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IDAHO PUBLIC
UTILITIES COMMISSION

17 December 2010

Ms. Jean Jewell
Commission Secretary
Idaho Public Utilities Commission
P O Box 83720
Boise ID 83720-0074

Hand Delivered

RE: CASE NO. TFW-T-09-01
IDENTIFICATION OF ISSUES TO BE RESOLVED AT, AND REQUEST
FOR, HEARING of CTC TELECOM, INC., dba CTC WIRELESS

Dear Ms. Jewell:

I am enclosing an original and eight (8) copies of CTC WIRELESS' IDENTIFICATION OF ISSUES TO BE RESOLVED AT, AND REQUEST FOR, HEARING.

Also enclosed is a copy to be date stamped and returned for our files.

Sincerely,

Molly O'Leary
Richardson & O'Leary, PLLC

Enclosures

counsel as required by the Commission's and Idaho State Bar's rules]. Consequently, CTC Wireless continues to urge the Commission to not succumb to pleas by TracFone to process its application "with all deliberate speed" at the expense of the public interest which is at the very heart of this matter. In fact, it is due to the critical nature of the public interest at stake in this matter that CTC Wireless continues to advocate the necessity of a full hearing before the Commission to address the many issues raised by TracFone's application to be designated as an Eligible Telecommunications Carrier (ETC) in areas served by rural telephone companies in Idaho.

II.

ISSUES TO BE CONSIDERED AT HEARING

The issues in this matter – both legal and factual – are many, and necessitate a hearing before the Commission to ensure that the public interest is adequately protected. This list of issues to be considered at a hearing before the Commission is divided into legal issues and factual issues, in that order.

A. Legal Issues to be Address by the Commission

1. What is the legal effect of the Federal Communications Commission's ("FCC") Section 214(e)(1)(A) Forbearance Order ("Forbearance Order") on the Public Interest Requirement of 47 U.S.C. § 214(e)(2) as it applies to areas served by a rural telephone company?
2. What is the legal effect of the FCC's Forbearance Order on this Commission's Order No. 29841 (the "Idaho ETC Eligibility Requirements Order")?

3. What procedure is required, in the public interest, for adequately analyzing the validity of any request for waiver of one or more of the ETC designation requirements in the Commission's Idaho ETC Eligibility Requirements Order?

B. Factual Issues to be Addressed by the Commission

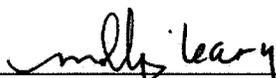
1. Does TracFone's First Amended Application for Designation as an Eligible Telecommunications Carrier ("the application" or "TracFone's application") comply with the Forbearance Order's conditions?
2. Does TracFone's application meet the requirements of this Commission's ETC Eligibility Requirement Order?
 - a. Does the application meet the requirement to commit to and provide the supported services?
 - b. What verifiable evidence is there in the record before the Commission that TracFone has the ability to fulfill its commitment to remain functional in emergencies?
 - c. What is TracFone's nation-wide record on consumer protection and customer service?
 - d. How will TracFone comply with 47 C.F.R. § 54.202(a)(3)?
 - e. What are the relevant tribal governments within TracFone's proposed ETC service area and have they been notified by TracFone of its application?
 - f. What should the annual reporting requirements be for a non-facilities based ETC to ensure protection of the public interest?
3. To the extent TracFone's ETC application does not meet the Idaho ETC Eligibility Requirements Order, what evidence is there in the record in support of a waiver of any of the stated requirements?
4. Is the Commission prepared to apply whatever standard it applies to TracFone to similarly situated non-facilities based carriers?
5. If so, what are the public interest implications of such a policy?
6. Will TracFone provide the same amount of "free" minutes to Idaho customers as it has committed to provide elsewhere under the same terms and conditions?

7. Will TracFone commit to not requiring its customers to use their “free” minutes for Customer Service calls?
8. How many customers does TracFone currently serve in Idaho?
9. If designated as an ETC, how many Lifeline customers does TracFone project it will acquire in Idaho in the first year? In the first two years? In the first three years?
10. What evidence is there in the record to support TracFone’s claim that designation as an ETC in Idaho “will not erode high cost support from any rural telephone company”?
11. What would the potential impact of designation of TracFone as an ETC be on high cost support for existing competitive ETCs (“CETCs”)?
12. How would such impact on high cost support for CETCs affect the public interest – in Idaho, generally, and in areas served by rural telephone companies specifically?
13. If other wireless ETCs in Idaho are capable of providing Lifeline Service in rural portions of the state, and they are also willing to invest in telecommunications infrastructure in such underserved areas, does TracFone’s proposed non-facilities-based Lifeline service meet the public interest requirements of Section 214(e)(2) as it applies to the Commission’s discretionary jurisdiction for designation of CETCs in areas served by rural telephone companies?
14. How does TracFone intend to collect and remit statutorily mandated public purpose fees such as those required to support 911 services in Idaho?
15. Is TracFone’s position regarding the collection and remittance of such public purpose fees in the public interest?
16. How will TracFone’s reliance on third-party networks affect the implementation of 911 services for its customers?
17. What other issues might be identified for the Commission’s review once the parties have engaged in discovery?

III.
CONCLUSION

CTC Wireless believes that the forgoing list of legal and factual issues requires a full and fair hearing before the Commission and nothing less. CTC Wireless also believes that additional issues may come to light once the parties have conducted appropriate discovery upon TracFone. Therefore, CTC Wireless requests that this Commission direct the parties to convene a second Scheduling Conference to determine an appropriate procedural schedule to address these issues, as well as those identified by other parties to this proceeding, at a technical hearing before the Commission.

RESPECTFULLY SUBMITTED, this 17th day of December, 2010.

By: 
Molly O'Leary
RICHARDSON AND O'LEARY, PLLC
Attorneys for CTC Telecom, Inc.
dba CTC Wireless

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 17th day of December, 2010, a true and correct copy of the within and foregoing IDENTIFICATION OF ISSUES TO BE RESOLVED AT, AND REQUEST FOR, HEARING of CTC TELECOM, INC., dba CTC WIRELESS was served as follows:

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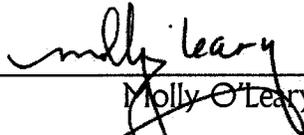
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