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IDAHO PUBLIC
UTILITIES COMMISSION

May 18, 2012

Via Hand Delivery

Jean Jewell, Commission Secretary
Idaho Public Utilities Commission
472 W. Washington
P.O. Box 83720
Boise, ID 83720-0074

SYR-T-08-01

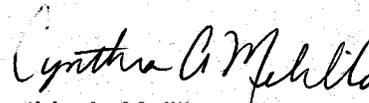
Re: Syringa Wireless LLC: Conditional Application for Designation as an
Eligible Telecommunications Carrier

Dear Ms. Jewell:

On behalf of Syringa Wireless LLC, I am enclosing an original and seven copies of Syringa Wireless Conditional Application for Designation as an Eligible Telecommunications Carrier. Syringa Wireless requests this conditional designation for purposes of participating in the Federal Communications Commission's Mobility Fund Phase 1 Auction and thus requests that this Application be processed in an expedited manner. I have also enclosed a copy to be date stamped and returned to me for my files.

If you have any questions or comments regarding the enclosed, or if you need any additional information, please do not hesitate to contact me.

Sincerely,



Cynthia A. Melillo

CAM

Enclosures

cc: Greg Lowe (*via electronic mail*)

CAM to IPUC re Syringa Wireless ETC Expansion Application

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IDAHO PUBLIC
UTILITIES COMMISSION

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION.

In the Matter of the Application of
SYRINGA WIRELESS, LLC FOR
CONDITIONAL DESIGNATION AS AN
ELEGIBLE TELECOMMUNICATIONS CARRIER
FOR PARTICIPATION IN MOBILITY
FUND PHASE 1 AUCTION

Case No. SYR-T-08-01

**SYRINGA WIRELESS
APPLICATION AND REQUEST
FOR EXPEDITED
CONSIDERATION**

**APPLICATION OF SYRINGA WIRELESS, LLC FOR CONDITIONAL DESIGNATION AS AN
ELIGIBLE TELECOMMUNICATIONS CARRIER FOR PARTICIPATION IN MOBILITY FUND
PHASE 1 AUCTION AND REQUEST FOR EXPEDITED CONSIDERATION**

Syringa Wireless, LLC ("Syringa Wireless"), by and through its undersigned attorney, hereby submits this Application for Conditional Designation as an Eligible Telecommunications Carrier ("ETC") in certain areas outside its existing ETC areas, pursuant to Sections 214(e)(1)-(2) of the Telecommunications Act of 1934, as amended (the Act), 47 U.S.C. § 214(e)(1)-(2), and § 54.201 of the Federal Communications Commission's ("FCC") rules, 47 C.F.R. § 54.201, and this Commission's ETC Designation Requirements ("IPUC ETC Requirements").¹ Syringa Wireless requests conditional ETC status in all unserved census blocks subject to the Mobility

¹ See *In the Matter of the Application of WWC Holding Co., Inc. dba CellularOne Seeking Designation as an Eligible Telecommunications Carrier That May Receive Federal Universal Service Support*, Order No. 29841, Appendix pp. 1-3 (IPUC Case No. WST-T-05-1, served August 4, 2005) (hereinafter, "IPUC ETC Requirements Order").

Fund Phase 1 Auction (discussed below) in Adams, Boise, Elmore, Gem, Payette, Valley and Washington Counties in Idaho (the "Expansion Areas"). Syringa Wireless requests that it be designated as eligible to receive all available support from the federal Universal Service Fund ("USF") including, but not limited to, support for rural, insular, high cost areas and low income customers in the Expansion Areas set forth in this Application, and that it be approved to participate in the Lifeline program.

Syringa Wireless meets all statutory and regulatory prerequisites for ETC designation and the public interest would be greatly served by granting this application, thereby enabling Syringa Wireless to deploy mobile wireless infrastructure in order to provide mobile voice and broadband service to unserved and/or under-served areas within the Expansion Areas that would benefit consumers in rural Idaho. In support of this Application, Syringa Wireless provides the following information:

I. BACKGROUND

A. Company Overview

Syringa Wireless is a facilities-based provider of wireless voice, messaging and data services and is currently licensed to serve the following Basic Trading Areas ("BTAs") in Idaho: BTA 202 (Idaho Falls); BTA 353 (Pocatello), and BTA 451 (Twin Falls). Pursuant to these authorizations, Syringa Wireless provides service in the following counties: Gooding, Twin Falls, Jerome, Lincoln, Minidoka, Cassia, Butte, Clark, Fremont, Madison, Teton, Bonneville, Jefferson, Bingham, Bannock, Power, and Oneida. On April 1, 2012, Syringa Wireless became a wholly-owned subsidiary of Syringa Networks, LLC ("Syringa Networks"). Syringa Networks provides wholesale telecommunications services over a fiber optic network throughout southern Idaho. Through the use of facilities owned or operated by Syringa Networks, along with the facilities of Syringa Wireless, Syringa Wireless has the capability of expanding and providing services to additional areas.

B. Previous ETC Designation

Syringa Wireless has been granted ETC status by the Idaho Public Utilities Commission for those areas set forth in the Syringa Wireless ETC Order.² Syringa Wireless now desires to obtain

² See *In the Matter of the Application of Syringa Wireless LLC for Designation as an Eligible Telecommunications Carrier Under 47 U.S.C. Section 214(e)(2)*, Order No. 30629 (IPUC Case No. SYR-T-08-01, served August 28, 2008) (hereinafter "Syringa Wireless ETC Order"). Syringa Wireless's ETC Area in Idaho includes all of the incumbent local exchange company wire centers listed in Exhibit C-1 to its

ETC status in the Expansion Areas set forth in this Application.

C. Mobility Fund Phase 1 Auction

Syringa Wireless desires to obtain conditional ETC status on an expedited basis in the Expansion Areas set forth in this Application in order to be eligible for participation in the Mobility Fund Phase I auction at the Federal Communications Commission ("FCC"). The FCC, in its *USF/ICC Transformation Order*³ established the Mobility Fund, which is a universal service support system for mobile services. Phase 1 of the Mobility Fund will provide up to \$300 Million in support to eligible ETCs to build infrastructure capable of delivering 3G or better broadband and voice services in unserved census block groups in Idaho.⁴ The Phase 1 Mobility Fund Auction ("Auction 901") is scheduled to be held on September 27, 2012.⁵ To the extent the Expansion Areas requested herein by Syringa Wireless contain unserved census blocks which will be included in Auction 901, Syringa Wireless desires to be designated an ETC in those areas in order to be eligible to participate in Auction 901. The Expansion Areas are adjacent to areas currently served by Syringa Wireless and areas Syringa Wireless intends to serve in the near future, and these areas would benefit by the provision of such services by Syringa Wireless. Syringa Wireless believes that short-form applications for Auction 901 are could be due as early as June 25, 2012. Therefore Syringa Wireless requests that this application be processed on an expedited basis to meet the deadline set forth above.

II. SYRINGA WIRELESS MEETS THE STATUTORY AND REGULATORY REQUIREMENTS FOR DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER.

Syringa Wireless satisfies each of the statutory and regulatory prerequisites set forth in the Act, the FCC Rules⁶ and this Commission's ETC Requirements.⁷ On March 17, 2005, the FCC released its *FCC ETC Requirements Order*⁸ establishing additional requirements for carriers seeking

Application, excepting those partial wire centers of Midvale Telephone Exchange, Inc. and Rural Telephone Company. See Syringa Wireless ETC Order at 9.

³ Connect America Fund, WC Docket No. 10-90, A National Broadband Plan for Our Future, GN Docket No. 09-51, Establishing Just and Reasonable Rates for Local Exchange Carriers, WC Docket No. 07-135, High-Cost Universal Service Support, WC Docket No. 05-337, Developing an Unified Inter-carrier Compensation Regime, CC Docket No. 01-92, Federal- State Joint Board on Universal Service, CC Docket No. 96-45, Lifeline and Link-Up, WC Docket No. 03-109, Universal Service Reform- Mobility, WT Docket No. 10-208, *Report and Order and Further Notice of Proposed Rulemaking*, FCC 11-161, rel. November 18, 2011 ("*USF/ICC Transformation Order*")

⁴ USF/ICC Transformation Order at ¶ 28

⁵ *Mobility Fund Phase I Auction Scheduled for September 27, 2012, Comment Sought on Competitive Bidding Procedures for Auction 901 and Certain Program Requirements*, AU Docket No. 12-25, Public Notice, DA 12-121 (rel. Feb. 2, 2012) ("*Phase I Mobility Fund PN*")

⁶ 47 U.S.C. § 214(e)(1)-(2), and 47 C.F.R. § 54.201

⁷ See IPUC Order No. 29841

⁸ *In the Matter of Federal-State Joint Board on Universal Service, Report and Order*, 20 FCC Rcd 6371 (2005) ("*FCC ETC Requirements Order*")

ETC designation before the FCC. These additional requirements, however, are not binding on state commissions. This Commission subsequently considered whether to adopt all or some portion of the rules promulgated by the FCC and, as previously noted, issued a set of ETC designation requirements in Commission Order No. 29841. As shown herein and as previously determined by the Commission in the Syringa Wireless ETC Order, Syringa Wireless meets the requirements for designation as an ETC as established under Sections 214(e) and 254 of the Act, and the ETC Requirements Order of the Idaho Public Utilities Commission. Specifically, Syringa Wireless (i) is a common carrier,⁹ (ii) offers services that are supported by federal universal support mechanisms;¹⁰ (iii) will use its own facilities, in whole or in part, to provide the supported services;¹¹ (iv) will provide the supported services throughout its designated service area;¹² (v) will advertise the availability of such services using media of general distribution;¹³ (vi) will make Lifeline service available to qualifying low-income consumers;¹⁴ (vii) will certify that it will comply with the service requirements applicable to the support that it receives;¹⁵ (viii) will submit a 2-year [5-year for the FCC] service improvement plan;¹⁶ (ix) will remain functional in emergency situations;¹⁷ (x) will satisfy consumer protection and service quality standards;¹⁸ (xi) will provide local usage plans comparable to the ILECs already operating in the proposed Expansion Areas;¹⁹ (xii) will provide notice to any affected tribal governments or tribal regulatory authorities;²⁰ (xiii) will comply with all applicable reporting requirements;²¹ and (xiv) will take steps to limit fraud, waste and abuse of the FUSF.²²

9 47 U.S.C. § 214(e)(1); 47 C.F.R. § 54.201(d).

10 47 U.S.C. § 214(e)(1)(A); 47 C.F.R. §§ 54.201(d)(l) and 54.405.

11 47 U.S.C. § 214(e)(1)(A); 47 C.F.R. § 54.201(d)(l).

12 47 U.S.C. § 214(e)(l); 47 C.F.R. § 54.201(d).

13 47 U.S.C. § 214(e)(l)(B); 47 C.F.R. § 54.201(d)(2).

14 47 C.F.R. § 54.405; see also In the Matter of Lifeline and Link Up Reform and Modernization, Report and Order and Further Notice of Proposed Rulemaking, WC Docket No. 11-42, FCC 12-11, released February 6, 2012 ("Lifeline Reform Order").

15 47 C.F.R. § 54.202 (a)(1)(i).

16 47 C.F.R. § 54.202 (a)(l)(ii) and IPUC ETC Requirements Order, App., at 2-3.

17 47 C.F.R. § 54.202(a)(2); and IPUC ETC Requirements Order, App., at 3.

18 47 C.F.R. § 54.202(a)(3); and IPUC ETC Requirements Order, App., at 3.

¹⁹ IPUC ETC Requirements Order, App., at 3.

²⁰ *Id.* at 2.

²¹ See IPUC ETC Requirements Order, App., at 3-4.

A. Syringa Wireless is a Common Carrier

Syringa Wireless is a Commercial Mobile Radio Services ("CMRS") carrier providing "mobile service" as defined in 47 U.S.C. § 153(27) and 47 U.S.C. § 153(22), and a telecommunications carrier as defined in 47 U.S.C. § 153(44) and 47 C.F.R. § 51.5(a), and is a telecommunications carrier for the purposes of Part 54 of the FCC's rules. 47 U.S.C. § 54.1 *et seq.* Syringa Wireless, therefore, is considered a common carrier under the Act.

B. Syringa Wireless offers the Supported Services

Syringa Wireless offers in its currently designated service area, and will offer in its Expansion Areas, the federally designated services listed at 47 C.F.R. § 54.101(a). The services which are supported by the federal USF program are: (1) voice grade access to the public switched telephone network; (2) local usage; (3) dual tone multi-frequency signaling or its functional equivalent; (4) single-party service or its functional equivalent; (5) access to emergency services; (6) access to operator services; (7) access to interexchange service; (8) access to directory assistance; and (9) toll limitation for qualifying low-income consumers. Syringa Wireless is a full service wireless carrier that offers all of these services, as described in detail below, throughout its licensed service area utilizing its own wireless network infrastructure (antenna, cell-sites, towers, trunking, mobile switching, and interconnection) as well as the infrastructure of Syringa Networks and its member companies through leases and other agreements.

1. Voice Grade Access to the Public Switched Telephone Network.

Syringa Wireless meets this requirement through its provision of mobile voice communications service and interconnection to the public switched telephone network.

2. Local Usage.

Syringa Wireless' rate plans provide local usage consistent with Section 54.101(a)(2) of the FCC's Rules. Syringa Wireless' rate plans as well as the relevant ILEC local usage rate plans are on

²² See *Lifeline Reform Order*.

file with the Commission.

One of the distinct advantages to the Syringa Wireless rate plans is that Syringa Wireless provides significantly wide local calling areas. Whereas the relevant ILEC local calling areas are primarily limited to their local exchange boundaries and extended service area boundaries, Syringa Wireless' local calling area includes most of Southeastern Idaho.

Second, Syringa Wireless provides unlimited, toll-free service for 911 emergency calls and for 611 customer care. Syringa Wireless also provides toll-free 511 road reports to the Idaho Department of Transportation, 711 calls to TRS/TTY operators and 211 calls to social service agencies, as well as 811 "Digline of Idaho" service for local utilities.

3. Dual-Tone, Multi-Frequency Signaling or its Functional Equivalent.

Pursuant to § 54.101(a)(3) of the FCC's Rules, an ETC must provide dual tone multi-frequency ("DTMF") signaling to facilitate the transportation of signaling throughout its network. Syringa Wireless currently provides DTMF signaling consistent with the FCC's Rules.

4. Single-Party Service or its Functional Equivalent.

"Single-party service" means that only one party will be served by a subscriber loop or access line in contrast to a multi-party line. Syringa Wireless provides single-party service, as required by 47 C.F.R. § 54.101(a)(4).

5. Access to Emergency Services and Ability to Remain Functional in Emergency Situations.

The ability to reach a public emergency service provider by dialing 911 is a required service in any Universal Service offering. Access to emergency services includes both access to 911 and E911 services to the extent the local government has implemented such services.²³ Syringa Wireless meets this requirement by providing 911 service and meeting all requests for E911 service from local public service answering points ("PSAPs").

²³ 47 C.F.R. § 54.101(a).

Consistent with the IPUC ETC Requirements Order at Appendix p.3, Syringa Wireless also has the ability to remain functional in emergency situations, as more particularly set forth in Syringa Wireless annual ETC recertification report ("Syringa Wireless Annual ETC Report") on file with the Commission.

6. Access to Operator Services.

Access to operator services is defined as any automatic or live assistance provided to a consumer to arrange for the billing or completion, or both, of a telephone call.²⁴ Syringa Wireless provides customer access to operator services. Customers can reach operator services in the traditional manner by dialing "0", in compliance with § 54.101(a)(6) of the Federal Rules.

7. Access to Interexchange Service.

A universal service provider must offer consumers access to interexchange service to make and receive toll or interexchange calls. Syringa Wireless presently meets this requirement by providing all of its post-paid customers with the ability to make and receive interexchange or toll calls through direct interconnection arrangements Syringa Wireless has with several interexchange carriers ("IXCs").

8. Access to Directory Assistance.

The ability to place a call to directory assistance is a required service offering.²⁵ Subscribers to Syringa Wireless' services are able to dial "411" to reach directory assistance from their mobile phones.

9. Toll Limitation for Qualifying Low Income Consumers.

An ETC must offer either "toll control" or "toll blocking" services to qualifying Lifeline customers at no charge. The FCC no longer requires an ETC to provide both services as part of the toll limitation service required under 47 C.F.R. § 54.101(a)(9).²⁶ In particular, all ETCs must provide toll blocking

²⁴ *Federal-State Joint Board on Universal Service, First Report and Order*, 12 FCC Rcd 8776, 8817-18 (1997) ("First Report and Order")

²⁵ *Id.*, at 8821.

²⁶ *See Universal Service Fourth Order on Reconsideration in CC Docket No. 96-45, Report and Order in CC Docket Nos. 96-45, 96-262*, Syringa Wireless ETC Application for Expansion Areas – 7

which allows customers to block the completion of outgoing toll calls.²⁷

Syringa Wireless has the capability and if requested provides toll blocking for its current Lifeline customers. In addition to unlimited long distance calling at no extra charge, Syringa Wireless' post-paid customers will have the ability to block roaming and international dialing, all of which will allow customers to avoid unexpected charges.

In addition, once it receives its ETC designation, Syringa Wireless will promote its Lifeline Services through traditional media avenues such as newsprint, radio advertisements and media flyers. In addition to these methods, Syringa Wireless will develop an information sheet that explains the program and directs interested parties to the proper agencies to assist with the program qualification process.

C. Advertising Availability of Universal Services.

Pursuant to § 54.201 of the FCC's rules, 47 C.F.R. § 54.201, Syringa Wireless currently advertises the availability of each of the supported services detailed above, throughout its licensed service area, by media of general distribution, and will expand its advertising in the Expansion Areas. The methods of advertising utilized may include newspaper, magazine, radio, direct mailings, public exhibits and displays, bill inserts, and telephone directory advertising.

D. Commitment To Consumer Protection

Consistent with the IPUC ETC Requirements Order at Appendix A, p.3, Syringa Wireless complies with all applicable service quality standards and consumer protection rules, and will abide by the consumer protection standards established by the CTIA Consumer Code as set forth in Syringa Wireless Annual ETC Report on file with the Commission.

E. Tribal Notification

The *IPUC ETC Requirements order* at Appendix A p2, requires an ETC applicant seeking

^{94-1, 91-213, 95-72, 13} FCC Red 5318 (1997).

²⁷ First Report and Order, at 8821-22.

ETC designation for any part of tribal lands to provide a copy of its application to the affected tribal government or tribal regulatory authority, as applicable, at the time it files its application with the Commission. Syringa Wireless is not seeking ETC designation for any additional tribal lands in connection with this Application.

Syringa Wireless currently provides service to portions of the Fort Hall Reservation and offers Tribal Lifeline service to qualified residents of the Fort Hall Reservation.

Syringa Wireless has demonstrated and the Commission has determined²⁸ that it meets the requirements to be designated an ETC. In addition to the above requirements, Syringa's designation as an ETC in connection with this Application would serve the public interest.²⁹

III. GRANT OF THIS APPLICATION SERVES THE PUBLIC INTEREST

Syringa Wireless set forth the public interest analysis in its Application on file with the Commission.³⁰ The Commission found that Syringa Wireless met all the federal and state requirements to be granted ETC designation in certain rural wire centers.³¹ The Commission found Syringa Wireless did not meet the public interest standard only in the partial wire centers of Midvale Telephone Exchange, Inc. and Rural Telephone Company because the areas initially requested in the Original Application represented only partial service areas of the incumbent provider, and thus the possibility of cream-skimming.³² For areas subject to Auction 901, cream-skimming would not likely be a major consideration as they are unserved census blocks and thus Syringa Wireless could not be taking the low-cost/high revenue service areas of another provider. In addition to the reasons set forth in the Original Application, granting Syringa Wireless ETC status in the Expansion Areas set forth herein will allow Syringa Wireless to participate in Auction 901, and bid to serve unserved or under-served areas of Idaho and to provide those areas with access to 3G or better mobile wireless services.

²⁸ Syringa Wireless ETC Order at p. 9

²⁹ See 47 C.F.R. 54.207(c) and IPUC ETC Requirements Order.

³⁰ *In the Matter of the Application of Syringa Wireless, LLC for Designation as an Eligible Telecommunications Carrier Pursuant to the Telecommunications Act of 1996 (Rural and Non-Rural Areas), Case No. SYR-T-08-01. ("Original Application")*

³¹ Syringa Wireless ETC Order at p. 9

³² *Id.*

For all the above reasons, the public interest would be served by the conditional designation of Syringa Wireless as an ETC throughout its requested Expansion Area.

IV. LEGAL AUTHORITY

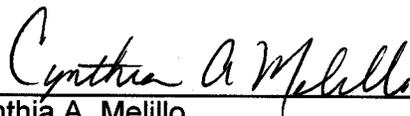
The Commission has the legal authority to grant the relief requested by Syringa Wireless pursuant to 47 U.S.C. § 214(e)(2); 47 C.F.R. § 54.201; see also, IPUC ETC Requirements Order.

V. RELIEF REQUESTED

For the reasons set forth above, and pursuant to Section 214(e)(2) of the Act, Syringa Wireless requests that the Commission enter an Order designating Syringa Wireless as an ETC eligible for federal universal service funding for the Expansion Areas conditioned upon Syringa Wireless winning support from Auction 901; and that the Commission process this Application under Modified Procedure and enter its Order at the earliest possible date.

RESPECTFULLY SUBMITTED this 18th day of May, 2012.

Cynthia A. Melillo PLLC

BY: 
Cynthia A. Melillo

Attorney for Syringa Wireless, LLC