

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION)
OF T-MOBILE WEST CORPORATION) **CASE NO. TMW-T-10-01**
FOR CONDITIONAL DESIGNATION AS)
AN ELIGIBLE TELECOMMUNICATIONS)
CARRIER) **ORDER NO. 32581**
)

On April 11, 2012, T-Mobile West Corporation, a wholly owned subsidiary of T-Mobile U.S.A., Inc. (“T-Mobile” or “Company”), filed an Application, pursuant to 47 U.S.C. § 214(e)(2), 47 C.F.R. § 54.1003, and Order No. 29841, seeking conditional designation as an eligible telecommunications carrier (“ETC”) in the State of Idaho for the purpose of participating in the Mobility Fund Phase I Auction to be held at the Federal Communications Commission (FCC) on September 27, 2012. *Application* at 1-2.

On May 3, 2012, the Commission issued a Notice of Application and Modified Procedure establishing a 21-day comment period. *See* Order No. 32543. Commission Staff (“Staff”) was the only party to submit written comments within the established comment period.

On May 31, 2012, T-Mobile filed a Notice of Impending Name Change with the Commission. T-Mobile advised the Commission that effective June 25, 2012, the Company will change its business name from T-Mobile West Corporation to T-Mobile West LLC.

THE APPLICATION

In its Application, T-Mobile describes the logistics of the FCC’s upcoming Mobility Fund Phase I Auction. The Company states that “the FCC, in its *USF/ICC Transformation Order*, established for the first time a universal service support mechanism dedicated exclusively to mobile services – the Mobility Fund.” *Id.* at 2. The Auction will provide “\$300 million in one-time support to ‘immediately accelerate deployment of networks for mobile voice and broadband services in unserved areas.’” *Id.*

According to T-Mobile, “there are numerous unserved census block groups in Idaho where carriers may bid to receive Mobility Fund support to build infrastructure over which to deliver 3G or better broadband and voice service.” *Id.* In order to participate in the Auction “a carrier must be designated as an ETC in all census blocks for which it desires to submit a bid.” *Id.* A carrier must also “be designated as an ETC at the time it files its short-form application for

participation in the auction.” *Id.* T-Mobile states that the FCC has not yet set a deadline but estimates that its short-form application could be due as early as June 29, 2012. *Id.* at 2-3.

T-Mobile wishes “to participate in the FCC’s Mobility Fund Phase I auction to bring voice and mobile broadband services to unserved areas in Idaho. . . .” *Id.* at 3. As a facilities-based telecommunications carrier currently operating in Idaho, T-Mobile seeks the additional Commission approval “necessary to be eligible to participate in the Mobility Fund Phase I auction for census blocks outside its existing ETC Area.” *Id.* “T-Mobile seeks ETC designation for census blocks outside its existing ETC Area that is conditioned upon T-Mobile winning support from the Mobility Fund Phase I auction. . . .” *Id.*

T-Mobile is a facilities-based wireless telecommunications carrier. The Company has been granted ETC status in nine state jurisdictions and one U.S. territory: Idaho, Florida, Georgia, Hawaii, Kentucky, Louisiana, Minnesota, North Carolina, Washington, and Puerto Rico. *Id.* at 4. Thus, as previously determined by the Commission in TMW-T-10-01 (Order No. 32319, August 9, 2011), the Company meets all of the requirements established by federal law, FCC rules, and the Commission’s ETC Requirements Order for designation as an ETC in Idaho. *Id.* at 7-8.

T-Mobile believes that Commission approval of its Application would serve the public interest because it would allow T-Mobile “to bid in the FCC’s Auction 901 and, if successful, deploy mobile wireless infrastructure in order to provide mobile voice and broadband service to unserved areas of the state that would benefit consumers in rural Idaho.” *Id.* at 3. Because time is of the essence in the filing of its short-form application with the FCC, “T-Mobile requests expedited review and consideration of its Application.” *Id.*

In summary, T-Mobile’s Application made the following requests:

1. Conditional ETC designation in areas outside of T-Mobile’s existing ETC area where it is awarded Mobility Fund support;
2. A copy of the Order designating T-Mobile as an ETC for census blocks outside its existing ETC area be sent to the FCC and the Universal Service Administrative Company; and
3. Such other relief as may be appropriate.

Id. at 20.

STAFF COMMENTS AND RECOMMENDATION

Staff began its comments with an overview of Auction 901 arising out of the FCC's November 2011 *USF/ICC Transformation Order* ("Order"). Staff Comments at 2. In the Order, the "FCC set aside \$300 million to be used to increase the availability of current generation mobile broadband and mobile voice across the country." *Id.* Auction 901 seeks to incentivize the deployment of "3G or better mobile voice and broadband services in census blocks where such services are unavailable." *Id.* Auction winners "will be obligated to choose whether to deploy 3G service within two years or 4G within three years of the award." *Id.* Applicants to Auction 901 "must demonstrate, for the areas on which it wishes to bid, that it has been designated as an ETC and has access to the spectrum necessary to satisfy the applicable performance requirements." *Id.* at 3 (citing *Auction 901 Procedures Public Notice* ¶ 32).

Staff referenced the FCC's February 10, 2012 Notice, DA 12-187, which includes an updated list of potentially eligible Census Blocks in Idaho. *Id.*

Census Block information for Idaho

Total No. of Tracts with Unserved Blocks	93
Total No. of Counties with Unserved Blocks	39
Total Population of Unserved Blocks	43,207
Total Area (square miles) of Unserved Blocks	38,962

Pre-Auction Dates and Deadlines

FCC Form 180 (Short Form) Application Filing Window Opens	6/27/12; 12:00 noon ET
FCC Form 180 (Short Form) Application Filing Deadline	7/11/12; 6:00 p.m. ET
Mock Auction	9/25/12
Auction Start	9/27/12

Specific Mobility Fund Phase 1 Eligibility Requirements and Certifications

1. ETC Designation Certification. Auction 901 Applicants must be designated as an ETC pursuant to Section 214 of the Communications Act in any geographic area for which it seeks support, with the exception of Tribally-owned or controlled entities. The entity, and not a subsidiary or parent holding company, must be designated by a State or the FCC as an ETC in that geographic area to be eligible to participate in the auction. ETC status carries with it certain obligations. A party might obtain the

required ETC designation but may not be subject to the obligations unless and until it is awarded Mobility Fund support. The FCC will allow a party to participate in the auction if it has an ETC designation conditioned upon the party winning support in the auction.

2. Access to Spectrum Description and Certification. Pursuant to the *USF/ICC Transformation Order*, any applicant for Auction 901 must have access to the necessary spectrum to fulfill any obligations related to support.
3. Financial and Technical Capability Certification. The FCC requires that an applicant certify in the pre-auction short-form application that it is financially and technically capable of providing 3G or better service within the specified timeframe in the geographic areas for which it seeks support.
4. Certification that Applicant will not Seek Support for Areas in which It has made a Public Commitment to Deploy 3G or Better Service by December 31, 2012. The FCC requires each applicant for Auction 901 support to certify that it will not seek support for any areas in which it has previously made a public commitment to deploy 3G or better wireless service by December 31, 2012.

Id. at 3-4. Staff believes that T-Mobile meets the first three requirements and that the Company will be required by the FCC to meet the last requirement upon participation in Auction 901. *Id.* at 4.

Staff then reviewed the public interest benefit of awarding the Company a conditional ETC designation. *Id.* Staff verified that T-Mobile is remitting ITSAP fees to the program Administrator. *Id.* at 6. Staff believes that T-Mobile has the ability to remain functional in emergency situations. *Id.* at 7. The Company's Emergency Operation Plan demonstrates that it "has a reasonable amount of back-up 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." *Id.*

Finally, Staff believes that T-Mobile meets the other requirements for ETC designation outlined in Appendix 1 of Order No. 2984, including: (1) common carrier status; (2) provide federally designated universal services; (3) advertise the availability and pricing of its universal service offering; (4) demonstrate commitment and ability to provide supported service; (5) demonstrate commitment to consumer protection and service; (6) offer an adequate description of its local usage plan; and (7) tribal notification. *Id.* at 7-8.

Upon completion of its review of T-Mobile's Application for conditional designation as an ETC, Staff recommended that the Commission approve the Application for the purpose of participating in the Mobility Fund Phase I Auction for areas outside of its existing ETC area and only in the areas in which it is awarded Mobility Fund Support. *Id.* at 8. Staff believes that T-Mobile's Application for a conditional ETC designation in the unserved census blocks in Idaho is in the public interest. *Id.*

COMMISSION FINDINGS AND DECISION

The Commission has reviewed T-Mobile's Application seeking conditional ETC designation in select unserved census blocks in Idaho in order to participate in the FCC's upcoming Mobility Fund Phase I auction. T-Mobile has previously 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 T-Mobile conditional ETC status in those select 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. Thus, the Commission herein approves T-Mobile's Application for conditional ETC status.

The Commission acknowledges that effective June 25, 2012, T-Mobile West Corporation will operate its business in Idaho under a new business name, T-Mobile West LLC. The Company's previous ETC designation, granted pursuant to Order No. 32319, and conditional ETC designation shall reflect the business name change to T-Mobile West LLC.

ORDER

IT IS HEREBY ORDERED that the Application of T-Mobile West Corporation requesting conditional ETC designation in select census areas in the State of Idaho outside of its existing ETC Area for the purpose of participating in the FCC's Mobility Fund Phase I Auction is approved.

IT IS FURTHER ORDERED that T-Mobile's ETC designation in these select areas outside of its existing ETC area shall be conditioned upon the Company submitting a successful bid in the FCC's upcoming Mobility Fund Phase I auction.

IT IS FURTHER ORDERED that effective June 25, 2012, the Company's ETC designation in Idaho shall be amended to reflect the change in its business name from T-Mobile West Corporation to T-Mobile West LLC.

DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 22nd day of June 2012.



PAUL KJELLANDER, PRESIDENT




MACK A. REDFORD, COMMISSIONER



MARSHA H. SMITH, COMMISSIONER

ATTEST:



Jean D. Jewell
Commission Secretary

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