

Idaho Bar Commission Rules. Based on a review of the Idaho State Bar's online roster of active members, neither Mitchell F. Brecher nor Debra McGuire Mercer appear to be active members of the Idaho State Bar. A review of the Commission record in this matter does not reveal a motion before this Commission – pending or otherwise – for limited admission of TracFone's legal counsel in compliance with Rule 43.05. Therefore, said counsel are not legally authorized to represent TracFone before this Commission and their motion is a legal nullity.

In addition, while TracFone's motion makes much of its desire that the Commission's review of its application not be delayed, it fails to acknowledge that the seven months "delay" that it now complains of is due to its failure to provide complete information to the Commission in its initial application and comply with such fundamental requirements as being a duly registered foreign entity authorized to do business in Idaho. If time is truly of the essence, then it is incumbent upon TracFone to conduct itself accordingly in the first instance, rather than simply raise the issue as a thinly veiled attempt to cut short the Commission's consideration of the public interest aspects of its application by barring Snake River's participation in this proceeding.

For the same reason that TracFone's Motion in Opposition is not properly before this Commission, its application is likewise not properly before this Commission. Therefore, like its failure to comply with Section 30-1-1501 of the Idaho Code for five and a-half years, any current delay in the Commission's review of its application is once again a problem of TracFone's own making – failure to comply with the applicable rules.

In addition to the foregoing reasons, TracFone's professed concern regarding

expeditious review of its application is disingenuous in light of the fact that it requested a delay in the processing of its amended application in order to respond to the Commission Staff's First Requests for Production. As TracFone notes in its First Amended Application and in its responses to Staff's First Production Requests, this is not its first time at bat before a state commission regarding designation as an ETC. The information sought by Staff to date is similar, if not identical, to information that TracFone has been required to produce in other jurisdictions that have investigated its operations. If time is truly of the essence, why did TracFone need additional time to regurgitate this routine information?

TracFone argues in its motion that the Commission has irretrievably placed its application on a Modified Procedure track and, therefore, petitions to intervene are prohibited and no discovery may be allowed. To the contrary, the Commission's Order No. 31028 states that "persons desiring a hearing must specifically request a hearing in their written comments", thereby signaling that the Commission has not concluded that Modified Procedure is necessarily the best or only avenue for processing TracFone's application.

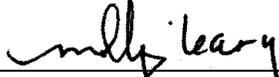
As to TracFone's argument that discovery is not allowed in a matter that has been tentatively designated for processing via Modified Procedure, Rule 222 of the Commission's Rules of Procedure specifically authorizes discovery in any "proceeding" before the Commission. It is pursuant to this rule that Staff propounded its First Production Requests upon TracFone, without objection by TracFone.

Lastly, contrary to TracFone's argument in its Motion in Opposition to Snake River's Petition to Intervene, petitions to intervene are expressly contemplated by the Commission's rules, and are considered timely filed if they are filed at least 14 days prior to the date set for

hearing or prehearing conference, whichever is earlier. IDAPA 31.01.01.073. Neither a hearing nor a prehearing conference date have been set in this matter, so Snake River's Petition to Intervene in this matter has been timely filed.

Therefore, the Commission should DENY TracFone's Motion in Opposition to Snake River's Petition to Intervene and should concurrently therewith GRANT Snake River's petition.

DATED this 24th day of May, 2010.

By: 
Molly O'Leary
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Attorneys for CTC Telecom, Inc.
dba Snake River PCS

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 24th day of May, 2010, a true and correct copy of the within and foregoing REPLY TO TRACFONE MOTION IN OPPOSITION TO PETITION TO INTERVENE BY CTC TELECOM, INC., dba SNAKE RIVER PCS was served as follows:

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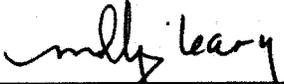
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