

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

<b>IN THE MATTER OF THE PETITION OF EDGE )</b>	
<b>WIRELESS, LLC FOR DESIGNATION AS AN )</b>	<b>CASE NO. EDG-T-07-01</b>
<b>ELIGIBLE TELECOMMUNICATIONS )</b>	
<b>CARRIER UNDER 47 U.S.C. § 214(e)(2) )</b>	<b>ORDER NO. 30286</b>

---

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.

On February 6, 2007, WWC Holding, Inc. dba Alltel filed a Petition to Intervene, which was granted on March 7, 2007. Order No. 30265. On February 16, 2007, the Idaho Telephone Association (ITA) filed a Petition to Intervene, which was also granted on March 7, 2007. Order No. 30264. On February 12, 2007, the Commission issued a Notice of Application and Modified Procedure and solicited comments from interested parties. Order No. 30240. Staff timely filed its comments. On March 13, 2007, the ITA filed a Protest and Comments.

**THE APPLICATION**

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. 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.

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.

## **THE PROTEST**

The ITA asserted that the Application inaccurately states the law. ITA Protest and Comments at 1-2. It further asserted that nothing in the Application demonstrated that Edge's service will be ubiquitous in the wire centers or that it will not engage in cream skimming of the incumbent rural telephone companies' most profitable areas. *Id.* at 3. Lastly, it argued that, because Edge filed its two-year plan as a confidential document, ITA is unable to assess whether that two-year plan meets the Commission's requirements. *Id.* at 3-4. ITA asserted that Modified Procedure is not appropriate for this matter and requested a hearing. *Id.* at 4.

In its reply, Edge asserted that ITA mischaracterized its Application, and that ITA ignored Edge's discussion regarding the public interest standard. Edge Reply Comments at 2. Edge also stated that ITA errs in its argument that the Commission must grant Edge ETC status throughout its entire service area. *Id.* It also stated that, contrary to ITA's assertion, it has met the requirement for demonstrating a commitment to provide service to customers in the relevant rural ILEC study areas. *Id.* at 3.

Lastly, Edge argued that the Commission should reject ITA's request for a hearing. *Id.* at 4. Edge stated that ITA never requested a copy of any of the confidential exhibits to the Application or otherwise sought to review the information ITA alleges it must see in order to make any conclusion as to whether the Application is complete. *Id.*

## **DISCUSSION**


We find it reasonable for ITA to have the opportunity to review Edge's two-year plan and conduct any other discovery. We direct the parties to discuss an arrangement that will allow counsel and an expert (or experts) for ITA to review the Company's two-year network plan with execution of an appropriate confidentiality agreement. We will allow twenty-eight (28) days after the service date of this Order for this review to occur. We further direct the Company and ITA to inform us after the review whether each believes a hearing is necessary or if the matter may continue to be considered by Modified Procedure.

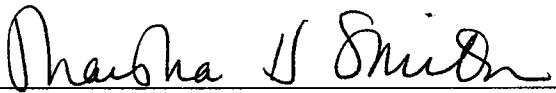
## **ORDER**

IT IS HEREBY ORDERED that Edge Wireless, LLC and the Idaho Telephone Association shall discuss the details of an arrangement to allow ITA to review the two-year network plan of the Company. Such review is to be conducted and completed within twenty-eight (28) days of the service date of this Order.

IT IS FURTHER ORDERED that within twenty-eight (28) days of the service date of this Order Edge and ITA shall each inform the Commission as to whether it believes a hearing is necessary in this matter or if the matter may continue to be processed by Modified Procedure.

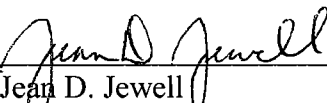
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 28<sup>th</sup> day of March 2007.

  
PAUL KJELLANDER, PRESIDENT

  
MARSHA H. SMITH, COMMISSIONER

  
MACK A. REDFORD, COMMISSIONER

ATTEST:

  
Jean D. Jewell  
Commission Secretary

O:EDG-T-07-01\_cg2