- 22 Arizona Corporation Commission
- 23 1200 West Washington
- 24 Phoenix, Arizona 85007
- 25 Commissioner Brenda Burns
- 26 Arizona Corporation Commission
- 27 1200 West Washington
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- 29 Yvette Kinsey
- 30 Administrative Law Judge
- 31 Hearing Division
- 32 Arizona Corporation Commission
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- 35 Maureen A. Scott, Esq.
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By Mary Ippolito

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PROPOSED AMENDMENT LANGUAGE

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Page 3, Line 6, INSERT the following footnote after “Telecom AG (“DT”).”:

#. On June 25, 2012, T-Mobile West Corporation, a Delaware corporation, will convert to and become T-Mobile West LLC, a Delaware limited liability company. The authority granted to T-Mobile West Corporation in this Order will apply to T-Mobile West LLC upon the conversion of T-Mobile West Corporation to T-Mobile West LLC on June 25, 2012.

Page 13, Line 25, INSERT:

5. The authority granted to T-Mobile West Corporation in this Order will apply to T-Mobile West LLC upon the conversion of T-Mobile West Corporation to T-Mobile West LLC on June 25, 2012.