

## DECISION MEMORANDUM

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

**FROM:** JOHN HAMMOND

**DATE:** MAY 14, 2004

**SUBJECT:** IN THE MATTER THE APPLICATION OF WWC HOLDING CO., INC.  
DBA CELLULARONE® FOR DESIGNATION AS AN ELIGIBLE  
TELECOMMUNICATIONS CARRIER. CASE NO. WST-T-04-1.

On March 26, 2004, the Commission received an Application from WWC Holding Co., Inc. dba CellularOne (“Western Wireless”) requesting that the Commission designate them as a eligible telecommunications carrier (“ETC”) for service areas in Idaho that are currently being served by other ETCs. *See* 47 U.S.C. § 214(e)(2). Western Wireless represents it is not seeking designation as an ETC for the purposes of receiving support from the Idaho Universal Service Fund. *See Idaho Code* § 62-610, *et seq.*

On April 22, 2004, the Idaho Telephone Association (“ITA”) filed a Petition to Intervene in any proceeding concerning Western Wireless’s Application.

### BACKGROUND

The Application states that since 1992 Western Wireless has provided telecommunications services to rural communities in the western United States. The Company states it provides commercial mobile radio services (“CMRS”) under the “CellularOne” national brand name to more than 1.2 million subscribers in 19 states west of the Mississippi River. Western Wireless alleges it owns cellular licenses covering approximately 30% of the land and 2% of the population of the continental United States. The Company also claims that a vast majority of its service area has a population density of 11 people per square mile. Accordingly, Western Wireless contends it is uniquely situated to provide state-of-the-art telecommunications services to rural customers.

Western Wireless states the Federal Communications Commission has regulatory jurisdiction over the Company's provision of CMRS in all states where it provides service. The Company contends it provides analog and digital mobile telephony, data/facsimile, 911, voice mail and other features and services in Idaho.

Western Wireless asserts it is licensed to provide and provides wireless telecommunications services to the entire study area of Farmers Mutual Telephone Company and the entirety of the following wire centers of Qwest Corporation:

Emmett	EMMTIDMA
New Plymouth	NPMOIDMA
Weiser	WESRIDMA

Western Wireless states that Cambridge Telephone Co., Citizens Telecom of Idaho and Midvale Telephone Exchange study areas do not correspond identically with its licensed coverage area or existing signal coverage in Idaho. In addition, Western Wireless seeks ETC designation in certain Qwest northern Idaho wirecenters that are operated by an entity that meets the definition of a rural telephone company. As a result Western Wireless requests that the Commission redefine the service area for these areas from the study area to the wire center level pursuant to 47 C.F.R. § 54.207, to enable the Company to meet the ETC requirements under 47 U.S.C. § 214(e). The associated wire centers are contained in Attachment 2 to Western Wireless's Application.

Western Wireless contends the Commission should grant its Application because it meets all requirements to be designated as an ETC pursuant to federal authorities. Specifically, Western Wireless asserts it is a common carrier, provides the supported services and will meet all service and advertising obligations of an ETC. In addition, Western Wireless contends that in areas served by rural telephone companies, the Company's ETC designation will serve the public interest.

#### **STAFF RECOMMENDATION**

The designation of multiple ETCs in any area (non-rural or rural), including wireless carriers, and the associated impacts this designation might have on universal service support has

received significant national attention and remains under consideration at the FCC.<sup>1</sup> Staff understands that prior to designation as an ETC this Commission must consider several factors prior to granting this status to the requesting telecommunications company. At this time Staff believes that Western Wireless's Application can be addressed by using Modified Procedure (processing by written comments) under the Commission's Rules of Procedure. However, depending on how proceedings surrounding these filings develop, Staff reserves its right to request further procedure to handle these matters should the need arise. In addition, any intervening party may also request further procedures for the Commission to consider this Application.

Staff recommends that the Commission issue a Notice of Application and Modified Procedure with a 28-day period for interested persons and parties to submit written comments. Staff also recommends that the Commission establish a 14-day deadline in this Notice for the purposes of filing petitions to intervene and objections to the use of Modified Procedure to process this case along with a request for an evidentiary hearing.

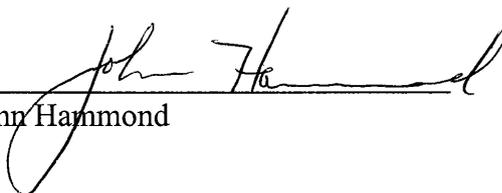
Finally, Staff recommends that the Commission grant the Idaho Telephone Association's Petition to Intervene.

#### COMMISSION DECISION

Does the Commission wish to process Western Wireless's Application by Modified Procedure?

If so, does the Commission wish to issue a Notice of Application and Notice of Modified Procedure that would establish the filing deadlines as described by Staff above?

Does the Commission wish to grant the Idaho Telephone Association's Petition to Intervene in this proceeding?

  
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John Hammond

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<sup>1</sup> Public Notice – *Federal-State Joint Board on Universal Service Seeks Comment on Certain of the Commission's Rules Relating to High Cost Universal Service Support and the ETC Designation Process*. CC Docket No. 96-45. Re al. February 7, 2003.