

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION)	
OF INLAND CELLULAR LLC FOR)	CASE NO. INC-T-13-01
CONDITIONAL EXPANSION OF ITS)	
DESIGNATION AS AN ELIGIBLE)	
TELECOMMUNICATIONS CARRIER)	ORDER NO. 32938
)	

On October 4, 2013, Inland Cellular LLC dba Inland Cellular (“Inland” or “Company”), a subsidiary of Inland Cellular Telephone Corporation (“ICTC”), filed an Application for conditional expansion of its ETC status in Idaho. The Commission previously granted ETC status to ICTC in Order No. 30212.

On October 17, 2013, the Commission issued a Notice of Application and Modified Procedure establishing a 21-day comment period. *See* Order No. 32909. Commission Staff (“Staff”) was the only party to submit written comments.

THE APPLICATION

In its Application, Inland noted that the Commission granted ETC status to ICTC in specified non-rural wire centers in Idaho (“ETC Area”). Inland requests that the Commission grant a conditional expansion of Inland’s ETC Area to include areas outside its existing ETC Area for the purposes of establishing eligibility to participate in the Tribal Mobility Fund Phase I auction to be held by the Federal Communications Commission (“FCC”) on December 19, 2013 (“Auction 902”).

Inland states that in order to participate in Auction 902, an applicant must be designated as an ETC for the areas on which it wishes to bid for Tribal Mobility Fund Phase I support at the time it submits its Short Form Application. Inland notes that the deadline for Short Form Applications was scheduled for October 9, 2013. However, subsequent conversations with representatives of the Company revealed that the Company believes this deadline will be pushed back due to the current “federal government shutdown.”

Inland is a Washington corporation, authorized to do business in the State of Idaho, with its business offices located in Roslyn, Washington. Inland states that the Tribal Mobility Fund Phase I, Auction 902, will award one-time support to carriers that commit to provide 3G or better mobile voice and broadband services to Tribal lands, specific census tracts and census

blocks, that have been identified by the FCC as lacking such services. Support will be allocated to maximize the population covered by new mobile services.

Inland says that Auction 902 will make the award of funds through reverse competitive bidding; the winning bidder complying with all requirements of an ETC and covering 75% or more of the population associated with the eligible blocks in each bidding area for which it receives funds.

Inland states that it continues to meet the minimum eligibility requirements for designation as an ETC in Idaho including, but not limited to: common carrier status; offers services supported by federal universal service support mechanisms; utilizes its own facilities to provide the supported services; provides the supported services throughout its designated service area; advertises the availability of its universal service offerings and charges for such offerings using media of general distribution; makes Lifeline service available to qualifying low-income consumers; and meets additional application requirements as required.

Inland believes that granting its Application for conditional expansion of its ETC service area to include census blocks outside its existing ETC Area is in the public interest. Inland asserts that Tribal Mobility Fund Phase I support will allow the Company to provide Tribal consumers with competitive pricing, new services, a higher level of service quality, and great customer service.

In addition to the conditional expansion of its ETC status prayed for above, the Company requests that the Commission send the appropriate notice of its Order designating Inland as an ETC for census tracts and/or census blocks outside its existing ETC Area to the FCC and Universal Service Administrative Company, and such other relief as appropriate.

STAFF COMMENTS

Staff reviewed Inland's Application for conditional designation as an ETC for areas outside of its existing ETC area. Staff confirmed that Inland is seeking conditional designation for the purpose of participating in the Tribal Mobility Fund Phase I/Auction 902 and only in the areas in which it is awarded Tribal Mobility Fund support.

Staff believes that Inland possesses the requisite financial and managerial requirements and skills necessary to operate as an ETC. Staff believes Inland's Application for conditional ETC designation in the unserved census blocks in Idaho is in the public interest and recommended approval of the Application.

Staff noted that Inland's Application for conditional ETC designation is in service areas/census blocks that are under-served where no other carriers currently provide a 3G or broadband network. According to Staff, this fact alone suggests that the public interest would be served if Inland is given the opportunity to deploy services to these unserved areas.

Staff reviewed other public interest considerations and believes Inland satisfies the public interest analysis. Staff verified that the Company is remitting ITSAP fees to the ITSAP program Administrator. Inland states that it has the ability to remain functional in emergency situations. The Company claims that it has a reasonable amount of backup power to ensure functionality without an external power source, is able to re-route traffic around damaged facilities, and is capable of managing traffic spikes resulting from emergency situations.

Additional requirements for ETC designation are detailed in Appendix 1 of Order No. 29841 and discussed more fully below:

1. Common Carrier Status. Inland is a commercial mobile radio services (CMRS) carrier providing "mobile service" as defined in 47 U.S.C. § 153(27).
2. Provision of Universal Service. Inland offers the federally-designated services listed at 47 U.S.C. § 54.10(a).
3. Advertising. Inland will advertise the availability and pricing of its universal service offering.
4. The Commitment and Ability to Provide Supported Service. Inland commits to provide all of the supported services throughout its designated service area as required.
5. Commitment to Consumer Protection and Service. Inland will satisfy applicable consumer protection and service quality standards in accordance with 47 C.F.R. § 54.202(a)(1)(i) and the IPUC ETC Requirements Order.
6. Description of the Local Usage Plan. Inland's service offerings are comparable to the offerings of the incumbent local exchange carrier (ILEC), taking into consideration all of its service attributes and the ILEC's service offering.
7. Tribal Notification. Inland will comply with this requirement. Inland submitted a copy of its application to the Coeur d'Alene and the Nez Perce Tribes of Idaho.

COMMISSION FINDINGS

The Commission reviewed Inland's Application seeking conditional expansion of its ETC designation in select unserved census blocks in Idaho in order to participate in the FCC's upcoming Tribal Mobility Fund Phase I auction. The Commission finds that Inland has demonstrated that it satisfies the technical requirements for ETC designation set forth in 47 U.S.C. § 214(e)(1) and Commission Order No. 29841. *See* Order No. 32319. The Commission finds that granting Inland's request for conditional expansion of its ETC status in those select ETC Areas in order to facilitate the deployment of broadband and voice services in heretofore unserved areas in Idaho is in the public interest. The expansion of broadband and voice services throughout Idaho will provide direct and substantial benefits to Idaho residents. Therefore, the Commission approves Inland's Application for conditional expansion of its ETC Area.

ORDER

IT IS HEREBY ORDERED that the Application of Inland Cellular LLC for conditional expansion of its ETC Area in Idaho is approved.

IT IS FURTHER ORDERED that the conditional expansion of Inland's ETC Area to include areas outside its existing ETC Area shall be conditioned upon Inland Cellular winning support from the Tribal Mobility Fund Phase I auction. Inland Cellular shall be deemed an ETC outside of its existing ETC Area only in the areas in which it is awarded Tribal Mobility Fund Phase I support.

THIS IS A FINAL ORDER. Any person interested in this Order may petition for reconsideration within twenty-one (21) days of the service date of this Order. Within seven (7) days after any person has petitioned for reconsideration, any other person may cross-petition for reconsideration. *See Idaho Code* § 61-626.

DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 4th
day of December 2013.



PAUL KJELLANDER, PRESIDENT




MACK A. REDFORD, COMMISSIONER



MARSHA H. SMITH, COMMISSIONER

ATTEST:



Jean D. Jewell
Commission Secretary

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