

DECISION MEMORANDUM

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

FROM: KIRA DALE PFISTERER

DATE: MARCH 23, 2005

**RE: CASE NO. WST-T-05-1
APPLICATION OF WESTERN WIRELESS FOR ETC DESIGNATION**

On February 17, 2005, WWC Holding Co., Inc. d/b/a 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).

The Commission has jurisdiction and authority to designate Western Wireless as 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 as 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 state commission must also find that the designation is in the public interest. 47 U.S.C. 214(e)(2).

In addition to the above requirements for ETC designation, 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 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.*

THE APPLICATION

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.

INTERVENORS

Both the Idaho Telephone Association and Citizens Telecommunications Company (collectively, the "Intervenors") have filed unopposed petitions to intervene in this case. The Commission granted the petitions in Order Nos. 29722 and 29734. The Intervenors have agreed to proceed under Modified Procedure unless and until they believe a hearing is warranted.

STAFF RECOMMENDATION

The Commission Staff recommends that the Application be processed under Modified Procedure with a 28-day comment period. IDAPA 31.01.01.201-204. Comments should specifically address the requirements in the recent FCC Order.

COMMISSION DECISION

Does the Commission wish to process the Western Wireless Application for ETC designation under Modified Procedure with a 28-day comment period?



Kira Dale Pfisterer

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