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Before the
Federal Communications Commission
Washington, D.C.

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Federal-State Joint Board)
on Universal Service)
)
Petition of Smith Bagley, Inc.)
to redefine Local Exchange Carrier)
Service Area Definitions of)
Navajo Communications Company,)
Citizens Communications Company)
of the White Mountains and)
Century Tel of the Southwest, Inc.)
Within the State of Arizona)
as Set Forth in Part 36 of the)
Commission's Rules)

CC Docket No. 96-45 /

To: Chief, Common Carrier Bureau

Amendment to Petition to Redefine Local Exchange Carrier Service Areas

Smith Bagley, Inc. ("SBI"), by counsel and pursuant to Section 54.207(c)(1) of the Commission's Rules, 47 C.F.R. §54.207(c)(1), hereby submits this Amendment to its Petition to Redefine Local Exchange Carrier Service Areas filed February 2, 2001¹ ("Petition"), to include that portion of the Sanders exchange of the Table Top Telephone Company ("Table Top") located on Native American lands.

In its Petition, SBI requested that the service areas of the local exchange carriers within its area of ETC designation, with the exception of Table Top, be redefined to be consistent with

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¹ See, Public Notice, D.A. No. 01-409 (released February 15, 2001).

the Arizona Corporation Commission's ("ACC") Order granting SBI ETC status.² In response to a last minute request by Table Top, SBI agreed to carve Table Top out of the Order so as to address Table Top's desire to enter into an agreement for terminating SBI's traffic within Table Top's service area. SBI and Table Top recently finalized this agreement and on March 9, 2001 the ACC approved an Order designating Table Top's service area within the Navajo reservation as a part of SBI's ETC service area.³ A copy of the ACC's Order of March 9 is attached hereto as Exhibit A.

In its March 9 Order, the ACC proposed to redefine SBI's ETC boundary to include reservation lands located within Table Top's Sanders exchange stating:

It is therefore Ordered that the SBI ETC service area modification to include those reservation lands within Table Top's Sanders exchange be and hereby is granted.⁴

Pursuant to the ACC's directive, SBI hereby amends its Petition and requests the FCC to agree with the ACC's amended definition of SBI's ETC service area. Specifically, SBI requests the FCC to include that portion of the Sanders exchange located on the Navajo Reservation, within SBI's ETC service area in Arizona and redefine such area as a separate service area for Table Top. In its Petition, SBI set forth good cause why the FCC should agree with the ACC's

² See *Order*, Docket No. T-02556A-99-0207, Decision No. 63269 (Docketed December 15, 2000).

³ See *In the Matter of Application of Smith Bagley, Inc., For Designation as an Eligible Telecommunications Carrier Under 47 U.S.C. §214(e)(2) and A.A.C. R14-2-1203, Order*, Arizona Corporation Commission, Docket No. T-02556A-99-0207, Decision No. 63421, (Docketed March 9, 2001).

⁴ *Id.*, at p.3.

proposed ETC service area definition. Those arguments apply with equal force to this Amendment and are incorporated by reference herein.

Pursuant to Section 54.207(c)(2) of the Commission's rules, SBI respectfully requests the agency to place this Amendment on Public Notice within 14 days of its submission. We understand that this Amendment will not affect the processing of SBI's previously filed Petition.

Respectfully submitted,

SMITH BAGLEY, INC.

By: 

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March 28, 2001

EXHIBIT A

ACC Order of March 9, 2001

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

Arizona Corporation Commission

DOCKETED

2 **WILLIAM A. MUNDELL**

Chairman

3 **JIM IRVIN**

Commissioner

4 **MARC SPITZER**

Commissioner

MAR 09 2001

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6 **IN THE MATTER OF APPLICATION OF SMITH)**
7 **BAGLEY, INC., FOR DESIGNATION AS AN)**
8 **ELIGIBLE TELECOMMUNICATIONS CARRIER)**
9 **UNDER 47 U.S.C. § 214(e)(2) AND A.A.C.)**
10 **R14-2-1203)**

DOCKET NO. T-02556A-99-0207

DECISION NO. 63421

ORDER

11 **Open Meeting**
12 **March 6 and 7, 2001**
13 **Phoenix, Arizona**

14 **BY THE COMMISSION:**

15 **FINDINGS OF FACT**

16 1. On December 15, 2000, the Commission, in Decision No. 63269, granted designation
17 as an Eligible Telecommunications Carrier ("ETC") to Smith Bagley, Inc. ("SBI") and defined its
18 service area to be that portion of its existing cellular service contour which encompasses that portion
19 of the Navajo Indian Reservation located in Navajo and Apache Counties, that portion of the Hopi
20 Indian Reservation located in Navajo County, on the Pueblo of Zuni Reservation located in Apache
21 County and that portion of the White Mountain Apache Reservation located in Navajo, Apache and
22 Gila Counties, with the exception of the Sanders exchange of Table Top Telephone Company ("Table
23 Top").

24 2. As an ETC, SBI will be eligible to receive Federal universal service support throughout
25 the service area for which the designation is received.

26 3. Per Decision No. 63269, the Sanders exchange was to be subject to an expedited hearing
27 or comment process as agreed to by the parties to determine whether the Sanders exchange should be
28 included in SBI's ETC service area.

4. On February 20, 2001, Table Top filed a letter stating that contingent upon SBI's signing
of a letter agreement, and the negotiation of the interconnection agreement described in the letter

1 agreement, Table Top has no objection to including those reservation lands located within the Sanders
2 Exchange in SBI's ETC designated serving area.

3 5. On February 23, 2001, the parties filed a signed copy of the letter agreement and the
4 parties support placing this matter before the Commission.

5 6. Accordingly, Staff recommends that the ETC service area definition for SBI be modified
6 to now include those reservation lands located within the Sanders exchange and be defined to be that
7 portion of its existing cellular service contour which encompass that portion of the Navajo Indian
8 Reservation located in Navajo and Apache Counties, that portion of the Hopi Indian Reservation
9 located in Navajo County, on the Pueblo of Zuni Reservation located in Apache County and that
10 portion of the White Mountain Apache Reservation located in Navajo, Apache and Gila Counties.

11 CONCLUSIONS OF LAW

12 1. SBI is a telecommunications corporation as defined in A.R.S. § 40-201, 47 U.S.C.
13 Section 153(44), 47 C.F.R. Section 51.5 and Part 54 of the FCC's Rules, 47 U.S.C. Section 54 *et seq.*
14 SBI is also a Commercial Mobile Radio Service provider as defined in 47 U.S.C. § 153(27) and
15 A.A.C. R14-2-1201.

16 2. The Commission has jurisdiction over the subject matter in this application.

17 3. It is in the public interest to grant ETC status to Smith Bagley for those areas within its
18 existing service contour, which encompass Native American Reservation lands, including those
19 Reservation lands located within the Sanders Exchange.

20 4. Staff's recommendations, which are set forth herein, are reasonable and should be
21 adopted.

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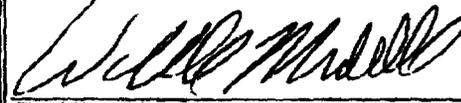
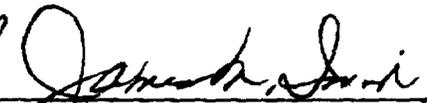
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ORDER

IT IS THEREFORE ORDERED that the SBI ETC service area modification to include those reservations lands located within Table Top's Sanders exchange be and hereby is granted.

IT IS FURTHER ORDERED that this decision shall become effective immediately.

BY ORDER OF THE ARIZONA CORPORATION COMMISSION

		
CHAIRMAN	COMMISSIONER	COMMISSIONER

IN WITNESS WHEREOF, I, BRIAN C. McNEIL, Executive Secretary of the Arizona Corporation Commission, have hereunto, set my hand and caused the official seal of this Commission to be affixed at the Capitol, in the City of Phoenix, this 9th day of March, 2001.


 BRIAN C. McNEIL
 Executive Secretary

DISSENT: _____

DRS:RLB:jbc/MAS

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Docket No. T-02556A-99-0207

1 SERVICE LIST FOR: SMITH BAGLEY, INC

2 DOCKET NO: T-02556A-99-0207

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Decision No. 603421

BEFORE THE FEDERAL COMMUNICATIONS COMMISSION

CERTIFICATE OF SERVICE

I, Janelle Wood, hereby certify that I have, on this 28th day of March, 2001, sent via hand delivery, a copy of the foregoing AMENDMENT TO PETITION filed today to the following:

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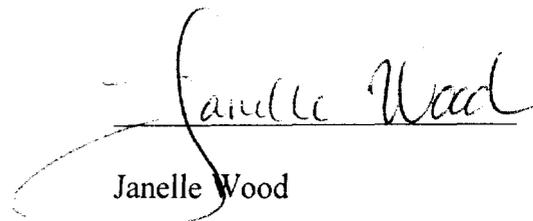
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