

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

LeRoy Koppendraye  
Marshall Johnson  
Ken Nickolai  
Thomas Pugh  
Phyllis A. Reha

Chair  
Commissioner  
Commissioner  
Commissioner  
Commissioner

In the Matter of American Cellular Corporation's Petition for Designation as an Eligible Telecommunications Carrier and Redefinition of Rural Telephone Company Service Area Requirement

ISSUE DATE: October 25, 2005

DOCKET NO. PT-6458/M-05-1122

ORDER REQUIRING SUPPLEMENTARY FILING AND APPOINTING LEAD COMMISSIONER

**PROCEDURAL HISTORY**

On July 5, 2005, American Cellular Corporation (ACC or Company) filed a petition for designation as an eligible telecommunications carrier (ETC) and the redefinition of the rural telephone company service area requirement.

On July 15, 2005, the Minnesota Independent Coalition (MIC) filed comments challenging the completeness of ACC's filing.

On August 4, 2005, the Minnesota Department of Commerce (the Department), MIC, and Citizens Telecommunications Company of Minnesota, LLC (Citizens) filed comments. In conjunction with their comments, Citizens and MIC filed petitions to intervene.<sup>1</sup>

On August 15, 2005, MIC and ACC filed Reply Comments.

The Commission met on October 13, 2005 to consider this matter.

**FINDINGS AND CONCLUSIONS**

At the hearing on this matter, the Department stated that ACC's initial filing was incomplete in several respects but that ACC had subsequently provided it with adequate information in response to Information Requests. In the Department's view, the information provided it by ACC would, if filed with the Commission, satisfy the filing requirements.

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<sup>1</sup> Since the Commission did not receive any objection on the petitions for intervention filed by Citizens and MIC, they are considered granted pursuant to Commission Rules, Part 7829.0800, subpart 5.

The interveners, MIC and Citizens, objected that ACC's filing remained incomplete, regardless of what information ACC had provided to the Department since it had not been filed with the Commission. The interveners indicated a desire to review this information and, after having done so, comment on the completeness and ultimate merits of ACC's filing. In response to ACC's assertion that the information was non-public protected data, the interveners expressed a willingness to seek a Protective Order to be allowed to receive and review the information.

The Commission finds that the information in question is not part of the record of this matter and that ACC's filing is incomplete at this point. The Commission will direct ACC to file the information with the Commission and to expedite this matter will appoint Commissioner Reha as Lead Commissioner for purposes of reviewing the parties' proposed Protective Order and issuing it in due course.

Prior to the return of the current matter for review, the Commission will issue an Order in Docket No. P-999/M-05-1169 adopting certain Federal Communications Commission (FCC) requirements regarding the designation of eligible telecommunications carriers (ETCs). The Commission finds it appropriate, therefore, to clarify its intent that when ACC's application comes back before the Commission, the Commission will continue its review based on the Commission standards existing at the time of ACC's initial filing, July 5, 2005.

### **ORDER**

1. Within 10 days of this Order, American Cellular Corporation (ACC) shall make a supplementary filing with the Commission containing the information already given to the Department pursuant to a Department information request and any additional information the Company may deem relevant.
2. Commissioner Reha is hereby appointed as Lead Commissioner for purposes of issuing the Commission's Protective Order regarding the interveners' access to ACC information.
3. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Burl W. Haar  
Executive Secretary

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