# **BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

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IN THE MATTER OF THE PETITION OF EDGE) WIRELESS, LLC FOR DESIGNATION AS AN **ELIGIBLE TELECOMMUNICATIONS** CARRIER UNDER 47 U.S.C. § 214(e)(2)

**CASE NO. EDG-T-07-01** NOTICE OF APPLICATION NOTICE OF **MODIFIED PROCEDURE** NOTICE OF **INTERVENTION DEADLINE ORDER NO. 30240** 

### **NOTICE OF APPLICATION**

YOU ARE HEREBY NOTIFIED that on January 22, 2007, Edge Wireless, LLC ("Edge" or "Company") filed an Application for designation as an eligible telecommunications carrier (ETC) for service areas in Idaho that are currently serviced by other carriers. See Idaho Code § 61-610A and Order No. 29841. Also see 47 U.S.C. § 214(e)(2). The Application requests that it be designated as eligible to receive all available support from the federal Universal Service Fund ("USF") and that it be approved to participate in the Lifeline program.

YOU ARE FURTHER NOTIFIED that, according to the Application, Edge is a commercial mobile radio service ("CMRS") carrier providing "mobile service" as defined in 47 U.S.C. § 153(27). Through its cellular authorizations, it provides service to the following counties in Idaho: Bannock, Bear Lake, Blaine, Bingham, Bonneville, Butte, Camas, Caribou, Cassia, Clark, Custer, Franklin, Fremont, Gooding, Jefferson, Jerome, Lemhi, Lincoln, Madison, Minidoka, Oneida, Power, Teton, and Twin Falls. Edge also operates in northern California, southeastern Oregon, and northwestern Wyoming.

YOU ARE FURTHER NOTIFIED that Edge is seeking ETC designation in certain rural and non-rural wire centers. These wire centers are set forth in Exhibit C to the Application.

YOU ARE FURTHER NOTIFIED the Application contains certain information related to the Company's local usage plans, customer service and ability to provide service, particularly in emergencies. The Company provides several pricing options for its customers, and also intends to invest funds in upgrading its infrastructure.

#### **NOTICE OF MODIFIED PROCEDURE**

YOU ARE FURTHER NOTIFIED that the Commission has reviewed the Application in this case and has preliminarily determined that the public interest in this matter may not require a hearing to consider the issues presented, and that the issues raised by the Application may be processed under **Modified Procedure**, i.e., by written submission rather than by hearing. IDAPA 31.01.01.210-204. The Commission notes that Modified Procedure and written comments have proven to be an effective means for obtaining public input and participation.

YOU ARE FURTHER NOTIFIED that any person desiring to state a position on this Application may file a written comment in support or opposition with the Commission within thirty (30) days from the service date of this Order. The comment must contain a statement of reasons supporting the comment. Persons desiring a hearing must specifically request a hearing in their written comments. Written comments concerning this Application shall be mailed to the Commission and the Applicant at the addresses reflected below:

Commission Secretary	Mark P. Trinchero
Idaho Public Utilities Commission	Davis, Wright & Tremaine LLP
PO Box 83720	1300 S.W. 5 <sup>th</sup> Ave., Suite 2300
Boise, ID 83720-0074	Portland, OR 97201
	E-mail: marktrinchero@dwt.com
Street Address for Express Mail:	
	Molly O'Leary
472 W. Washington Street	Richardson & O'Leary, PLLC
Boise, ID 83702-5983	PO Box 7218
	Boise, ID 83707
	E-mail: molly@richardsonandoleary.com

These comments should contain the case caption and case number shown on the first page of this document. Persons desiring to submit comments via e-mail may do so by accessing the Commission's home page located at <u>www.puc.idaho.gov</u>. Click the "Comments and Questions" icon, and complete the comment form using the case number as it appears on the front of this

NOTICE OF APPLICATION NOTICE OF MODIFIED PROCEDURE NOTICE OF INTERVENTION DEADLINE ORDER NO. 30240 document. These comments must also be sent to the Company at the e-mail addresses listed above.

YOU ARE FURTHER NOTIFIED that if no written comments or protests are received within the time limit set, the Commission may consider the matter on its merits and may enter its Order without a formal hearing. If written comments or protests are received within the deadline, the Commission will consider them and in its discretion may set the matter for hearing or may decide the matter and issue its Order based on the written comments before it. IDAPA 31.01.01.204.

YOU ARE FURTHER NOTIFIED that the Application and supporting workpapers and exhibits have been filed with the Commission and are available for public inspection during regular business hours at the Commission offices or on the Commission's website, <u>www.puc.idaho.gov</u> under the "File Room".

YOU ARE FURTHER NOTIFIED that all proceedings in this case will be held pursuant to the Commission's jurisdiction under Title 62 of the Idaho Code and that the Commission may enter any final Order consistent with its authority under Title 62.

YOU ARE FURTHER NOTIFIED that all proceedings in this matter will be conducted pursuant to the Commission's Rules of Procedure, IDAPA 31.01.01.000 *et seq*.

# **DEADLINE FOR INTERVENTION**

YOU ARE FURTHER NOTIFIED that persons desiring to intervene in this matter for the purpose of presenting evidence or cross-examining witnesses at hearing must file a Petition to Intervene with the Commission pursuant to the Commission's Rules of Procedure 72 and 73, IDAPA 31.01.01.072 and - 073. Persons intending to participate at the hearing must file a Petition to Intervene on or before February 23, 2007. Persons seeking intervenor status shall also provide the Commission Secretary with their electronic mail address to facilitate future communications in this matter.

YOU ARE FURTHER NOTIFIED that persons desiring to present their views without parties' rights of participation and cross-examination are not required to intervene and may present their comments without prior notification to the Commission or the parties.

YOU ARE FURTHER NOTIFIED that the Commission Secretary shall issue a Notice of Parties after the deadline for intervention has passed. Depending on the number of

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intervenors, the Commission may direct that pleadings and testimony be filed electronically with the other parties.

### THE MOTION FOR LIMITED ADMISSION

Pursuant to Rule 43, out-of-state counsel for the Company filed a Motion for Limited Admission with the Commission for the purpose of appearing in this matter. The person filing is:

> Mark P. Trinchero Davis, Wright & Tremaine 1300 S.W. 5<sup>th</sup> Avenue, Suite 2300 Portland, OR 97201

The Motion avers that a copy of it and the requisite fee have been submitted to the Idaho State Bar. IDAPA 31.01.01.43.05(c), Bar Rule 222(j). We find that the Motion has met the requirements set forth in Rule 43.

# ORDER

IT IS HEREBY ORDERED that the Application of Edge Wireless, LLC for designation as an eligible telecommunications carrier under 47 U.S.C. § 214(e)(2) be processed by Modified Procedure, IDAPA 31.01.01.201-.204. Persons interested in submitting written comments in this matter must do so no later than 30 days from the service date of this Order.

IT IS FURTHER ORDERED that persons desiring to intervene in this matter for the purpose of presenting evidence shall file a Petition to Intervene with the Commission no later than February 23, 2007.

IT IS FURTHER ORDERED that the Motion for Limited Admission filed by Mr. Mark P. Trinchero is hereby granted.

IT IS FURTHER ORDERED that all parties in this proceeding serve all papers hereafter filed in this matter on all parties of record. Edge Wireless, LLC is represented by the following for purposes of service:

Molly O'Leary Richardson & O'Leary PO Box 7218 515 N. 27<sup>th</sup> Street Boise, ID 83707 E-mail: molly@richardsonandoleary.com Mark P. Trinchero Davis, Wright & Tremaine 1300 S.W. 5<sup>th</sup> Avenue, Suite 2300 Portland, OR 97201 E-mail: <u>marktrinchero@dwt.com</u>

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DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this  $12^{44}$  day of February 2007.

IDENT PA

MARSHA H. SMITH, COMMISSIONER

COMMISSIONER DENNIS S. HAI

ATTEST:

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Jean D. Jewell () Commission Secretary

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