

DECISION MEMORANDUM

**TO: COMMISSIONER KJELLANDER
COMMISSIONER REDFORD
COMMISSIONER SMITH
COMMISSION SECRETARY
COMMISSION STAFF
LEGAL**

**FROM: NEIL PRICE
DEPUTY ATTORNEY GENERAL**

DATE: APRIL 27, 2012

**SUBJECT: APPLICATION OF T-MOBILE WEST CORPORATION FOR
CONDITIONAL DESIGNATION AS AN ELIGIBLE
TELECOMMUNICATIONS CARRIER; CASE NO. TMW-T-10-01**

On April 11, 2012, T-Mobile West Corporation, 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.

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 makes 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 RECOMMENDATION

Staff has reviewed T-Mobile's Application and recommends that it be processed through Modified Procedure with a 21-day comment period.

COMMISSION DECISION

Does the Commission wish to process T-Mobile's Application for conditional designation as an ETC through Modified Procedure with a corresponding 21-day comment period?



Neil Price
Deputy Attorney General

M:TMW-T-10-01_np