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IDAHO PUBLIC  
UTILITIES COMMISSION

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President, NTCH-Idaho, Inc. dba Clear Talk  
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*CNR-T-03-08*

Before the

**IDAHO PUBLIC UTILITIES COMMISSION**

472 W. Washington Street  
Boise, Idaho 83702

In the Matter of

**IAT Communications, Inc., d.b.a. Clear Talk**

**PETITION FOR DESIGNATION AS AN  
ELIBIBLE TELECOMMUNICATIONS CARRIER**

January 28, 2003

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## **I. INTRODUCTION**

IAT Communications, Inc., a Delaware corporation doing business through its wholly-owned subsidiary NTCH-Idaho, Inc., an Idaho corporation (hereinafter “Clear Talk”), pursuant to Section 62-210A of the Idaho Code and pursuant to the Idaho Public Utilities Commission’s (the “Commission”) Order No. 27715 in Case No. GNR-T-98-7 (“Order No. 27715”), hereby petitions the Commission to designate Clear Talk as an eligible telecommunications carrier (“E.T.C.”) for service areas in southeast Idaho, currently served by one or more of the following E.T.C.s: ATC, Citizens, Filer Mutual (a co-op), Fremont Telecom, Project Mutual (a co-op), and Qwest/US West.

As demonstrated below, Clear Talk meets all of the Commission’s requirements for E.T.C. designation to serve southeast Idaho customers. Moreover, designating Clear Talk as an E.T.C. will serve the public interest by promoting competition and benefiting Idaho consumers, especially those in rural and high-cost areas, by: (1) increasing customer choice, (2) increasing innovative services, and (3) increasing the availability of new technologies at competitive prices.

## **II. CLEAR TALK’S WIRELESS UNIVERSAL SERVICES OFFERING MEETS ALL OF THE COMMISSION REQUIREMENTS FOR E.T.C. DESIGNATION.**

Clear Talk provides personal communications services (“PCS,” also referred to as “CMRS” or “wireless”) in the service areas of southeast Idaho pictured on the map attached as Exhibit 2. Wireless service territories served by Clear Talk, in accordance with licenses granted by the Federal Communications Commission (“F.C.C.”) to IAT Communications, Inc., include PCS BTA nos. 202 (Idaho Falls), 353 (Pocatello) and 451

(Twin Falls). Clear Talk seeks to be designated as a competitive universal service E.T.C. to provide wireless E.T.C. service in these service territories.

Clear Talk seeks E.T.C. designation in connection with its wireless telecommunications offerings to consumers within its authorized wireless service areas. Clear Talk provides all of the services and functionalities required by the Commission for E.T.C. designation (as enumerated in the Commission's Order No. 27715). Clear Talk offers the required services and functionalities throughout Clear Talk's service areas in southeast Idaho.<sup>1</sup> Upon E.T.C. designation, Clear Talk will make available to Idaho consumers a universal service offering over Clear Talk's existing network infrastructure and spectrum, including the same antennae, cell-sites, towers, trunking, mobile switching, and interconnection facilities currently used by Clear Talk to serve its customers. Clear Talk will also provide service to any requesting customer within the designated service areas, and if necessary, will deploy additional facilities needed to provide the supported services.

**A. Clear Talk Offers All of the Services Required By The Commission For Designation As An Eligible Telecommunications Carrier.**

Clear Talk satisfies the Commission's requirements that an E.T.C. designated pursuant to Section 62-210D must offer "universal services"<sup>2</sup> as defined by the Commission in Order No. 27715. As described below, Clear Talk currently offers each

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<sup>1</sup> Clear Talk also provides service on the Fort Hall Reservation, but Clear Talk's E.T.C. designation for service on tribal lands is the subject of a separate petition before the Federal Communications Commission.

<sup>2</sup> See Idaho Code section 62-210C; Commission Order No. 27715.

of the services required by the Commission pursuant to Order No. 27715.<sup>3</sup> Upon designation as an E.T.C., Clear Talk will make available a wireless “universal service” offering that includes all of the supported services for consumers in the designated service areas in southeast Idaho.

1. Voice-Grade Access to the Public Switched Network. As an existing CMRS provider in southeast Idaho, Clear Talk provides voice-grade access to the public switched network. Through an interconnection agreement with a Regional Bell Operating Company (US West/Qwest), Clear Talk is able to originate and terminate telephone service for all of its customers.
  
2. Local Usage. Clear Talk currently offers *unlimited* local usage in its monthly service plan – *at no additional charge*. Clear Talk’s unlimited local calling plan therefore satisfies the local usage criterion for E.T.C. designation based upon its offering of a flat-rate unlimited local usage calling plan.
  
3. Functional Equivalent of Dual-Tone Multi-Frequency Signaling. Clear Talk currently uses out-of-band digital signaling and in-band multi-frequency (“MF”) signaling that is functionally equivalent to dual-tone multi-frequency (“DTMF”) signaling. Clear Talk

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<sup>3</sup> A declaration attesting to Clear Talk’s ability and commitment to offer each of the supported services is attached hereto as Exhibit 1.

therefore meets the E.T.C. requirement to provide DTMF signaling or its functional equivalent.

4. Single Party Service. Clear Talk meets the requirement of single-party service by providing a dedicated message path for the length of all customer calls.
  
5. Access to Emergency Service Where Available. Clear Talk currently offers 911 access to emergency service throughout its service areas. Enhanced 911 (“E911”), which includes the capability of providing both automatic numbering information (“ANI”) and automatic location information (“ALI”), is required only if a public emergency service provider makes arrangements for the delivery of such information. To date, no public emergency service provider in Clear Talk’s service areas has requested Phase I or Phase II compliance. By providing 911 service and being ready and able to provide E911 service upon request, Clear Talk meets the E.T.C. requirement of providing access to emergency service where available.
  
6. Access to Operator Services. Clear Talk offers its customers access to operator services and will continue to make such services available throughout its designated service areas.

7. Access to Interexchange Service. Clear Talk presently meets the E.T.C. requirement to provide all of its customers with the ability to make and receive interexchange or toll calls through direct interconnection arrangements that Clear Talk has with an interexchange carrier (“IXC”).<sup>4</sup>
  
8. Access to Directory Assistance. Clear Talk meets this E.T.C. requirement by providing all of its customers with access to directory assistance by dialing “411” or “555-1212.”<sup>5</sup>
  
9. Toll Limitation for Qualifying Low-Income Customers. Clear Talk currently provides toll blocking services – at no charge -- for international calls and for all toll calls (unless the customer purchases Clear Talk’s optional long distance service). Clear Talk will utilize the same toll blocking technology to provide toll limitation for qualifying low-income customers,<sup>6</sup> at no charge, as part of its universal service offering.

Because Clear Talk offers all of the services required by the Commission for E.T.C. designation, Clear Talk therefore meets the service element for E.T.C. designation in its service areas in southeast Idaho.

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<sup>4</sup> Clear Talk has contracted with MCI to provide IXC services.

<sup>5</sup> Clear Talk provides access to directory assistance via Clear Talk’s intralata trunks with US West/Qwest.

<sup>6</sup> Upon designation as an E.T.C., Clear Talk will offer low-income telecommunications services pursuant to Idaho Code section 62-210D(3)(c) and Chapter 9, Title 56 of the Idaho Code, and will offer toll blocking in satisfaction of the Commission’s requirement.

**B. Clear Talk Provides The Supported Services Using Its Own Facilities and the Facilities of Other Carriers.**

Pursuant to Section 62-210D(3)(a), Clear Talk provides the required services using Clear Talk's existing network infrastructure, consisting of switching, trunking, towers, cell sites, and network equipment, together with any expansions and enhancements to that network. Clear Talk also contracts with other carriers, as necessary, to provide facilities and network services needed to provide the required services.

**C. Clear Talk Will Advertise And Promote Its Universal Service Offering.**

Clear Talk will advertise and promote the availability and price of its universal service offering using media of general distribution, pursuant to Section 62-210D(3)(b). Currently, Clear Talk employs several advertising media to promote its service offerings, including radio, newspaper and billboard advertising, specially targeted advertising, and potentially television as well. Clear Talk will expand upon these media, as necessary, to ensure that consumers within the designated service area are fully informed of Clear Talk's universal service offering. Given Clear Talk's existing and planned investments in network enhancements to fully serve the universal service needs of Idaho consumers, and because E.T.C.s receive universal service support only to the extent they serve customers, , Clear Talk has – and will continue to have – strong economic incentives, beyond its statutory obligations, to actively promote its universal service offering in Idaho.

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**III. DESIGNATING CLEAR TALK AS AN E.T.C. WILL ADVANCE THE PUBLIC INTEREST BY PROMOTING COMPETITION AND PROVIDING CUSTOMERS WITH ADDITIONAL CHOICES AND TELECOMMUNICATIONS SERVICES AT COMPETITIVE PRICES.**

The Commission's designation of Clear Talk as an E.T.C. in Clear Talk's service areas will clearly advance the public interest by promoting competition and customer choice in the provision of universal services, which in turn directly benefits Idaho consumers, especially in rural and high-cost areas. As the Federal Communications has noted, the goal of the federal 1996 Telecommunications Act is to establish "a pro-competitive . . . framework designed to accelerate rapidly private sector deployment of advanced telecommunications and information technologies and services to all Americans by opening all telecommunications markets to competition."<sup>7</sup> In particular, designating Clear Talk as an E.T.C. will advance universal service in Idaho by (1) increasing customer choice, especially in rural and high-cost areas, (2) increasing innovative services, and (3) increasing the availability of new technologies at competitive prices.

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<sup>7</sup> See, e.g., *Federal Communications Commission Universal Service First Report and Order*, 12 FCC Rcd. at 8781, ¶ 4 (quoting Joint Explanatory Statement recital that the goal of the 1996 Act is to establish "a pro-competitive . . . framework designed to accelerate rapidly private sector deployment of advanced telecommunications and information technologies and services to all Americans by opening all telecommunications markets to competition" [emphases added]).

#### **IV. CONCLUSION**

For the foregoing reasons, Clear Talk respectfully requests E.T.C. designation for the requested service areas in southeast Idaho.

Respectfully Submitted,

**IAT Communications, Inc., dba Clear Talk**

A handwritten signature in black ink, appearing to read 'S.P. Farrell', with a stylized flourish extending to the right.

Sean P. Farrell  
General Counsel

## EXHIBITS

Exhibit 1: Declaration of Larry Curry, Operations Manager of IAT Communications, Inc. and President of NTCH-Idaho, Inc. (collectively doing business as “Clear Talk”), certifying Clear Talk’s compliance with the Commission’s E.T.C. requirements.

Exhibit 2: Map of Clear Talk Service Territories.

## EXHIBIT 1

### DECLARATION OF LARRY CURRY

I, Larry Curry, do hereby declare under penalty of perjury, as follows:

1. I am the operations manager for IAT Communications, Inc. and I am the President of NTCH-Idaho, Inc., the wholly-owned subsidiary of IAT Communications, Inc., which operates IAT's wireless licenses in Idaho and does business as Clear Talk ("Clear Talk"). Clear Talk provides wireless telecommunications services in southeast Idaho.

2. This declaration is submitted in support of Clear Talk's Petition for Designation as an Eligible Telecommunications Carrier to serve Clear Talk's service areas in southeast Idaho (the "Petition").

3. I declare and certify as follows, and as described in the Petition, that: (i) Clear Talk offers wireless telecommunications service in the areas shown on the map attached as Exhibit 2 to Clear Talk's Petition; (ii) as set forth in the Petition, Clear Talk offers, or will offer, all of the services designated by the Commission for support pursuant to Section 62-210D of the Idaho Code and the Commission's Order No. 27715 in Case No. GNR-T-98-7; (iii) Clear Talk offers, or will offer, the supported services using its own facilities and the facilities of other carriers with whom Clear Talk contracts for services; and (iv) Clear Talk advertises, and will advertise, the availability of the supported services and the charges therefore using media of general distribution,

including radio, newspaper and billboard advertising, specially targeted advertising, and potentially television as well.

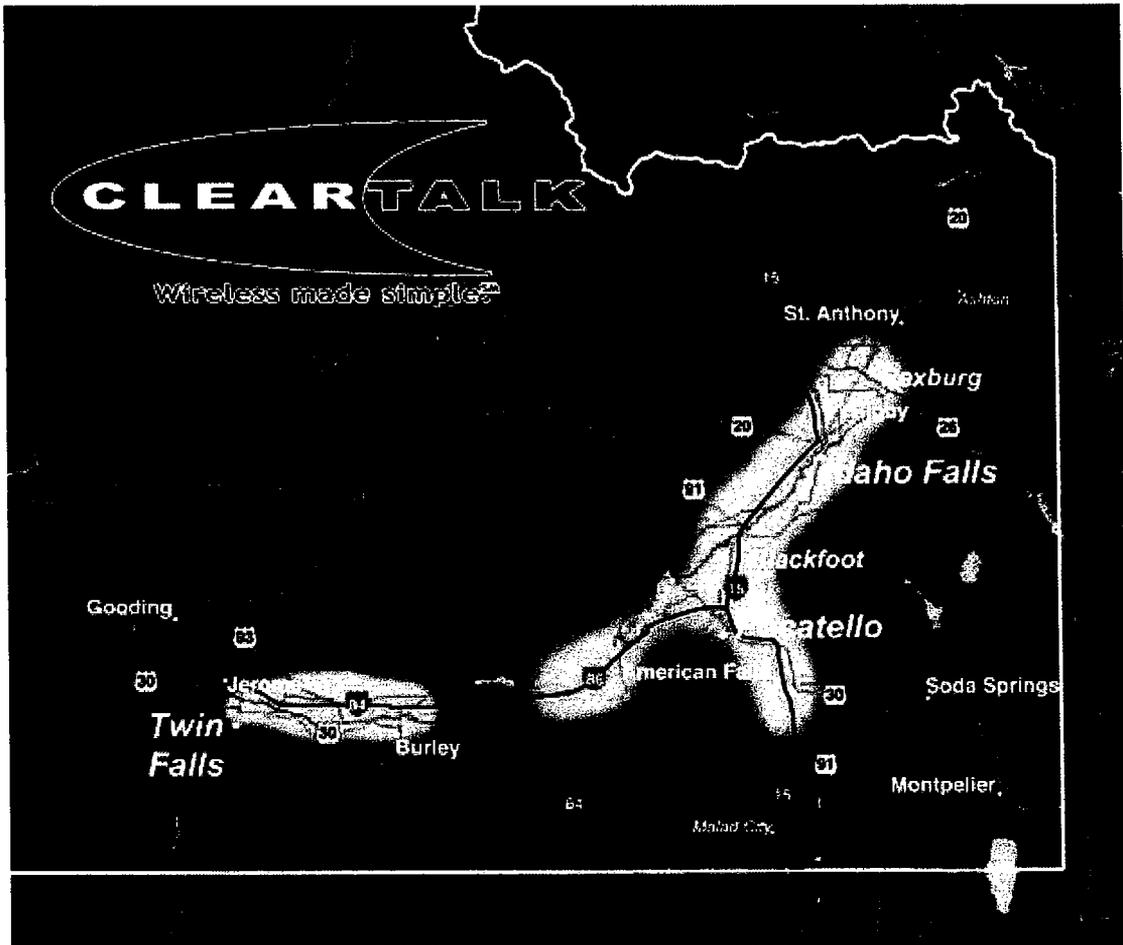
4. I further declare that I have reviewed the Petition and that the facts stated therein, of which I have personal knowledge, are true and correct to the best of my knowledge and belief.

Date: 1-31-03

  
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Larry Curry  
Operations Manager, IAT Communications, Inc.  
President, NTCH-Idaho, Inc.

EXHIBIT 2

**CLEAR TALK Coverage Map-Idaho**



**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I have this 31 day of January, 2003, served the foregoing PETITION FOR DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER upon all parties of record in this proceeding by delivering a copy thereof via Federal Express to:

Idaho Public Utilities Commission  
Attn: Paul Kjellander, President  
472 W. Washington Street  
Boise, Idaho 83702  
(208) 334-0300

Signed: \_\_\_\_\_

Name: \_\_\_\_\_

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