

ORIGINAL



0000179717

BEFORE THE ARIZONA CORPORATION COMMISSION

REL
AZ CORP COMMISSION
DOCKET CONTROL

COMMISSIONERS

Arizona Corporation Commission

DOCKETED

2017 MAY 17 P 1:58

TOM FORESE – Chairman
BOB BURNS
DOUG LITTLE
ANDY TOBIN
BOYD W. DUNN

MAY 17 2017

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

PROCEDURAL ORDER

BY THE COMMISSION:

On January 26, 2017, Gila River Telecommunications, Inc. (“Gila River”) filed a Formal Complaint (“Complaint”) with the Arizona Corporation Commission (“Commission”) against TracFone Wireless, Inc. d/b/a Safelink Wireless (“TracFone”).

On January 31, 2017, Jennifer Rethemeier, Attorney for TracFone filed a Consent to Email Service.

On February 3, 2017, a Procedural Order regarding Consent to Email Service was filed.

On February 10, 2017, Gila River filed a Consent to Email Service.

On February 21, 2017, TracFone filed an Unopposed Motion for Extension of Time to File Answer, requesting an additional 20 days to file its Answer due to a potential conflict of interest with their counsel of record.

On March 6, 2017, by Procedural Order, TracFone’s Motion for an extension of time to file its Answer was granted.

On March 13, 2017, TracFone filed an Answer and Motion to Dismiss to the Complaint. On the same date, Timothy J. Berg, Attorney for TracFone filed a Consent to Email Service.

On March 14, 2017, by Procedural Order, TracFone’s request for email service was approved.

On March 20, 2017, TracFone filed a Notice of Appearance and Request to be Added to Service List.

1 On March 24, 2017, Gila River filed an Unopposed Motion to Extend Response Date,
2 requesting an extension of time, from March 27, 2017 to April 20, 2017, to file its response to
3 TracFone's Motion to Dismiss.

4 On March 29, 2017, by Procedural Order, TracFone's and Gila River's request to consent to
5 email service was approved and Gila Rivers' request for an extension of time until April 20, 2017, to
6 file its response to TracFone's Motion to Dismiss was granted.

7 On April 6, 2017, Arizona Local Exchange Carriers Association ("ALECA") filed a Motion to
8 Intervene.

9 On April 17, 2017, a Procedural Order was issued Granting ALECA intervention in this matter.

10 On April 19, 2017, Gila River filed an Unopposed Motion to Extend Response requesting an
11 extension of time from April 20, 2017 to May 12, 2017, to file its response to the Motion to Dismiss.

12 On April 21, 2017, a Procedural Order was issued granting the Motion to Extend Response
13 deadline.

14 On April 25, 2017, Mitchell F. Brecher and Debra McGuire Mercer and the firm Greenberg
15 Trauig, LLP filed a Notice of Withdrawal as Counsel for TracFone.

16 On May 12, 2017, Gila River filed an Unopposed Motion to Extend Response requesting an
17 extension of time from May 12, 2017 to June 2, 2017, to file its response to the Motion to Dismiss.

18 Good cause has been shown for granting Mitchell F. Brecher and Debra McGuire Mercer and
19 the firm of Greenberg Trauig, LLP request to withdraw as counsel for TracFone. It is also reasonable
20 to grant Gila River's Motion for an extension for time to file its response to the Motion to Dismiss.

21 IT IS THEREFORE ORDERED that Gila River Telecommunications, Inc. is hereby granted
22 an extension of time until June 2, 2017, to file its response to TracFone Wireless, Inc. dba Safelink
23 Wireless' Motion to Dismiss.

24 IT IS FURTHER ORDERED that Mitchel F. Brecher and Debra McGuire Mercer and the firm
25 of Greenberg Trauig, LLP are hereby granted a withdrawal as counsel for TracFone Wireless, Inc. dba
26 Safelink Wireless.

27 IT IS FURTHER ORDERED that each party or prospective party shall **refer to the Procedural**
28 **Order Regarding Consent to Email Service** issued in this matter on **February 3, 2017**, for additional

1 information regarding the process to consent to service by email. Information regarding Consent to
2 Email Service is also available on the Commission's website (www.azcc.gov) by clicking on "Email
3 Service Consent."

4 IT IS FURTHER ORDERED that all parties must comply with Arizona Supreme Court Rules
5 31, 38, 39, and 42 and A.R.S. § 40-243 with respect to the practice of law and admission *pro hac vice*.

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

9 IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance
10 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Rule 42 of the
11 Rules of the Arizona Supreme Court). Representation before the Commission includes the obligation
12 to appear at all hearings, procedural conferences, Open Meetings for which the matter is scheduled for
13 discussion, unless counsel has previously been granted permission to withdraw by the Administrative
14 Law Judge or Commission.

15 IT IS FURTHER ORDERED that the Administrative Law Judge may rescind, alter, amend, or
16 waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at
17 hearing.

18 DATED this 17th day of May, 2017.

19
20  for
21 YVETTE B. KINSEY
22 ADMINISTRATIVE LAW JUDGE
23
24
25
26
27
28

1 On this 17th day of May, 2017, the foregoing document was filed with Docket Control as a Procedural
2 Order – Grants Extension of Time, and copies of the foregoing were mailed on behalf of the Hearing
3 Division to the following who have not consented to email service. On this date or as soon as possible
thereafter, the Commission’s eDocket program will automatically email a link to the foregoing to the
following who have consented to email service.

4 Joan Burke
5 LAW OFFICE OF JOAN S. BURKE, PC
6 1650 N. First Ave.
7 Phoenix, AZ 85003
8 Attorneys for Gila River Telecommunications, Inc.
9 joan@jsburkelaw.com

Consented to Service by Email

10 Timothy Berg
11 FENNEMORE CRAIG, PC
12 2394 East Camelback Road, Suite 600
13 Phoenix, AZ 85016-3429
14 Attorneys for TracFone Wireless, Inc. dba
15 Safelink Wireless
16 tberg@fclaw.com
17 tdwyer@fclaw.com


Consented to Service by Email

18 Craig A. Marks
19 CRAIG A. MARKS, PLC
20 10645 N. Tatum Blvd., Suite 200-676
21 Phoenix, AZ 85028
22 Attorneys for Arizona Local Exchange Carriers
23 Association
24 Craig.Marks@azbar.org

Consented to Service by Email

25 Andy Kvesic, Director
26 Legal Division
27 ARIZONA CORPORATION COMMISSION
28 1200 West Washington Street
Phoenix, AZ 85007
Attorneys for Utilities Division
LegalDiv@azcc.gov
utildivservicebyemail@azcc.gov

Consented to Service by Email

29 By: 
30 Rebecca Tallman
31 Assistant to Yvette B. Kinsey

Jennifer Cummins Rethemeier
GREENBERGTRAUIG
2375 East Camelback Road, Suite 700
Phoenix, Arizona 85016
Attorneys for TracFone Wireless, Inc. dba
Safelink Wireless
rethemeierj@gtlaw.com

mercerdm@gtlaw.com
brecherm@gtlaw.com
Consented to Service by Email

COASH & COASH, INC.
Court Reporting, Video and
Videoconferencing
1802 North 7th Street
Phoenix, AZ 85006
Not a party, mailed as a courtesy