

INTERVENTION



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BEFORE THE ARIZONA CORPORATION COMMISSION
AZ CORP COMMISSION
DOCKET CONTROL

COMMISSIONERS

Arizona Corporation Commission

TOM FORESE, Chairman
BOB BURNS
DOUG LITTLE
ANDY TOBIN
BOYD DUNN

DOCKETED

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DOCKETED BY
GB

IN THE MATTER OF THE FORMAL
COMPLAINT OF GILA RIVER
TELECOMMUNICATIONS, INC. AGAINST
TRACFONE WIRELESS, INC. D/B/A
SAFELINK WIRELESS.

DOCKET NO. T-20664A-17-0021

MOTION TO INTERVENE
AND
CONSENT TO EMAIL SERVICE

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
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.¹

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
18 ("Safelink") service to eligible residents on Tribal Lands." Tracfone also agreed to implement
19 procedural safeguards to ensure that it would not provide lifeline service to tribal residents on
20 Tribal Lands.

21 In this docket, ALECA member Gila River Telecommunications, Inc. ("Gila River")
22 complains that Tracfone is unlawfully soliciting and providing its Safelink service within the
23 Gila River Indian Community, which is expressly prohibited by its Arizona ETC certification
24 and by its agreement with ALECA and Staff in Docket No. T-20664A-09-0148. As such,
25 ALECA has a direct interest in the outcome of this case.

¹ 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 ALECA reserves the right to take positions on any issues in this case.

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

3 **III Requested Relief**

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

5 **Consent to Email Service**

6 By his signature below, Mr. Marks hereby consents to receive service of all filings in the
7 above-captioned docket, including all filings by parties and all Procedural Orders and
8 Recommended Opinions and Orders/Recommended Orders issued by the Commission's Hearing
9 Division, via email sent to the email address set forth for him below.

10 I certify that the email address set forth below is a valid and active email address to
11 which I have regular and reliable access.

12 I further certify that I have sent or will promptly send an email to
13 HearingDivisionServicebyEmail@azcc.gov from the email address set forth below.

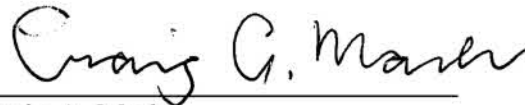
14 I understand that a Procedural Order approving the use of email service will be issued in
15 this matter upon verification by the Hearing Division that the required email to
16 HearingDivisionServicebyEmail@azcc.gov has been received.

17 I further understand and agree that service of a document on me shall be complete upon
18 the sending of an email containing the document to the email address set forth below, regardless
19 of whether I receive or read the email containing the document.

20 I further understand and agree that I will no longer receive service in this matter through
21 First Class U.S. Mail or another form of hard-copy delivery, unless and until I withdraw this
22 consent through a filing made in the above-captioned docket.

23 Email address: Craig.Marks@azbar.org

1 RESPECTFULLY SUBMITTED on April 6, 2017.
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6 Craig A. Marks
7 Craig A. Marks, PLC
8 10645 N. Tatum Blvd., Ste. 200-676
9 Phoenix, Arizona 85028
10 (480) 367-1956 (Direct)
11 (480) 304-4821 (Fax)
12 Craig.Marks@azbar.org
13 Attorney for ALECA
14

15 **Original** and 13 copies **filed**
16 on April 6, 2017, with:

17
18 Docket Control
19 Arizona Corporation Commission
20 1200 West Washington
21 Phoenix, Arizona 85007
22

23 **Copy** of the foregoing **mailed** and **emailed** to service list.