

McDevitt & Miller LLP

Lawyers

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420 W. Bannock Street

P.O. Box 2564-83701

Boise, Idaho 83702

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IDAHO PUBLIC
UTILITIES COMMISSION

Chas. F. McDevitt
Dean J. (Joe) Miller

(208) 343-7500
(208) 336-6912 (Fax)

October 28, 2011

Via Hand Delivery

Jean Jewell, Secretary
Idaho Public Utilities Commission
472 W. Washington St.
Boise, Idaho 83720

Re: **TFW-T-09-01; Notice of Appeal**

SUP-T-11-01

Dear Ms. Jewell:

Enclosed for filing in the above matter please find an original and seven (7) copies of a Notice of Appeal.

Also enclosed are two checks: The first in the amount of \$100 as a deposit for copy fees; the second in the amount of \$86 for the Idaho Supreme Court filing fee.

Kindly return a conformed copy of the Notice of Appeal.

Very Truly Yours,

McDevitt & Miller LLP


Dean J. Miller

DJM/hh

Encl.

cc: Tracfone Wireless Inc

Neil Price—Idaho Public Utilities Commission

Molly O'Leary—Richardson & O'Leary, PLLC

Cynthia A. Melillo—Givens Pursley LLP

ORIGINAL

Dean J. Miller (ISB No. 1968)
McDEVITT & MILLER LLP
420 West Bannock Street
P.O. BOX 2564-83701
Boise, Idaho 83702
Tel: 208-343-7500
Fax: 208-336-6912
joe@mcdevitt-miller.com

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UTILITIES COMMISSION

Mitchell F. Brecher
Debra McGuire Mercer
GREENBERG TRAUIG, LLP
2101 L Street, NW, Suite 1000
Washington, D.C. 20037
Tel: 202-331-3100
Fax: 202-331-3101
brecherm@gtlaw.com
mercerdm@gtlaw.com

SUP-T-11-01

Attorneys for TracFone Wireless, Inc.

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

**IN THE MATTER OF THE
APPLICATION OF TRACFONE
WIRELESS, INC. FOR DESIGNATION
AS AN ELIGIBLE
TELECOMMUNICATIONS CARRIER.**

**CASE NO. TFW-T-09-01
NOTICE OF APPEAL**

**TRACFONE WIRELESS, INC
APPELLANT**

V.

**IDAHO PUBLIC UTILITIES
COMMISSION,
RESPONDENT**

**TO: THE ABOVE NAMED RESPONDENT, THE IDAHO PUBLIC UTILITIES
COMMISSION.**

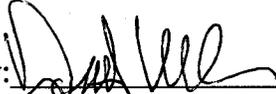
NOTICE IS HEREBY GIVEN THAT:

1. Designation of Orders Appealed From. The above named Appellant appeals against the above named Respondent to the Idaho Supreme Court from Order No. 32358, entered in the above proceeding on September 19, 2011.
2. Jurisdiction. TracFone Wireless, Inc., has a right to appeal to the Idaho Supreme Court, and the Order described in paragraph 1 above is an appealable Order under and pursuant to Article V, Section 9 of the Idaho Constitution, I.C. § 61-627, Rule 4, I.A.R. and Rule 11 (e), I.A.R.
3. Preliminary Statement of Issues. Appellant intends to assert on appeal that:
 - a. The IPUC erred by denying Appellant's Petition for Designation as an Eligible Telecommunications Carrier due to non-payment of fees governed by the Idaho Telephone Assistance Act, Idaho Code § 56-901, *et seq*, which are inapplicable to TracFone;
 - b. The IPUC erred by denying Appellant's Petition for Designation as an Eligible Telecommunications Carrier due to non-payment of fees required by the Idaho Emergency Communications Act, Idaho Code § 31-4801, *et seq*, which are not applicable to TracFone and which are not within the scope of the Commission's jurisdiction.
4. Record Not Sealed. No portion of the record has been sealed.
5. Transcript. Appellant designates a transcript consisting of the transcript of hearing held on March 31, 2011.
6. Record. Appellant requests preparation of a standard agency record pursuant to I.A.R. 28 and in addition:
 - a. The Amended Application of the Appellant;

- b. All Orders entered by the Commission;
 - c. All Briefs and Memoranda filed by the parties.
7. Certification. The undersigned hereby certifies that:
- a. Service of this Notice of Appeal has been made upon the Reporter of the administrative proceeding, Hedrick Court Reporting;
 - b. The estimated fees for preparation of the transcript have been paid;
 - c. The estimated fees for preparation of the Agency's record have been paid;
 - d. All appellate filing fees have been paid;
 - e. That service has been made upon all other parties required to be served pursuant to Rule 20, I.A.R.

DATED this 22 day of October, 2011.

MCDEVITT & MILLER, LLP

By: 
Dean J. Miller (ISB No. 1968)
McDEVITT & MILLER LLP
420 West Bannock Street
P.O. BOX 2564-83701
Boise, Idaho 83702
Tel: 208-343-7500
Fax: 208-336-6912
joe@mcdevitt-miller.com

Mitchell F. Brecher
Debra McGuire Mercer
GREENBERG TRAURIG, LLP
2101 L Street, NW, Suite 1000
Washington, D.C. 20037
Tel: 202-331-3100
Fax: 202-331-3101
brecherm@gtlaw.com
mercercdm@gtlaw.com
Attorneys for TracFone Wireless, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on the 20th day of October, 2011, I caused to be served, via the method(s) indicated below, true and correct copies of the foregoing document, upon:

Jean Jewell, Secretary
Idaho Public Utilities Commission
472 West Washington Street
P.O. Box 83720
Boise, ID 83720-0074
jjewell@puc.state.id.us

Hand Delivered
U.S. Mail
Fax
Fed. Express
Email

Neil Price, Esq.
Idaho Public Utilities Commission
472 West Washington Street
P.O. Box 83720
Boise, ID 83720-0074
Neil.Price@puc.idaho.gov

Hand Delivered
U.S. Mail
Fax
Fed. Express
Email

Molly O'Leary, Esq.
Richardson & O'Leary, PLLC
P.O. Box 7218
Boise, ID 83707
molly@richardsonandoleary.com

Hand Delivered
U.S. Mail
Fax
Fed. Express
Email

Cynthia A. Melillo, Esq.
Givens Pursley LLP
601 N. Bannock Street
P.O. Box 2720
Boise, ID 83701
cam@givenspursley.com

Hand Delivered
U.S. Mail
Fax
Fed. Express
Email

BY: Heather Hule
MCDEVITT & MILLER LLP