

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION OF) CASE NO. WST-T-05-1
WWC HOLDING CO., INC. DBA CELLULAR-)
ONE® SEEKING DESIGNATION AS AN) NOTICE OF APPLICATION
ELIGIBLE TELECOMMUNICATIONS)
CARRIER THAT MAY RECEIVE FEDERAL) NOTICE OF MODIFIED
UNIVERSAL SERVICE SUPPORT) PROCEDURE
)
)
ORDER NO. 29749

On February 17, 2005, WWC Holding Co., Inc. dba CellularOne® (“Western Wireless” or the Company) submitted an Application requesting that it be designated as a federal eligible telecommunications carrier (ETC) in certain service areas in Idaho. ETC designation would allow Western Wireless to receive federal universal service support. 47 U.S.C. § 214(e).

NOTICE OF APPLICATION

YOU ARE HEREBY NOTIFIED that Western Wireless states that it provides the required services to be eligible for ETC designation and that such designation is in the public interest.

YOU ARE FURTHER NOTIFIED that the Commission has jurisdiction and authority to designate Western Wireless an ETC pursuant to the Telecommunications Act of 1996 as set forth in 47 U.S.C. § 214(e)(1)-(2) and 47 C.F.R. § 54.101. To be designated an ETC, the telecommunications provider must: (1) be a “common carrier” as defined by 47 U.S.C. § 153(10); (2) offer throughout its proposed service areas the services set forth in 47 C.F.R. § 54.101(a) either by using its own facilities or a combination of its own facilities and the resale of another carrier’s services; and (3) must advertise the availability of its universal service offering and the charges therefore using media of general distribution. 47 U.S.C. 214(e)(1). In those areas already served by a rural telephone company, the Commission must also find that the designation is in the public interest. 47 U.S.C. 214(e)(2).

YOU ARE FURTHER NOTIFIED that the Federal Communications Commission (FCC) recently issued an Order adopting additional mandatory requirements for ETC designation proceedings in which the FCC acts pursuant to 47 U.S.C. § 214(e)(6). *See* FCC 05-46 (February

NOTICE OF APPLICATION
NOTICE OF MODIFIED PROCEDURE
ORDER NO. 29749

25, 2005). In its Order the FCC urges the states to adopt these additional requirements when deciding whether a carrier should be designated as an ETC pursuant to 47 U.S.C. § 214(e)(2). *Id.*

YOU ARE FURTHER NOTIFIED that Western Wireless seeks ETC designation in both rural and non-rural telephone service areas. Western Wireless serves all of the non-rural company areas in their entirety and also serves some of the rural telephone company areas in their entirety. For these areas, Western Wireless seeks immediate ETC designation. In addition, Western Wireless serves only parts of certain other rural company service areas. For the Commission to designate Western Wireless as an ETC in these partially served rural service areas, the Commission would have to redefine the service area pursuant to 47 C.F.R. § 54.207. For this reason, Western Wireless seeks conditional ETC designation in the wire centers requiring service area redefinition.

YOU ARE FURTHER NOTIFIED that the Application has been filed with the Commission and is available for public inspection during regular business hours at the Commission offices. The Application is also available for inspection on the Commission's Website at www.puc.idaho.gov by clicking on the "File Room" icon and then "Telephone Cases."

NOTICE OF MODIFIED PROCEDURE

YOU ARE FURTHER NOTIFIED that the Commission has determined that the public interest may not require a formal hearing in this matter and will proceed under Modified Procedure pursuant to Rules 201 through 204 of the Idaho Public Utilities Commission's Rules of Procedure, IDAPA 31.01.01.201 through .204.

YOU ARE FURTHER NOTIFIED that any person desiring to state a position on this Application may file a written comment in support or opposition with the Commission within twenty-eight (28) days from the date of this Notice. Each comment should specifically address the requirements in the recent FCC Order and must contain a statement of reasons supporting the comment. Persons desiring a hearing must specifically request a hearing in their written comments. Written comments concerning this Application shall be mailed to the Commission and the Applicant at the addresses reflected below:

Commission Secretary
Idaho Public Utilities Commission
PO Box 83720
Boise, ID 83720-0074

Street Address for Express Mail:

472 W. Washington Street
Boise, ID 83702-5983

Dean J. Miller
McDevitt & Miller, LLP
420 West Bannock Street
PO Box 2564 (83701)
Boise, ID 83702
E-mail: joe@mcdevitt-miller.com

Mark J. Ayotee
Briggs and Morgan, P.A.
2200 First National Bank Building
332 Minnesota Street
St. Paul, MN 55101
E-Mail: mayotte@briggs.com

These comments should contain the case caption and case number shown on the first page of this document. Persons desiring to submit comments via e-mail may do so by accessing the Commission's home page located at www.puc.idaho.gov. Click the "Comments and Questions" icon, and complete the comment form, using the case number as it appears on the front of this document. These comments must also be sent to the Applicant at the e-mail addresses listed above.

YOU ARE FURTHER NOTIFIED that if no written comments or protests are received within the time limit set, the Commission will consider this matter on its merits and enter its Order without a formal hearing. If written comments are received within the time limit set, the Commission will consider them and, in its discretion, may set the same for formal hearing.

YOU ARE FURTHER NOTIFIED that all proceedings in this case will be held pursuant to the Commission's jurisdiction under Title 61 of the Idaho Code and specifically *Idaho Code* § 62-615(1).

YOU ARE FURTHER NOTIFIED that all proceedings in this matter will be conducted pursuant to the Commission's Rules of Procedure, IDAPA 31.01.01.000 *et seq.*

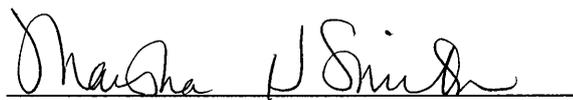
ORDER

IT IS HEREBY ORDERED that the Application of Western Wireless be processed by Modified Procedure, IDAPA 31.01.01.201-.204. Persons interested in submitting written

comments in this matter must do so no later than twenty-eight (28) days from the service date of this Order.

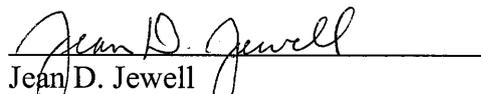
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 1st day of April 2005.


PAUL KJELLANDER, PRESIDENT


MARSHA H. SMITH, COMMISSIONER


DENNIS S. HANSEN, COMMISSIONER

ATTEST:


Jean D. Jewell
Commission Secretary

O:WSTT0501_kdp