

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION)
OF NEW CINGULAR WIRELESS PCS,) **CASE NO. NCW-T-13-01**
LLC (AT&T MOBILITY) FOR)
CONDITIONAL DESIGNATION AS AN) **NOTICE OF APPLICATION**
ELIGIBLE TELECOMMUNICATIONS)
CARRIER IN IDAHO) **NOTICE OF**
) **MODIFIED PROCEDURE**
)
) **ORDER NO. 32806**

YOU ARE HEREBY NOTIFIED that on April 24, 2013, New Cingular Wireless PCS, LLC (“AT&T Mobility” or “Company”) filed an Application, pursuant to 47 U.S.C. § 214(e)(2), for conditional designation as an eligible telecommunications carrier (“ETC”) in certain areas¹ of Idaho so that it may participate in the Federal Communications Commission’s (“FCC”) Mobility Fund Phase I (“MFI”) program. AT&T Mobility refers to this Application as its Application for MFI ETC Designation in order to distinguish it from its existing ETC designation.

YOU ARE FURTHER NOTIFIED that AT&T Mobility, a wholly owned subsidiary of AT&T, is a Delaware limited liability company with its principal place of business located in Atlanta, Georgia.

YOU ARE FURTHER NOTIFIED that AT&T Mobility is a facilities-based wireless telecommunications carrier providing commercial mobile radio service (“CMRS”) utilizing its own switching, cell sites, and associated telecommunications facilities in Idaho.

YOU ARE FURTHER NOTIFIED that AT&T Mobility has previously been granted ETC status in Idaho and the Company states it continues to meet the statutory and regulatory requirements for ETC designation.

YOU ARE FURTHER NOTIFIED that AT&T Mobility recently petitioned the FCC for authorization to acquire certain licenses, spectrums and assets from Allied Wireless

¹ Exhibit A of AT&T Mobility’s Application includes a list of the census blocks/areas in Adams, Idaho, Lemhi and Valley counties.

(“Allied”), a wholly owned subsidiary of Atlantic Tele-Network, Inc. Last year, the FCC selected Allied as a winning MFI auction bidder in several census tracts in Idaho.

YOU ARE FURTHER NOTIFIED that AT&T Mobility states that most of Allied’s winning MFI bids in Idaho are for census blocks outside of AT&T Mobility’s existing ETC area. Thus, even if the FCC approves the transfer of Allied’s Idaho licenses and assets to AT&T Mobility the Company would not be allowed to participate in the MFI program in those former Allied service areas. For that reason, AT&T Mobility requests that the Commission grant its Application for conditional designation as an ETC outside of its existing ETC service area and in the areas formerly served by Allied.

YOU ARE FURTHER NOTIFIED that AT&T Mobility requests that the Commission condition this MFI ETC designation on: (1) the FCC’s approval of the transfer of Allied’s licenses and assets to AT&T Mobility; and (2) FCC authorization of MFI support for AT&T Mobility. If the aforementioned FCC approval is not granted then AT&T Mobility asks the Commission to declare its Application null and void.

YOU ARE FURTHER NOTIFIED that if the FCC authorizes AT&T Mobility to receive MFI support in some but not all of the areas listed in Exhibit A, *see* footnote 1, the Company asks the Commission to nullify its MFI ETC designation in those areas where AT&T Mobility is not authorized to receive MFI support. AT&T Mobility’s existing ETC designation in Idaho (Study Area Code 479006) will not be affected by any such nullification. Additionally, AT&T Mobility shall have no ETC service obligations associated with its MFI ETC designation during the period of time between the granting of this conditional designation and either the date that the FCC deems AT&T Mobility is authorized to receive MFI support or the date that its designation is rendered null and void.

NOTICE OF MODIFIED PROCEDURE

YOU ARE FURTHER NOTIFIED that the Commission has determined that the public interest may not require a formal hearing in this matter and will proceed under Modified Procedure pursuant to Rules 201 through 204 of the Idaho Public Utilities Commission’s Rules of Procedure, IDAPA 31.01.01.201 through .204. The Commission notes that Modified Procedure and written comments have proven to be an effective means for obtaining public input and participation.

YOU ARE FURTHER NOTIFIED that any person desiring to state a position on this Application may file a written comment in support or opposition with the Commission within **twenty-one (21) days from the service date of this Notice**. The comment must contain a statement of reasons supporting the comment. Persons desiring a hearing must specifically request a hearing in their written comments. Written comments concerning this Application shall be mailed to the Commission and the Applicant at the addresses reflected below:

Commission Secretary
Idaho Public Utilities Commission
PO Box 83720
Boise, ID 83720-0074

Nicole C. Hancock
Stoel Rives L.L.P.
Attorneys for New Cingular Wireless PCS, LLC
101 S. Capitol Blvd, Suite 1900
Boise, ID 83702

Street Address for Express Mail:

472 W. Washington Street
Boise, ID 83702-5918

These 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.idaho.gov. Click the "Comments and Questions" icon, and complete the comment form, using the case number as it appears on the front of this document.

YOU ARE FURTHER NOTIFIED that if no written comments or protests are received within the time limit set, the Commission will consider this matter on its merits and enter its Order without a formal hearing. If written comments are received within the time limit set, the Commission will consider them and, in its discretion, may set the same for formal hearing.

YOU ARE FURTHER NOTIFIED that the Application has been filed with the Commission and is available for public inspection during regular business hours at the Commission offices. The Application is also available on the Commission's web site at www.puc.idaho.gov by clicking on "File Room" and then "Telephone Cases."

YOU ARE FURTHER NOTIFIED that all proceedings in this case will be held pursuant to the Commission's jurisdiction under Title 62 of the Idaho Code and specifically *Idaho Code* §§ 62-610D. The Commission may enter any final Order consistent with its authority under Title 62.

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 that this Application will be processed under Modified Procedure. Persons interested in submitting written comments regarding this case or protesting the use of Modified Procedure should do so no later than 21 days from the service date of this Order.

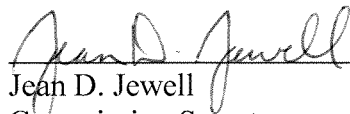
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 9th day of May 2013.


PAUL KJELLANDER, PRESIDENT


MACK A. REDFORD, COMMISSIONER


MARSHA H. SMITH, COMMISSIONER

ATTEST:


Jean D. Jewell
Commission Secretary

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