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ATTORNEYS FOR WWC HOLDING
CO., INC. d/b/a CELLULARONE®

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

In the Matter of the Application of **WWC HOLDING CO., INC. d/b/a CELLULAR-ONE®** Seeking Designation as an Eligible Telecommunications Carrier that may receive Federal Universal Service Support	)	**Case No. WST-T-05-01** APPLICATION OF WESTERN WIRELESS

I. Introduction

1. WWC Holding Co., Inc. d/b/a CellularOne® ("Western Wireless" or the "Company"), pursuant to 47 U.S.C. § 214(e)(2) of the Communications Act of 1934, as amended (the "Act"), hereby submits this Application for Designation ("Application") as a federal eligible telecommunications carrier ("ETC") in the State of Idaho.

2. Western Wireless does not by this Application seek designation as an eligible telecommunication carrier for purposes of receiving support from the Idaho Universal Service Fund pursuant to Idaho Code § 62-610, *et. seq.*

3. Western Wireless is licensed to provide and provides wireless telecommunications services in certain designated areas (the "Designated Areas") of Idaho, as identified on Attachment 1 and Attachment 2. The Designated Areas identified on Attachment 1 are the rural telephone company study areas and non-rural telephone company wire centers that Western Wireless serves in their entirety. The Designated Areas identified on Attachment 2 are the rural telephone company wire centers where Western Wireless does not serve the entire study area. To effectuate the Idaho Public Utilities Commission's ("Commission's") designation of Western Wireless in the rural telephone company wire centers identified on Attachment 2, the Commission must redefine the service area for the areas served by those rural telephone companies, consistent with 47 C.F.R. § 54.207.

4. As demonstrated herein, Western Wireless meets all of the requirements for designation as an ETC in each of these Designated Areas and respectfully requests that the Commission promptly grant this Application. Western Wireless requests immediate designation in the rural study areas and non-rural wire centers identified on Attachment 1, and requests conditional designation in the wire centers identified on Attachment 2, with designation effective upon the redefinition of the service area on a wire center basis under the procedures identified in 47 C.F.R. § 54.207.

II. Background on Western Wireless

5. Since 1992, Western Wireless, through its subsidiaries (including WWC Holding Co., Inc.), has provided telecommunications services to rural communities in the western United States. Western Wireless currently 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. The Company owns cellular licenses covering approximately thirty percent (30%) of the land and two percent (2%) of the population of the continental United

States. In terms of population served, however, Western Wireless' markets cover approximately nine million people, making the Company the 22nd largest wireless carrier in the country. The vast majority of the Company's service area has a population density of less than 11 people per square mile. As such, Western Wireless is uniquely situated to provide state-of-the-art telecommunications service to rural consumers.

6. Western Wireless recently announced a merger with ALLTEL Communications. ALLTEL is also a publicly-traded company with equal or greater financial resources and stability. ALLTEL has a market capitalization of $16.85 billion (as of February 8, 2005), annual revenue of $8.2 billion (from 4th Quarter 2004 report, and cash on hand of $485 million (as of February 8, 2005). Following the merger with ALLTEL, the Applicant, WWC Holding Co., Inc., will continue to operate as the CMRS license holder and operating entity in Idaho.

7. The FCC has regulatory jurisdiction over Western Wireless' provision of CMRS in all states in which it provides service. The services provided by Western Wireless in Idaho include analog and digital mobile telephony, data/facsimile, 911, voice mail, and other features and services.

III. Statement of Facts Supporting Application

A. Western Wireless Meets All the Requirements for Designation as an Eligible Telecommunications Carrier

8. Under 47 U.S.C. § 214(e)(2), the Commission has jurisdiction and authority to designate Western Wireless as an ETC in the Designated Areas. The requirements for ETC designation are set forth in 47 U.S.C. § 214(e)(1)-(2) and 47 C.F.R. § 54.101. As set forth below, Western Wireless: (1) is a common carrier; (2) provides the supported services; and (3) will meet all service and advertising obligations of an ETC. In addition, in areas served by rural telephone companies, Western Wireless' ETC designation serves the public interest.

1. Western Wireless is a Common Carrier

9. As a CMRS provider, Western Wireless is a "common carrier" under federal law, as required by 47 U.S.C. § 214(e)(1). Western Wireless will provide the supported services using its own facilities, or a combination of its own facilities and leased facilities.

2. Western Wireless Offers All Required Services and Functionalities

10. The second requirement for ETC designation is that the applicant provide the services or functionalities set forth in 47 C.F.R. § 54.101(a)(1)-(9) throughout the requested designated service areas. 47 U.S.C. § 214(e)(1)(A). Western Wireless currently provides the services and functionalities identified by the FCC in 47 C.F.R. § 54.101(a). In its *Universal Service Order* implementing Sections 214(e) and 254, the FCC identified the specific services that a carrier must provide to be designated as an ETC and receive universal service support. *In the Matter of Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Report and Order, FCC 97-157 (rel. May 8, 1997) ("*Universal Service Order*"). The required services are as follows:

Supported Service	Does Western Wireless currently provide the service or function
1. Voice-grade access to the public switched network	Y
2. Local Usage	Y
3. Dual tone multi-frequency ("DTMF") signaling or its functional equivalent	Y
4. Single-party service or its functional equivalent	Y
5. Access to emergency services	Y
6. Access to operator services	Y
7. Access to interexchange service	Y
8. Access to directory assistance	Y
9. Toll blocking for qualifying Lifeline customers	Y

11. Western Wireless currently provides the nine supported services set forth in 47 C.F.R. § 54.101(a)(1)-(9) over its existing network infrastructure in Idaho as follows:

(a) Voice-grade access to the public switched telephone network. Voice-grade access means the ability to make and receive phone calls within a voice frequency range of between 300 and 3000 Hertz, a bandwidth of approximately 2700 Hertz. *See In the Matter of Federal State Joint Board on Universal Service*, CC Docket No. 96-45, Fourth Order on Reconsideration, FCC 97-420, ¶¶ 15-16 (rel. Dec. 30, 1997). Through its interconnection arrangements with local telephone companies, including Qwest, all Idaho customers of Western Wireless are able to make and receive calls on the public switched network within the prescribed frequency range.

(b) Local usage. Western Wireless provides its customers with an amount of local usage, free of charge, as required by 47 C.F.R. § 54.101(a)(2). Unlimited local usage is not required of any ETC. *In the Matter of Federal-State Joint Board on Universal Service*, CC Docket 96-45, Order and Order on Reconsideration, FCC 03-170, (rel. July 14, 2003) ("*July 2003 Order*"). Western Wireless will include local usage in all of its service offerings, and intends to offer unlimited local usage as part of at least one of its service offerings. Western Wireless also will comply with any specific local usage requirements adopted by the FCC in the future and required of federal ETCs.

(c) DTMF signaling, or its functional equivalent. DTMF is a method of signaling that facilitates the transportation of call set-up and call detail information. *Universal Service Order*, ¶ 71. The FCC recognized that "wireless carriers use out-of-band digital signaling mechanisms .... [I]t is appropriate to support out-of-band signaling mechanisms as an alternative to DTMF signaling." *Id.* Western Wireless currently uses out-of-band digital signaling and in-band multi-frequency signaling that is functionally equivalent to DTMF signaling.

(d) Single-party service or its functional equivalent. "Single party service" means that only one party will be served by each subscriber loop or access line, in contrast to a multi-party line. A CMRS provider meets the requirement when it offers a dedicated message path for the length of a user's particular transmission. 47 C.F.R. § 54.101(a)(4). Western Wireless provides a dedicated message path for the length of all customer calls.

(e) Access to emergency services. The fifth supported service is the ability to reach the appropriate public safety answering point ("PSAP") by dialing "911." 47 C.F.R. § 54.101(a)(5); *Universal Service Order*, ¶ 72. The FCC also requires that a carrier must provide access to enhanced 911, or "E911," which includes the capability of providing both automatic numbering information ("ANI") and automatic location information ("ALI"), when the PSAP submits a compliant request to the carrier. To qualify as a compliant Phase I E911 request under the FCC's rules, the PSAP must "be capable of receiving and utilizing the data elements associated with the service, and a mechanism for recovering the [PSAP'S] costs of the enhanced 911 service [must be] in place." 47 C.F.R. § 20.18(j). Western Wireless currently provides all of its customers with access to emergency services by dialing 911 and stands ready to provide E911 service to its customers once a PSAP submits a compliant request for E911 service. Western Wireless has not received any requests for either Phase I or Phase II E911

service in Idaho. The Company will work with PSAPs within its designated service areas to make E911 service available according to federal requirements.

(f) Access to operator services. Access to operator services means any automatic or live assistance provided to a consumer to arrange for the billing or completion, or both, of a telephone call. 47 C.F.R. § 54.101(a)(6). Western Wireless meets this requirement by providing all of its customers with access to operator services provided by either the Company or other entities (*e.g.*, LECs, interexchange carriers ("IXCs"), etc.).

(g) Access to interexchange service. As explained by the FCC, an ETC must offer consumers access to interexchange service for the purposes of making and receiving toll or interexchange calls. 47 C.F.R. § 54.101(a)(7); *Universal Service Order*, ¶ 78; *see also* 47 U.S.C. § 332(c)(8). Equal access to interexchange service, *i.e.*, the ability of a customer to access a presubscribed long distance carrier by dialing 1+number, is not required. 47 U.S.C. § 332(c)(8); *Universal Service Order*, ¶ 78; *see July 2003 Order*, ¶¶ 14-15, 33. Western Wireless presently meets this requirement by providing all of its customers with the ability to make and receive interexchange or toll calls through direct interconnection arrangements the Company has with several IXCs. Additionally, customers are able to reach their IXC of choice by dialing the appropriate access code. Consequently, Western Wireless satisfies this service requirement.

(h) Access to directory assistance. "Access to directory assistance" means the ability to place a call directly to directory assistance. 47 C.F.R. § 54.101(a)(8). Western Wireless meets this requirement by providing all of its customers with access to directory assistance by dialing "411" or 555-1212.

(i) Toll limitation for qualifying low income consumers. An ETC must offer "toll limitation" services to qualifying Lifeline customers at no charge. 47 C.F.R. § 54.101(a)(9). "Toll limitation" is either "toll blocking" or "toll control" if the carrier cannot provide both, or both "toll blocking" and "toll control" if the carrier can provide both. 47 C.F.R. § 54.400(d). Western Wireless is not currently capable of providing toll control, but does offer toll blocking services for lifeline customers in States where it has been designated as an ETC. Western Wireless will utilize toll blocking technology to provide the service to its Lifeline customers, at no charge, in the Designated Areas in Idaho, as required by law.

3. Western Wireless Will Advertise the Availability of Supported Services

12. The third requirement for ETC designation is that the applicant advertise the availability of the supported services and charges therefor using media of general distribution. 47 U.S.C. § 214(e)(1)(B). The Company currently offers and advertises the federally supported services throughout its requested designated service areas, through several media, including

newspaper, television, radio, and billboard advertising. Western Wireless also maintains various retail store locations throughout its authorized service areas, which provide an additional source of advertising. Once designated, Western Wireless will advertise the availability of and charges for its universal service offerings through media of general distribution.

B. Western Wireless Requests Designation Throughout Each of the Designated Areas

13. An applicant for ETC designation may be designated in an area served by a non-rural telephone company for a service area determined by the Commission. 47 U.S.C. § 214(e)(5). For areas served by a rural telephone company, Section 214(e)(5) of the Act provides that the ETCs designated service area shall be the rural telephone company's study area. A rural telephone company's "study area" is generally defined as all of the company's existing certificated exchange area in a given state. *Universal Service Order*, ¶ 172, n. 434. However, the FCC's rules recognize that the study area is subject to redefinition if the FCC and the Commission establish a different service area in accordance with 47 C.F.R. § 54.207(c)-(d).

14. Western Wireless is currently licensed to provide and provides signal coverage throughout much of the Designated Areas, and throughout the vast majority of the population in those areas. Western Wireless will offer and advertise its service offerings throughout these areas. Western Wireless serves the entire study area of the rural telephone company identified on Attachment 1, and thus satisfies Section 214(e)(5)'s service area requirement as to that service area. For this rural telephone company study areas, as well as the non-rural telephone company service area identified on Attachment 1, Western Wireless seeks immediate ETC designation.

15. Western Wireless commits to make network improvements that will increase the quality and dependability of its network in the requested ETC Service Areas. Western Wireless expects to build approximately five additional cell sites that will serve the Designated Areas in

2005.[1] These five cell sites are currently projected to be built and are subject to change according to future company and network plans.

16. These cell sites have been planned based on the company's expectation that it will have access to universal service funds in 2005. This level of investment in new cell sites could not be justified in the absence of ETC designation, and thus represents benefits to these areas over and above what would occur in the absence of designation. If this Application is granted, Western Wireless expects that its ongoing network investments in the Designated Areas will be similar to those projected for 2005.

17. The cell sites identified above will provide customers in these high-cost Designated Areas with stronger and better signal coverage. New sites are constructed based on input from Western Wireless' engineering and marketing departments, and are designed to provide better coverage in areas where customers need to use their wireless phones. By providing stronger signal coverage in these areas, Western Wireless will bring benefits to customers.

18. Western Wireless will also make an annual report to the Commission in 2005 and 2006 outlining the Company's progress in meeting these commitments. The Company will make annual reports thereafter indicating the network improvements that have been accomplished within these service areas.

19. Additionally, Western Wireless is committed to continuing to improve its network in 2005 in a number of significant ways by adding capacity, increasing coverage, implementing new technologies, and increasing general system reliability.

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[1] This is based on a 2005 forecast. The investments may also occur in 2006 depending on funding and construction variables.

20. The study areas of the rural telephone companies identified on Attachment 2 do not correspond identically with Western Wireless' licensed coverage area or existing signal coverage in Idaho. As a result, it is necessary in this proceeding for the Commission to 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 Western Wireless to meet the ETC requirements under 47 U.S.C. § 214(e). Western Wireless' request for ETC designation in the wire centers on Attachment 2 is subject to the redefinition of the service area for purposes of Western Wireless' designation in the areas served by the companies identified.

21. The Act and the FCC's regulations require the FCC and the State to act in concert to develop an alternative service area for an area served by a rural telephone company. The sole requirement in establishing a service area other than the study area is that the FCC and the State commission each give full consideration to the Joint Board's recommendations and explain their rationale for reaching a different conclusion. 47 U.S.C. § 214(e)(5); 47 C.F.R. § 54.207(b); *Virginia Cellular, LLC Petition for Designation as an Eligible Telecommunications Carrier In the Commonwealth of Virginia*, CC Docket No. 96-45, *Memorandum Opinion and Order*, FCC 03-338, ¶ 41 (rel. Jan. 22, 2004) ("*Virginia Cellular*"). As explained more fully below, redefining the service area standard for certain rural telephone company service areas in this proceeding is fully consistent with the Joint Board's recommendations.

C. Western Wireless Should be Designated as an Additional ETC in Areas Served by Qwest

22. Western Wireless requests immediate designation in the southern Idaho wire centers served by Qwest, a non-rural telephone company.[2] When designating an additional ETC

[2] Western Wireless understands that Qwest's northern Idaho wire centers are operated by an entity that meets the definition of a rural telephone company, and as such, has included those wire centers on Attachment 2.

in areas served by a non-rural telephone company, "a State commission shall upon its own motion or upon request designate a common carrier that meets the requirements of paragraph (1) as an eligible telecommunications carrier..." 47 U.S.C. § 214(e)(2) (emphasis added). As noted above, Western Wireless meets the requirements to be designated as an ETC. Western Wireless is a common carrier, provides the required supported services, and will meet all service and advertising obligations of an ETC. Under the Act, there are no further requirements for designation in non-rural areas. Therefore, Western Wireless should be designated as an ETC in the areas served by Qwest listed on Attachment 1.

D. Designation of Western Wireless as an ETC for the Designated Areas in the State of Idaho Would Serve the Public Interest

23. For areas served by rural telephone companies, the Commission must find that designation serves the public interest in accordance with 47 U.S.C. § 214(e)(2). Designation of Western Wireless as an ETC in its Designated Areas will serve the public interest.

24. The public interest determination required under Section 214(e) of the Act depends on whether the designation of the additional ETC will promote competition, and if so whether consumers will ultimately realize benefits related to competition and the new services provided. The public interest determination should consider whether the benefits of an additional ETC outweigh any potential harm. *Virginia Cellular*, ¶ 28. The express purposes of the Act in this regard are as follows: "To promote competition and reduce regulation in order to secure lower prices and higher quality services for American telecommunications consumers and encourage the rapid deployment of new telecommunications technologies." Pub. L. No. 104-104, 110 Stat. 56 (1996) (emphasis added).

25. Competition in the telecommunications industry is, as a general matter, in the public interest, and the hallmark of a competitive marketplace is the maximization of consumer

choice. It is also clear that the public interest is served where there is a reasonable expectation that competition may have beneficial impacts for consumers. As it applies to the designation of an additional ETC in an area served by a rural telephone company, the public interest necessarily must focus on the benefits of competition to the rural consumer.

26. The Commission must also apply the public interest factor in a way that advances universal service as contemplated by the Act. Congress gave the FCC responsibility to create rules and policies "for the preservation and advancement of universal service." 47 U.S.C. § 254(b). States must respect and defer to those FCC determinations. States cannot use a public interest standard to affect a result contrary to FCC directives. The FCC, for example, has directed that a State cannot deny an application because a CMRS provider may not meet "the regulatory requirements that govern ILECs, including privacy, marketing, service provisioning, and service quality requirements, as well as carrier of last resort (COLR) obligations." *Universal Service Order*, ¶ 142. The Commission must always remain consistent with the Act and FCC directives as it makes the public interest determination under Section 214(e)(2).

1. Granting ETC Designation Will Facilitate Competition to the Benefit of Consumers

27. The benefits of competition are presumed – increased competition can be expected to lead to better service and the provision of new, innovative services. *In the Matter of Western Wireless Corp. Petition for Designation as an Eligible Telecommunications Carrier in the State of Wyoming*, CC Docket No. 96-45, Memorandum Opinion and Order, DA 00-2896, ¶¶ 16-22 (rel. Dec. 26, 2000) ("*Wyoming Order*").

28. Granting ETC status to Western Wireless will recognize the importance of allowing rural consumers a choice of providers for their telecommunications needs. Consumers should be able to choose services based on their own needs, and not just the service of the

incumbent LEC. When the Commission designates a competing carrier as an additional ETC, rural consumers choose their service provider on the basis of the most advantageous pricing, services, service quality, customer service, and service availability. And because Western Wireless' network supports the provisions of data services, customers will be able to combine basic universal services with advanced services if they so desire. The benefits of increased competitive choice for consumers are in the public interest. *Virginia Cellular*, ¶ 29.

29. Even many rural telephone companies recognize the public interest benefits of wireless services. The South Dakota Telecommunications Association ("SDTA") recently stated that:

> As consumers come to expect greater mobility, it will be necessary for the traditional wireline telephone carriers to incorporate wireless into their service offering. In rural America, this mobility has greater significance, since everyday life often requires traveling over great distances. Moreover, accidents, vehicle breakdowns and medical emergencies have potentially more dire consequences in rural areas, if help is not summoned immediately. Effective and affordable wireless communications can greatly mitigate the reduced availability of emergency services in such area. In addition, fixed and mobile wireless offers the potential to bring broadband data/internet access to rural communities more quickly and less expensively than traditional wireline technologies.[3]

30. Having this choice is important to rural consumers because Western Wireless' universal service offerings will provide benefits not otherwise available from the landline LECs. For example, current service offerings by incumbent LECs have restricted local calling areas and are bound by the limitations of landline technology. Western Wireless provides an expanded local calling area, which is of great benefit to rural consumers who otherwise have to pay toll charges to reach local government offices, health care providers, businesses or family outside of

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[3] *See In the Matter of Facilitating the Provision of Spectrum-Based Services to Rural Areas and Promoting Opportunities for Rural Telephone Companies to Provide Spectrum-Based Services, WT Docket No. 02-381,* Comments of South Dakota Telecommunications Association at p. 2 (filed Feb. 3, 2003).

a restricted landline calling area. *See Universal Service Order*, ¶ 114. Western Wireless' service also provides the benefits of mobility, which has great appeal to many rural consumers. *Virginia Cellular*, ¶ 29. Western Wireless provides innovative service offerings that will be tailored to consumers' needs.

31. In addition to increased choices, Idaho's rural consumers can also expect lower rates and better service resulting from competition in the marketplace. Western Wireless provides 24-hour customer service, technical and operational support, which is more responsive than the support currently available from many LECs.

32. Western Wireless is committed to providing high service quality to its customers consistent with the public interest. Specifically, Western Wireless has adopted and complies with the Cellular Telecommunications and Internet Association ("CTIA") Consumer Code for Wireless Service, which sets forth certain principles, disclosures and practices for the provision of wireless service to the benefit of consumers. Specifically, under the CTIA Consumer Code, Western Wireless has agreed to: (1) disclose rates and terms of service to customers; (2) make available maps showing where service is generally available; (3) provide contract terms to customers and confirm changes in service; (4) allow a 14-day trial period for new service; (5) provide specific disclosures in advertising; (6) separately identify carrier charges from taxes on billing statements; (7) provide customers the right to terminate service for changes to contract terms; (8) provide ready access to customer service; (9) promptly respond to consumer inquiries and complaints received from government agencies; and (10) abide by policies for protection of consumer privacy. *See* http://www.ctia.org/wireless_consumers/consumer_code/index.cfm. The FCC has specifically recognized the adoption of the CTIA Consumer Code demonstrates a

carrier's commitment to high-quality service and mitigates any concerns regarding the absence of service quality regulation of a wireless carrier. *Virginia Cellular*, ¶ 30 & n. 94.

33. The FCC has confirmed that competition and universal service are to be accomplished together, and that rural consumers are entitled to achieve universal service goals through the benefits of competition:

> Commenters who express concern about the principle of competitive neutrality contend that Congress recognized that, in certain rural areas, competition may not always serve the public interest and that promoting competition in these areas must be considered, if at all, secondary to the advancement of universal service. We believe these commenters present a false choice between competition and universal service. A principal purpose of section 254 is to create mechanisms that will sustain universal service as competition emerges. We expect that applying the policy of competitive neutrality will promote emerging technologies that, over time, may provide competitive alternatives in rural, insular, and high cost areas and thereby benefit rural consumers. For this reason, we reject assertions that competitive neutrality has no application in rural areas or is otherwise inconsistent with section 254.

Universal Service Order, ¶ 50 (emphasis added).

34. The FCC and other State commissions have considered and rejected speculative claims that competition will hurt rural consumers. The FCC has rejected arguments that the designation of an additional ETC in rural telephone company service areas would reduce investment in infrastructure, raise local service rates, reduce service quality to consumers, or result in loss of network efficiency:

> We reject the general argument that rural areas are not capable of sustaining competition for universal service support. We do not believe that it is self-evident that rural telephone companies cannot survive competition from wireless providers. Specifically, we find no merit to the contention that designation of an additional ETC in areas served by rural telephone companies will necessarily create incentives to reduce investment in infrastructure, raise rates, or reduce service quality to consumers in rural areas. To the contrary, we believe that competition may provide incentives to the incumbent to implement new operating efficiencies, lower prices, and offer better service to its customers.

Wyoming Order, ¶ 22. Similar claims were raised in Western Wireless' application for ETC designation in Minnesota. Faced with claims that rural LECs could not respond to competition and would go out of business, the Minnesota Public Utilities Commission found it more likely that competition would "perform its widely recognized function of motivating the incumbents to find and implement new operating efficiencies, lowering prices and offering better service in the process."[4] The Washington Utilities and Transportation Commission ("WUTC") has similarly dismissed as "overly speculative" rural LEC concerns that ETC designation would erode universal service for consumers.[5]

2. Granting ETC Designation Will Advance Universal Service by the Provision of New Telecommunications Services to Rural Consumers

35. Further, wireless technology and networks have been rapidly deployed in the past 15 years. This deployment and network expansion must continue if rural consumers will have full access to this technology in the future. The use of federal universal service support to provide universal services and extend wireless networks in rural areas in Idaho clearly benefits the public interest by ensuring these networks will be available to deliver basic and advanced services to Idaho consumers. In addition, designating Western Wireless as an ETC may allow consumers who are not currently receiving telephone service of any kind an opportunity to obtain telephone service for the first time. There is simply no question that the designation of Western Wireless as an ETC will advance universal service to rural areas consistent with the public interest.

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[4] *In the Matter of Minnesota Cellular Corporation's Petition for Designation as an Eligible Telecommunications Carrier*, Docket No. P-5695/M-98-1285, ¶ VIII.C (Oct. 27, 1999).

[5] *In the Matter of the Petition of United States Cellular Corp., et al. for Designation as Eligible Telecommunications Carriers*, Third Supplemental Order Granting Petition for Designation as Eligible Telecommunications Carrier, Docket No. UT-970345, ¶ 46 (Jan. 27, 2000).

36. Designation of Western Wireless as an ETC will provide an incentive to the incumbent LECs in the Designated Areas to improve their existing networks in order to remain competitive, resulting in improved services to consumers. The benefits of competition are presumed – increased competition can be expected to lead to better service and the provision of new, innovative services. *Wyoming Order*, ¶¶ 16-22. Western Wireless will provide benefits of mobility, large local calling areas, and where requested by the PSAP, GPS location assistance for customers dialing 911.

37. Further, designation of Western Wireless as an ETC will also serve the public interest because Western Wireless will provide all of the supported services required by the Commission, will participate in the Lifeline and Link-Up programs as required by the FCC's Rules, and will otherwise comply with all FCC Rules governing universal service programs, which are designed to ensure that the public interest standards of the Act are achieved. Allowing Western Wireless access to universal service subsidies will allow Western Wireless to continue to enhance and expand its network infrastructure to better serve consumers in underserved, high-cost areas of Idaho, and to compete with other carriers on a level playing field.

3. No Rural LEC Will Experience Any Significant Adverse Impact from Western Wireless' ETC Designation to Justify Denying Consumers the Benefits of Competition

38. The designation of Western Wireless as an ETC in the requested Designated Areas will not result in any significant adverse impact to any rural telephone company. None of the areas in which Western Wireless is seeking designation is incapable of supporting an additional ETC.

39. Under the current federal universal service funding mechanisms, rural telephone companies will continue to receive funding based on an embedded cost methodology until at

least 2006. This extended transition period – as well as their continued receipt of implicit subsidies within intrastate access rates – ensures the rural companies can move successfully to competitive markets.

40. Western Wireless' designation will also ensure the continued affordability of telecommunications services in rural areas in Idaho. Western Wireless competitively markets a variety of service offerings, and Western Wireless' service plans are offered to rural customers at the same rates offered in urban areas.

41. Western Wireless' designation will not adversely burden the federal universal service fund.

42. Accordingly, the designation of Western Wireless as an ETC will serve the public interest.

4. Western Wireless Provides High Quality Service Compared to Standards That Apply to LECs

43. In its Nextel Partners/Clear Talk Order, the Commission expressed concern regarding wireless carriers' customer service standards.[6] The Commission should not have such concerns in this docket. Western Wireless' business practices are consistent with the consumer service and customer protections in the state's rules that apply to landline carriers, including the standards for quality of service, deposits, termination, and slamming as set forth in the Telephone Customer Relations Rules (the "LEC Rules"). IDAPA 31.41.01.-501.01 *et seq.*

a. Western Wireless Meets Quality Service Standards

[6] *In the Matter of the Petition of IAT Communications, Inc. d/b/a NTCH-Idaho, Inc. or Clear Talk for Designation as an Eligible Telecommunications Carrier and Application of NCPR, Inc. d/b/a Nextel Partners Seeking Designation as an Eligible Telecommunications Carrier*, Case No. GNR-T-03-16, Order No. 29541, p. 23-24 (July 23, 2004).

44. Under the LEC Rules, companies are required to adopt and pursue a maintenance program that helps achieve safe, adequate, and uninterrupted service. Companies must develop guidelines for keeping all equipment in good repair and promptly correcting transmission problems. IDAPA 31.41.01-501.01.

45. Western Wireless operates its business in a way that ensures that it provides safe, adequate, and uninterrupted service. Western Wireless expects to continually improve system reliability by upgrading, over time, its network power sources, redundancy and backup systems or by adding equipment to places where there was previously no backup equipment. Western Wireless' switches and sites are powered by batteries that are continually being recharged by public power sources. Should a public outage occur, Western Wireless' network will still function on its fully charged batteries for at least four hours and in some cases up to eight hours. Western Wireless expects to replace or upgrade its battery backups when necessary to maintain this level of operation. In addition to battery backup, Western Wireless utilizes backup power generators in many locations throughout its network. Western Wireless will, when and where necessary, add, replace or upgrade backup power generators in its Idaho network. Additionally, air conditioning units are used in certain locations to maintain temperature control for network equipment which help prevent outages and increases the life of the equipment.

46. The LEC Rules also require that telephone companies provide customers with the opportunity to report service problems "at all hours and make a full and prompt investigation of and response to all reports." IDAPA 31.41.01-502.01. The also require that companies respond to service outages, including instances in which the customer's service quality deteriorates to such an extent that the customer cannot make or receive local calls because of cross-talk, static, or other transmission problems, within the time frames set forth by the Rules. IDPA 31.41.01-

501.02, 503.01. If a company fails to respond within the required time frame, the company must credit the customer's account for an amount equal to the monthly rate for one month of basic local exchange service. IDPA 31.41.01-503.01.

47. Western Wireless meets the spirit of this standard, as it provides 24-hour customer service, including technical and operational support. Western Wireless has technicians located throughout its service territory that it can call on to investigate and fix any network problems. Western Wireless always seeks to satisfy unsatisfied customers. Through escalation procedures in its Customer Care operation, Western Wireless Customer Service Representatives can give bill credits where appropriate and where necessary to satisfy customers, whether as a result of network outages and interruptions, or billing errors, or any other inadvertent problem that arises in the customer's interaction with the company.

b. Western Wireless' Deposit Policy Is Consistent With The LEC Rules

48. The LEC Rules also set forth the circumstances under which a LEC may demand or hold a deposit from a customer and the procedures for doing so. A company can demand a deposit only if there is proof that the customer is likely to be a credit risk or to damage the property of the company. IDPA 31.41.01-101.01. A history of late payments or lack of history with the company alone will not constitute proof to justify a deposit. *Id.* A deposit can be required if:

- the customer has an outstanding prior residential service account with any company that accrued within the last four years and remains unpaid;
- the customer's service from any company has been denied or terminated within the past four years because of non-payment, misrepresentation, or unauthorized use of telephone services;
- the customer has not had previous telephone service for a period exceeding 12 months and does not pass a credit screen;

- the customer provides materially false or misrepresentative information; or
- the customer requests service at a residence where a prior customer still resides and where a balance is past due or owing.

IDPA 31.41.01-101.01. Companies are prohibited from requiring a deposit based on criteria other than those authorized by the Rules. IDPA 31.41.01-102.

49. In the event that a deposit is required, the deposit generally cannot exceed two months of local charges. IDPA 31.41.01-1-5.01. Each customer that pays a deposit must receive a receipt containing the name and address of the customer, the date and amount of the deposit payment, and the terms and conditions governing the return of deposits. IDPA 31.41.01-109.01. Further, upon request of the customer, companies must provide a written explanation providing the precise reasons why a deposit is required from the customer. IDPA 31.41.01-104. Each customer must be notified of this right to receive a written explanation. *Id.* When a deposit is received, interest is payable on the deposit at a rate stipulated by the Rules. IDPA 31.41.01-106. When service is terminated, the deposit, with accrued interest, must be applied to the final bill and the balance of the deposit must be returned to the customer. IDPA 31.41.01-107.

50. Western Wireless meets the wireless equivalent of the deposit rules that apply to LECs.

c. Western Wireless' Service Termination Policies are Consistent With The LEC Rules

51. The LEC Rules also set forth the circumstances under which a telephone company may terminate service and the procedures for doing so. Under the LEC Rules, companies may terminate service for non-payment, failure to pay a required deposit, failure to follow the terms of a payment arrangement, misrepresentation of a customer's identity in order to obtain service, waste or interference with service, or use of services for which the customer did not apply. IDPA 31.41.01-302.

52. Generally, companies must provide customers with notice prior to terminating service. A customer must be sent notice seven days before the company intends to terminate service. IDPA 31.41.01-304.01. Further, companies must try diligently to contact customers during the 24 hours prior to actual termination. IDPA 31.41.01-304.02. Notices to customers must contain the reason for termination; the actions available to customers to avoid termination; a statement that termination can be delayed if a complaint is filed or if proof of a serious illness or medical emergency is submitted; a statement in bold print that the company is willing to make payment arrangements; and a statement that partial payments will be applied to local exchange services first. IDPA 31.41.01-306. The LEC Rules stipulate that notice is not required when: a hazardous condition exists; the company is ordered to terminate service; the customer has obtained service illegally; the customer cannot be contacted; or the customer misrepresented his or her identity in order to obtain service and has an outstanding bill in excess of $100. IDPA 31.41.01-303.

53. The LEC Rules also stipulate conditions for terminating service. For example, service cannot be terminated if the outstanding bill is for less than $50 or if the bill is for services to another customer within the household. IDPA 31.41.01-310. Under the LEC Rules, companies are generally prohibited from terminating service on a Saturday, Sunday, or legal holiday. IDPA 31.41.01-311.01. Further, service cannot be terminated after noon on a Friday or after noon on any day immediately preceding a legal holiday. *Id.* After service has been terminated, companies must make available personnel that are authorized to reconnect service once the conditions leading to termination have been corrected. IDPA 31.41.01-311.02.

54. Western Wireless meets the wireless equivalent of these termination rules.

d. Slamming Provisions Are Not Applicable To Western Wireless' Services

55. Finally, the LEC Rules contain provisions that prohibit slamming, which is an unauthorized change of a company's long distance carrier. IDPA 31.41.01-701 *et seq*. Because slamming regulations apply only to telephone companies with pre-subscribed interexchange service, these provisions do not apply to Western Wireless.

56. While the Commission's service quality rules do not apply to Western Wireless, the Commission can nonetheless be confident that Western Wireless will provide high quality services to its universal service consumers.

IV. The Commission Should Conditionally Designate Western Wireless as an ETC in Wire Centers Where it Can Provide Universal Services

57. Section 214(e)(5) of the Act defines the term "service area" as a geographic area established by a State commission for the purpose of determining universal service obligations and support mechanisms. 47 U.S.C. § 214(e)(5). For an area served by a rural LEC, Section 214(e)(5) and 47 C.F.R. § 54.207(b) provide that the term "service area" means the rural telephone company's "study area."

58. Western Wireless' request for ETC designation in the areas of the rural telephone companies listed on Attachment 2 is subject to the Commission's action to redefine the service area from the study area to the wire center level. As stated above, the Act and the FCC's rules provide that the service area of a rural telephone company shall be the "study area" of the rural telephone company, until and unless the FCC and the State commission both agree to redefine this standard. 47 U.S.C. § 214(e)(5); 47 C.F.R. § 54.207(b). Federal rules provide the mechanism by which the FCC will process a request by a State commission for redefinition of a service area standard. 47 C.F.R. § 54.207. The decision to redefine the service area must be made after taking into account recommendations of the Federal-State Joint Board. *Id.*

A. Redefining the Service Area Is Consistent With Joint Board Standards

59. The FCC identified three factors initially recommended by the Joint-Board, which should be considered by the Commission and the FCC when determining the appropriateness of redefining the service area to the level of the wire center. The first factor is the risk that a competitor would selectively target service only to the lowest cost areas of the rural ILEC's study area, a process labeled as "cream-skimming." The FCC noted that if a competitor were required to serve a rural telephone company's entire study area, the risk of "cream-skimming" would be reduced because a competitive ETC would be prevented from selectively targeting service only to the lowest cost exchange of the rural ILEC's study area. *Universal Service Order*, ¶ 189. As the Joint Board explained:

> We note that some commenters argue that Congress presumptively retained study areas as the service area for rural telephone companies in order to minimize "cream skimming" by potential competitors. Potential "cream skimming" is minimized because competitors, as a condition of eligibility, must provide services throughout the rural telephone company's study area. Competitors would thus not be eligible for universal service support if they sought to serve only the lowest cost portions of a rural telephone company's study area.[7]

60. Second, a State commission and the FCC must consider the regulatory status enjoyed by rural telephone companies under the Act. The FCC determined that initially establishing a service area requirement based on the study area of a rural telephone company was appropriate, at least temporarily, in recognition of the different competitive footing afforded to smaller rural telephone companies which are exempt from certain of the Act's requirements. *Universal Service Order*, ¶ 189; *Virginia Cellular*, ¶ 41. In making its recommendation, the Joint Board had reasoned:

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[7] *In the Matter of Federal-State Joint Board on Universal Service*, CC Docket 96-45, 12 FCC Rcd. 87, ¶ 172 (rel. Nov. 8, 1996) ("*Joint Board Recommendations*").

> For example, rural telephone companies are initially exempt from the interconnection, unbundling, and resale requirements of 47 U.S.C. § 251(c). The 1996 Act continues this exemption until the relevant state commission finds, inter alia, that a request of a rural telephone company for interconnection, unbundling, or resale would not be unduly economically burdensome, would be technically feasible, and would be consistent with section 254. Moreover, while a state commission must designate other eligible carriers for non-rural areas, states may designate additional eligible carriers for areas served by a rural telephone company only upon a specific finding that such a designation is in the public interest.

Joint Board Recommendations, ¶ 173.

61. The third factor to be considered is whether any administrative burdens might result from the redefinition of the service area standard. A rural telephone company's universal service support payments are currently based on a rural company's embedded costs determined at the study area level. *Universal Service Order*, ¶ 189. The Joint Board initially expressed concern that rural telephone companies might have difficulty calculating costs on a less-than-study area level. The Joint Board stated:

> Another reason to retain existing study areas is that it is consistent with our recommendation that the determination of the costs of providing universal service by a rural telephone company should be based, at least initially, on the Company's embedded costs. Rural telephone companies currently determine such costs at the study area level. We conclude, therefore, that it is reasonable to adopt the current study areas as the service areas for rural telephone companies rather than impose the administrative burden of requiring rural telephone companies to determine embedded costs on a basis other than study areas.

Joint Board Recommendations, ¶ 174.

62. Despite its initial decision to adopt the study area as the service area standard for a rural telephone company, the FCC has now stated a policy favoring redefinition in instances where a rural carrier's study area is large and/or non-contiguous. The FCC has expressly urged State commissions to explore redefinition for purposes of ETC designations when competitive ETCs and wireless carrier might not be able to provide facilities-based service throughout a rural company's entire study area. The FCC cautioned that requiring a new entrant to serve a non-

contiguous service area as a prerequisite to ETC eligibility would impose a "serious barrier to entry, particularly for wireless carriers" and would be "particularly harmful to competition in rural areas, where wireless carriers could potentially offer service at much lower costs than traditional wireline service." *Universal Service Order*, ¶ 190.

63. Western Wireless requests that the Commission redefine the service areas of the rural telephone companies listed on Attachment 2 from the study area to the boundaries of the individual wire centers for purposes of designating Western Wireless as an ETC under 47 U.S.C. § 214(e). The study areas of these rural telephone companies contain multiple wire centers. In all, the study areas of the four rural telephone companies listed on Attachment 2 contain 37 separate wire centers. Redefining the service area into 37 separate service areas based on individual wire centers for purposes of ETC designations will promote competition by eliminating a barrier to entry into the universal service market. This approach also would enable Western Wireless to be designated a federal ETC in the wire centers within its existing licensed and signal coverage area consistent with the public interest determination of the Commission.

64. The Commission can proceed to redefine the service area to a wire center basis while appropriately taking into account the three factors noted by the Joint Board and adopted by the FCC. The first factor, relating to the risk of cream-skimming, is not present. Western Wireless seeks redefinition of the service area standard to an individual wire center basis so it can be designated as an ETC in those areas for which it is licensed and has the ability to provide facilities-based services. Moreover, redefining the service area to the wire center will not result in any effects of cream-skimming based on a consideration of the relative high cost and low cost wire centers within the incumbent's study area. *Virginia Cellular*, ¶ 42. Redefinition to an individual wire center basis will also preserve and advance universal service by establishing

designated service areas that are more reflective of the areas actually served. Redefinition furthers competition and protects the incumbents from selective targeting of specific wire centers with the lowest cost and highest support. In short, there will be no opportunity for cream-skimming.

65. The risk of "cream-skimming" has been substantially eliminated by subsequent FCC action. Under the FCC's existing universal service support mechanisms, a rural telephone company receives high-cost universal service support based on the average of its embedded costs throughout the carrier's entire study area. *See* 47 C.F.R. §§ 54.301 and 54.303. As a result, a rural telephone company's support on a per-line basis will be the same throughout its study area even though the costs of serving customers in that study area may vary widely. This averaging may create "artificial barriers to competitive entry in the highest-cost areas and artificial entry incentives in relatively low-cost portions of a rural carrier's study area" because a competitor may try to serve only the low-cost, high-support areas and ignore the more costly areas to serve.[8]

66. To minimize the opportunity for such cream-skimming, the FCC offered rural telephone companies the option to "disaggregate" – *i.e.*, target – the federal universal service support amounts they receive to the higher-cost portions of their study areas. In so doing, rural carriers were given the opportunity to disaggregate and target support – if they were truly concerned about cream-skimming – to ensure that a competitive ETC would receive less per-line support in low-cost areas and, conversely, to ensure that a competitive ETC would only receive

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[8] *In the Matter of Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, and *In the Matter of Multi-Association Group (MAG) Plan for Regulations of Interstate Services of Non-Price Cap Incumbent Local Exchange Carriers and Interexchange Carriers*, CC Docket No. 00-256, Fourteenth Report and Order, Twenty-Second Order on Reconsideration, and Further Notice of Proposed Rulemaking in CC Docket No. 96-45 and Report and Order in CC Docket No. 00-256, FCC 01-157, ¶¶ 144-164 (rel. May 23, 2001) ("*Fourteenth Report and Order*").

higher per-line support in truly high-cost portions of their study areas. Thus, the risk of cream-skimming by an ETC applicant seeking designation for less than the study area has been practically eliminated because the incumbent rural telephone company can utilize the disaggregation process to target its per-line support to better reflect the actual costs of service different areas throughout its entire study area. Indeed, Cambridge Telephone Company and Citizens Telecom Idaho, which make up 13 of the 18 wire centers where Western Wireless seeks conditional ETC designation, have already filed to disaggregate and target their high-cost support.[9] *Virginia Cellular*, ¶ 35, n.112. As the FCC noted:

> Rural telephone companies . . . now have the option of disaggregating and targeting high-cost support below the study area level so that support will be distributed in a manner that ensures that the per-line level of support is more closely associated with the cost of providing service. Therefore, any concern regarding "cream-skimming" of customers that may arise in designating a service area that does not encompass the entire study area of the rural telephone company has been substantially eliminated.[10]

67. The second Joint Board factor relating to the special status of rural LECs can also appropriately be taken into account by redefining the service area to a wire center basis. Redefinition to an individual wire center basis will not compromise or impair the unique treatment of these companies as rural telephone companies under Section 251(f) of the Act. Consequently, the companies will still retain the statutory exemptions from interconnection, unbundling and resale requirements under 47 U.S.C. § 251(c) even if the service area standard is redefined for purposes of Western Wireless' ETC designation. Moreover, redefinition will not

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[9] *See* http://www.universalservice.org/hc/disaggregation/checklist/idaho.xls.

[10] *See In the Matter of Federal-State Joint Board on Universal Service Petitions for Reconsideration of Western Wireless Corporation's Designation as an Eligible Telecommunications Carrier in the State of Wyoming*, CC Docket No. 96-45, Order on Reconsideration, FCC 01-311, ¶ 12 (rel. Oct. 19, 2001). ("*Western Wireless Reconsideration Petition*").

affect the total amount of high-cost support that an incumbent rural telephone company will receive. *Virginia Cellular*, ¶ 43.

68. The Act's public interest factor for the designation of an additional ETC in the service areas of these rural telephone companies under 47 U.S.C. § 214(e)(2) will also remain in place. The continued existence of the public interest standard was noted by the FCC as a safeguard available to a State commission to support a redefinition request for service areas to less-than-study area level. *Universal Service Order*, ¶ 190. This public interest factor will remain as an effective check to prevent the designation of an additional competitive ETC who may seek to target only low cost areas or otherwise pose a detriment to the rural consumers of the incumbents. Thus, the incumbent LECs would retain their unique status and special treatment as rural telephone companies under the Act consistent with the Joint Board's recommendations if the service area standard were redefined to an individual wire center basis.

69. The third and final Joint Board factor relating to the administrative ease of calculating the costs of the rural telephone companies on a less-than-study area level is likewise not an issue. There are no administrative costs to consider because any federal universal service support available to a competitive ETC in an area served by one of the rural telephone companies would be determined based on the per-line support available to the incumbent telephone company itself. 47 C.F.R. § 54.307(a). This current funding mechanism will remain in place for at least another three years, when the FCC is expected to make changes to the funding mechanism for rural telephone companies. Moreover, redefining the service area will not require any rural telephone company to determine its costs for purposes of universal service support on a basis other than the study area level. *Virginia Cellular*, ¶ 44.

70. Accordingly, the Commission should act to redefine the service area for those rural telephone companies indicated on Attachment 2 to an individual wire center basis in order to foster competition and bring new telecommunications services to rural Idaho. Consistent with the factors articulated by the FCC based on the Joint Board's recommendations, the Commission should order the redefinition of the service area for the rural telephone companies identified in Attachment 2 to the wire center boundaries.

B. Redefinition is Necessary to Promote Competition and Advance Universal Service

71. The redefinition of the service area is also necessary for the promotion of competition and the advancement of universal service. The four rural telephone companies are certificated to provide service in 37 wire centers throughout Idaho. At present, Western Wireless provides the FCC's supported services to 85% or more of the population in 18 of those wire centers. Unless the service area standard is redefined, Western Wireless is precluded from being designated as an ETC in *any* of the 37 wire centers because Western Wireless cannot serve throughout the entire study areas. When, as here, the study area of a rural telephone company stretches across the State, it is practically impossible for Western Wireless or any other facilities-based carrier to compete. This is not an issue of cream-skimming. It is simply the result of the practical limits of Western Wireless' authorized service boundaries.

72. The redefinition of the service area from the study area to the individual wire center level is necessary to promote competition and advance universal service. Redefinition is in the public interest because it will enable Western Wireless, and other competitors, to bring new services and new technologies to customers of Idaho's rural telephone companies, who now have no choice of universal service providers. Unless the Commission establishes a different definition of the service area for the four companies in this proceeding, those wide-ranging study

areas will pose an impenetrable barrier to entry not only for Western Wireless, but also any other competitive carrier, especially cellular providers, seeking ETC status. Because competitor and incumbent service territories are geographically different, it would be nearly impossible for any other competitive carrier to compete.

73. These large and non-contiguous study areas create a disincentive to competition. The Washington Utilities and Transportation Commission ("WUTC") appropriately recognized this type of barrier to entry when it successfully petitioned the FCC to redefine the study areas of rural LECs in its State. The WUTC noted: "The designation of the service area impacts the ease with which competition will come to rural areas .... The wider the service area defined by the state commission, the more daunting the task facing a potential competitor seeking to enter the market."[11] The WUTC concluded that smaller service areas for the designation of ETCs in rural areas will promote competition and speed deregulation. *Id.* at 9.

74. The FCC has previously determined that redefinition of the service area from the study area to the individual wire center facilitates local competition by enabling new providers to serve relatively small areas.[12] The FCC noted: "We find that our concurrence with rural LEC petitioners' request for designation of their individual exchanges as service areas is warranted in order to promote competition." *Id.* The FCC concluded that Washington's "effort to facilitate

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[11] *Petition for Agreement With Designation of Rural Company Eligible Telecommunications Carrier Service Areas at the Exchange Level and for Approval of the Use of Disaggregation of Study Areas for the Purpose of Distributing Portable Federal Universal Service Support*, Washington Util. & Transp. Comm'n, Docket No. 970380, ¶ 3 (Aug. 24 1998).

[12] *In the Matter of Petition for Agreement With Designation of Rural Company Eligible Telecommunications Carrier Service Areas and for Approval of the Use of Disaggregation of Study Areas of the Purpose of Distributing Portable Federal Universal Service Support*, Memorandum Opinion and Order, CC Docket No. 96-45, DA 99-1844, ¶ 8 (rel. Sept. 9, 1999).

local competition justifies [the FCC's] concurrence with the proposed service area designation." *Id.*

75. The redefinition of service area from the study area to individual wire centers will foster competition in Idaho. Redefinition will enable Western Wireless and other carriers to offer competitive universal service to the customers of these rural telephone companies. This fostering of competition comports with the goals of the Act and the FCC's directives. Accordingly, this Commission should order that the service area for the four rural telephone companies listed on Attachment 2 is redefined from the study area to an individual wire center basis for ETC designation purposes.

V. Notices

76. Western Wireless will be represented by, and all pleadings, communications, notices and orders should be served upon:

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77. Western Wireless has brought this Application to the attention of parties likely to be interested in this proceeding by mailing a copy of this Application to the persons listed on the attached Certificate of Service.

VI. Conclusion

The Act establishes clear, consistent and competitively fair mechanisms for allowing carriers, including a CMRS provider, to be designated as an ETC for the purpose of federal universal service support. Western Wireless provides the supported services, satisfies all applicable requirements, and can and will meet the obligations of an ETC. For rural customers, Western Wireless' designation as an additional ETC will bring new technology, lower rates, and better service, and so is clearly in the public interest.

Western Wireless respectfully requests the Commission to follow the directives and principles of the Act and to grant its Application by issuing an order designating Western Wireless as an ETC in the rural telephone company study areas and the non-rural wire centers listed on Attachment 1 pursuant to 47 U.S.C. § 214(e). Western Wireless further requests an order conditionally designating Western Wireless as an ETC in the wire centers of the rural telephone companies as set forth in Attachment 2 subject to the Commission redefining the service areas from the study area to the wire center level for the rural telephone companies identified, consistent with the purposes of 47 C.F.R. § 54.207.

Respectfully submitted,

Dated: February 17 2005

WWC HOLDING CO., INC.
d/b/a Cellular One®

By _____

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COUNSEL FOR APPLICANT
WWC HOLDING CO., INC.
d/b/a CELLULAR ONE®

ATTACHMENT 1

RURAL TELEPHONE COMPANY STUDY AREA FOR WHICH WESTERN WIRELESS SEEKS ETC IMMEDIATE DESIGNATION

Company Name	Study Area Code
Farmers Mutual Telephone Co.	472221

NON-RURAL TELEPHONE COMPANY WIRE CENTERS FOR WHICH WESTERN WIRELESS SEEKS ETC IMMEDIATE DESIGNATION

Company Name	Wire Center Locality	Wire Center Code
Qwest Corporation (SAC 475103)	Emmett	EMMTIDMA
	New Plymouth	NPMOIDMA
	Weiser	WESRIDMA

ATTACHMENT 2

RURAL TELEPHONE COMPANY WIRE CENTERS FOR WHICH WESTERN WIRELESS SEEKS CONDITIONAL ETC DESIGNATION SUBJECT TO REDEFINITION OF THE SERVICE AREA

Company Name	Wire Center Locality	Wire Center Code
Cambridge Telephone Co.	Cambridge	CMBRIDXC
	Council	CNCLIDXC
	Cuprum	CPRMIDXC
	Indian Valley	INVYIDXC
Citizens Telecom Idaho – Frontier Comm. of Idaho	Cascade	CSCDIDXC
	Donnelly	DNLYIDXC
	Garden Valley	GRVYIDXC
	Horseshoe Bend	HRBNIDXC
	McCall	MCCLIDXC
	New Meadows	NWMDIDXC
	Riggins	RGNSIDXC
	Sweet	SWETIDXC
	White Bird	WHBRIDXX
Midvale Telephone. Exchange, Inc.	Midvale	MDVAIDXC
Qwest Corporation (SAC 475162)	Cottonwood	CTWDID01
	Grangeville	GAVLID01
	Kamiah	KAMHID01
	Kooskia	KOSKID01

CERTIFICATE OF SERVICE

I certify that the original and seven copies of the foregoing Application of Western Wireless were filed on February 17, 2005 with:

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

and true and correct copies were forwarded on February 17, 2005, via the method(s) indicated below, to the following:

Conley Ward GIVENS PURSLEY, LLP P.O. Box 2720 Boise, Idaho 83701-2720 *Attorneys for Idaho Telephone Association;*	Hand Delivered Federal Express U.S. Mail Telecopy	☐ ☐ ☑ ☐
Morgan W. Richards, Jr. MOFFAT THOMAS 101 So. Capitol Blvd., 10th Floor P.O. Box 829 Boise, Idaho 83701-0829 *Attorneys for Citizens Telcom*	Hand Delivered Federal Express U.S. Mail Telecopy	☐ ☐ ☑ ☐
Mary S. Hobson STOEL RIVES, LLP 101 S. Capitol Blvd., Suite 1900 Boise, Idaho 83702-5958 *Attorneys for Qwest Communications*	Hand Delivered Federal Express U.S. Mail Telecopy	☐ ☐ ☑ ☐

Stephanie J. A. Agalsoff