



On May 5, 2003, Clear Talk filed an Amendment to its Application requesting that it be designated as an ETC in certain service areas that are not contested. Amendment at 2. In other words, the Company seeks ETC designation in non-rural areas, or more specifically, in areas that are served by Qwest Corporation. In order to expedite Clear Talk's request for an interim Order, the Commission shall issue a separate final Order regarding this issue.

### NOTICE OF APPLICATIONS

#### 1. Clear Talk's Petition

YOU ARE HEREBY NOTIFIED that on February 3, 2003, the Commission received an Application from IAT Communications, Inc., a Delaware Corporation, doing business through its wholly-owned subsidiary NTCH-Idaho, Inc., an Idaho corporation, hereinafter referred to as Clear Talk, requesting that the Commission, pursuant to *Idaho Code* § 61-610A and Order No. 27715 in Case No. GNR-T-98-7, designate it as a competitive ETC for service areas in southeast Idaho that are currently served by incumbent ETCs. Clear Talk states in its Petition that it provides PCS, also referred to as CMRS or wireless personal communications services in accordance with licenses granted to it by the Federal Communications Commission ("FCC"). Clear Talk also contends that it meets all of the requirements in order to be designated as an ETC in areas served by rural telephone companies. Accordingly, the Company requests that it be designated as an ETC in these areas served by the following incumbent ETC, rural telephone companies: Albion Telephone Company, Citizens Telecommunications Company of Idaho, Filer Mutual Telephone Company, Fremont Telecom, Inc. and Project Mutual Telephone Cooperative Association, Inc.

YOU ARE FURTHER NOTIFIED that on May 5, 2003, Clear Talk filed an Amendment to its Application requesting that the Commission designate it as an ETC on the Fort Hall Indian Reservation.

YOU ARE FURTHER NOTIFIED that the Company's Amendment also states that its Application for ETC status in the above described areas is not for purposes of receiving support from the Idaho Universal Service Fund pursuant to *Idaho Code* § 62-610 *et seq.*

YOU ARE FURTHER NOTIFIED that Clear Talk alleges that designating it as an ETC in these areas served by rural telephone companies will serve the public interest by

promoting competition and benefiting Idaho consumers, especially those in rural and high-cost areas, by: 1) increasing customer choice; 2) increasing innovative services; and 3) increasing the availability of new technologies at competitive prices.

YOU ARE FURTHER NOTIFIED that if Clear Talk is designated as a competitive ETC in the above areas and provides universal services the Company would be eligible to receive federal universal service funds.

## **2. Nextel Partners' Application**

YOU ARE FURTHER NOTIFIED that on April 28, 2003, NPCR, Inc. dba Nextel Partners filed an Application pursuant to 47 U.S.C. § 214(e)(2) seeking designation as a competitive ETC in the State of Idaho for specific services areas. Nextel Partners contends that it is licensed to provide and does provide wireless telecommunications services in certain designated areas of Idaho. Nextel Partners states that with exception of the areas served by Citizens Telecommunications Company of Idaho each of the designated areas it seeks to be designated as an ETC and provide service in is a study area of a rural telephone company as defined in 47 U.S.C. § 153(37) of the Act.<sup>2</sup> These rural telephone company study areas are currently served by the following incumbent ETCs: Albion Telephone Company, Filer Mutual Telephone Company, Farmers Mutual Telephone Company, Mud Lake Telephone Cooperative and Project Mutual Telephone. The Company contends that it meets all of the requirements for designation as an ETC in each of these designated areas.

YOU ARE FURTHER NOTIFIED that Nextel Partners states in its Application that it does not seek designation as an ETC for purposes of receiving support from the Idaho Universal Service Fund pursuant to *Idaho Code* § 62-610, *et seq.*

YOU ARE FURTHER NOTIFIED that Nextel Partners alleges that granting its Application is in the public interest for the area served by rural telephone companies because: 1) it provides service with its own facilities; 2) customers will benefit from the provision of competitive universal services; 3) Nextel Partners' offerings have a larger local calling area than landline options; 4) Nextel's product supports the provision of data services; 5) federal universal

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<sup>2</sup> Nextel Partners states that with regard to the areas served by Citizens, the designated areas are identified as specific Citizen's exchanges.

service funds will allow Nextel Partners to extend wireless networks into rural areas of Idaho; 6) ETC designation for Nextel Partners will provide incentives for incumbent ETC local exchange companies to improve their networks, resulting in improved services to consumers; 7) Nextel Partners will provide all Commission required services, participate in the LifeLine and Link-Up programs as required by the FCC's Rules and will otherwise comply with all FCC Rules governing universal service programs; 8) designation will promote Nextel Partners' role in providing services to Idaho public schools, libraries and local, state and federal government agencies; and 9) designation will not threaten the provision of universal services by rural telephone companies.

YOU ARE FURTHER NOTIFIED that if Nextel Partners is designated as an ETC in these areas and provides universal service in them the Company would be eligible to receive federal universal service funds.

YOU ARE FURTHER NOTIFIED that based on the foregoing, Nextel Partners requests that the Commission designate it as a competitive ETC in the designated areas described above that are currently served by rural telephone companies. In addition, the Company requests conditional designation as an ETC in the identified Citizens' exchanges, with designation effective upon the redefinition of Citizens' ETC service area along exchange boundaries under the procedures identified in 47 C.F.R. § 54.207.

#### **NOTICE OF INTERVENTION DEADLINE**

YOU ARE FURTHER NOTIFIED that **persons desiring to intervene** in this joint proceeding **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 **on or before fourteen (14) days from issuance of this Order.**

YOU ARE FURTHER NOTIFIED that on April 24, 2003, the Commission received a timely Petition to Intervene from the Idaho Telephone Association (“ITA”) seeking intervention into the proceeding started by Clear Talk’s Petition.<sup>3</sup> In addition, on April 29, 2003, ITA filed a timely Petition to Intervene in the case started by Nextel Partners’ Application.

YOU ARE FURTHER NOTIFIED that the Commission finds that ITA has a direct and substantial interest in both Case No. GNR-T-03-8 and GNR-T-03-16. Accordingly, the Commission shall grant ITA’s Petitions to Intervene in these cases.

YOU ARE FURTHER NOTIFIED that once the Commission has received the requests for party status, the Commission Secretary will issue a Notice of Parties. Parties filing comments in this matter will be required to serve those parties listed in the Commission’s Notice of Parties. Comments submitted in this matter shall be served by overnight delivery, U.S. Mail, or electronic mail. Parties submitting comments may serve other parties via electronic mail. Parties using e-mail to serve other parties may do so by attaching their comments to an e-mail and forwarding to the party’s representative(s).

**NOTICE OF MODIFIED PROCEDURE, FILING DEADLINES**

YOU ARE FURTHER NOTIFIED that the Commission has determined that the public interest regarding the above Petition and Application may not require a hearing to consider the issues presented, and that issues raised by the filings in these cases may be processed under **Modified Procedure**, i.e., by written submission rather than by hearing. Commission Rules of Procedure, IDAPA 31.01.01.201-204.

YOU ARE FURTHER NOTIFIED that the Commission may not hold a hearing in this joint proceeding **unless it receives written protests stating why Modified Procedure should not be used along with a request for an evidentiary hearing on or before fourteen (14) days from issuance of this Order.** IDAPA 31.01.01.203.

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<sup>3</sup> ITA is an association of independently owned telephone companies providing local exchange service and other telecommunications services within the State of Idaho. ITA is charged with representing its member companies’ interests before the Commission and other regulatory agencies. *Petition to Intervene* at 1.

YOU ARE FURTHER NOTIFIED that **the deadline for filing written comments, absent a request for a hearing**, with respect to these filings in this joint proceeding is **on or before twenty-eight (28) days from the date of issuance of this Order**.

YOU ARE FURTHER NOTIFIED that if no written protests or requests for an evidentiary hearing are received within the above fourteen (14) day deadline, the Commission will consider the matter on its merits based on the written comments submitted by interested persons and parties and enter its Order without a formal hearing. If protests and requests for hearings are filed within the fourteen (14) day deadline, the Commission will consider them and in its discretion may set the matter for an evidentiary hearing. IDAPA 31.01.01.204.

YOU ARE FURTHER NOTIFIED that protests against using Modified Procedure, requests for a hearing and/or written comments concerning Case Nos. GNR-T-03-8 and GNR-T-03-16 should be mailed to the Commission, Clear Talk and Nextel Partners at the addresses reflected below.

COMMISSION SECRETARY  
IDAHO PUBLIC UTILITIES COMMISSION  
PO BOX 83720  
BOISE, IDAHO 83720-0074

Street Address for Express Mail:

472 W WASHINGTON ST  
BOISE, ID 83702-5983

MOLLY O'LEARY  
ATTORNEY FOR IAT COMMUNICATIONS  
99 E. STATE STREET, SUITE 200  
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JOINT NOTICE OF APPLICATION  
JOINT NOTICE OF INTERVENOR DEADLINE  
JOINT NOTICE OF MODIFIED PROCEDURE  
PROTEST/HEARING REQUEST AND  
COMMENT DEADLINE  
ORDER NO. 29240

CONLEY WARD  
ATTORNEY FOR THE IDAHO TELEPHONE  
ASSOCIATION  
277 NORTH 6<sup>TH</sup> STREET, SUITE 200  
PO BOX 2720  
BOISE, ID 83701  
E-mail: [cew@givenspursely.com](mailto:cew@givenspursely.com)

All protests, requests for hearing or 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 [www.puc.state.id.us](http://www.puc.state.id.us). Click the "Comments and Questions" icon, and complete the comment form, using the case number as it appears on the front of this document. These comments must also be sent to the Applicant at the e-mail addresses listed above.

YOU ARE FURTHER NOTIFIED that the Petition in Case No. GNR-T-03-8 and the Application in Case No. GNR-T-03-16 can be reviewed at the Commission's offices, 472 West Washington, Boise, Idaho, during regular business hours, or on the Commission's web site, [www.puc.state.id.us](http://www.puc.state.id.us).

YOU ARE FURTHER NOTIFIED that all proceedings in this case will be held pursuant to the Commission's jurisdiction under Titles 61 and 62 of the Idaho Code and that the Commission may enter any final Order consistent with its authority under Title 61 or Title 62, Chapter 6.

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.*

### **ORDER**

IT IS HEREBY ORDERED the Commission shall process Clear Talk's Petition, Case No. GNR-T-03-8, and Nextel Partners' Application, Case No. GNR-T-03-16, in one joint proceeding using Modified Procedure.

IT IS FURTHER ORDERED that the schedule set forth above is adopted.

IT IS FURTHER ORDERED that the Petitions to Intervene into Case Nos. GNR-T-03-8 and GNR-T-03-16 filed by the Idaho Telephone Association are granted.

JOINT NOTICE OF APPLICATION  
JOINT NOTICE OF INTERVENOR DEADLINE  
JOINT NOTICE OF MODIFIED PROCEDURE  
PROTEST/HEARING REQUEST AND  
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ORDER NO. 29240

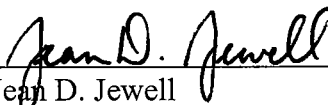
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho, this 27<sup>th</sup>  
day of May 2003.

  
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PAUL KJELLANDER, PRESIDENT

  
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MARSHA H. SMITH, COMMISSIONER

  
\_\_\_\_\_  
DENNIS S. HANSEN, COMMISSIONER

ATTEST:

  
\_\_\_\_\_  
Jean D. Jewell  
Commission Secretary

O:GNRT0308\_GNRT0316\_jh

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