

ORIGINAL

INTERVENTION



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BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission

COMMISSIONERS

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ANDY TOBIN  
BOYD DUNN

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JAN 19 2017

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In the Matter of the Petition of TracFone  
Wireless, Inc. to Expand Eligible  
Telecommunications Carrier Designation in the  
State of Arizona to Include Tribal Lands

DOCKET NO. T-20664A-17-0013

MOTION TO INTERVENE

1 Pursuant to A.A.C. R14-3-105, the Arizona Local Exchange Carriers Association  
2 (“ALECA”) hereby moves to intervene in the above-captioned case.

3 **I Service**

4 Please serve all documents on:  
5 Craig A. Marks  
6 Craig A. Marks, PLC  
7 10645 N. Tatum Blvd., Ste. 200-676  
8 Phoenix, Arizona 85028  
9 (480) 367-1956 (Direct)  
10 (480) 304-4821 (Fax)  
11 [Craig.Marks@azbar.org](mailto:Craig.Marks@azbar.org)  
12 Attorney for ALECA

13 **II Interest in Proceeding**

14 ALECA is comprised of small telephone companies and member-owned cooperatives,  
15 all of which are providing local exchange telecommunications services to customers in rural,  
16 high cost areas of Arizona, and all of which are “rural telephone companies” as defined by the  
17 Communications Act of 1934, as amended (the “Act”) 47 U.S.C. 0 153(37). ALECA’s members  
18 are:

- 19 • Fort Mojave Telephone Company;
- 20 • Frontier Communications Corporation;
- 21 • Gila River Telecommunications, Inc.;

- 1 • Hopi Telecommunications, Inc.;
- 2 • Midvale Telephone Exchange, Inc.;
- 3 • San Carlos Apache Telecommunications Utility, Inc.;
- 4 • South Central Communications;
- 5 • Table Top Telephone Company, Inc.;
- 6 • TDS;
- 7 • Tohono O'odham Utility Authority; and
- 8 • Valley Telephone Cooperative; and
- 9 • Zona Communications.<sup>1</sup>

10 Each ALECA member, including its Tribally-owned members, receives support from the  
11 Federal Universal Service Fund ("FUSF") in the form of High Cost Support. Each also provides  
12 discounted Lifeline telephone service and receives compensation for the discounts from the  
13 FUSF.

14 TracFone Wireless, Inc. ("TracFone") was designated as an Eligible Telecommunications  
15 Carrier ("ETC") by Decision No. 72222, dated March 9, 2011, in Docket No. T-20664A-09-  
16 0148. Decision No. 72222 (at 13-14) approved an agreement between TracFone, ACC Staff, and  
17 ALECA, that "TracFone would not attempt to provide its SafeLink Wireless@ Lifeline service  
18 to eligible residents on Tribal Lands." Tracfone also agreed to implement procedural safeguards  
19 to ensure that it would not provide lifeline service to tribal residents on Tribal Lands.

20 TracFone now seeks relief from its commitments to the parties and the Commission in  
21 Docket No. T-20664A-09-0148. However, TracFone ignores the fundamental issue: the  
22 Commission has very limited jurisdiction concerning Tribal Lands. The Commission has  
23 jurisdiction over public service corporations providing service within the State of Arizona, not on  
24 federally recognized Tribal Lands. If TracFone wants to provide lifeline service on Tribal  
25 Lands, then it must first seek permission from the appropriate Tribal regulatory authorities. Only

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<sup>1</sup> Fort Mohave Telecommunications, Gila River Telecommunications, Hopi Telecommunications, San Carlos Apache Telecommunications Utility and the Tohono O'odham Utility Authority are tribally-owned telephone Companies, which are not subject to the jurisdiction of the Arizona Corporation Commission.

1 with this condition satisfied, could the Commission arguably authorize Tracfone to expand its  
2 service area. Instead, through this Commission application TracFone seeks to bypass Tribal  
3 regulatory authorities.

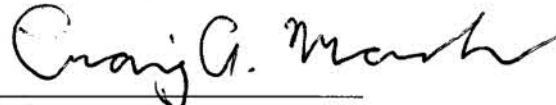
4 ALECA reserves the right to take positions on any other issues in this case.

5 No other party can adequately represent ALECA's interests.

6 **III Requested Relief**

7 ALECA asks that the Commission grant its Motion to Intervene.

8 RESPECTFULLY SUBMITTED on January 19, 2017.

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10  
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12

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20 Attorney for ALECA  
21

22 **Original and 13 copies filed**

23 on January 19, 2017, with:

24  
25 Docket Control  
26 Arizona Corporation Commission  
27 1200 West Washington  
28 Phoenix, Arizona 85007  
29

30 **Copy of the foregoing mailed and e-mailed**

31 on January 19, 2017, to:

32  
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