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IDAHO PUBLIC  
UTILITIES COMMISSION

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March 17, 2009

**VIA OVERNIGHT DELIVERY**

Ms. Jean D. Jewell  
Idaho Public Utilities Commission  
Secretary  
472 West Washington Street  
Boise, Idaho 83702

BLC-T-09-01

Re: BLC Management LLC d/b/a Angles Communication Solutions

Dear Ms. Jewell:

Enclosed please find for filing an original and three (3) copies of BLC Management LLC d/b/a Angles Communication Solutions' Application for Eligible Telecommunications Carrier services within the State of Idaho.

I have also enclosed an extra copy of this letter to be date stamped and returned to me in the enclosed, self addressed, postage prepaid envelope. If you have any questions or if I may provide you with additional information, please do not hesitate to contact me.

Respectfully submitted,



Lance J.M. Steinhart  
Attorney for BLC Management LLC  
d/b/a Angles Communication Solutions

cc: Brian Cox

BEFORE THE IDAHO UTILITIES COMMISSION

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IN THE MATTER OF THE )  
APPLICATION OF )  
BLC MANAGEMENT LLC D/B/A )  
ANGLES COMMUNICATION )  
SOLUTIONS FOR DESIGNATION )  
AS AN ELIGIBLE )  
TELECOMMUNICATIONS CARRIER )  
WITHIN THE STATE OF IDAHO )

CASE NO.

BLC-T-09-01

IDAHO PUBLIC  
UTILITIES COMMISSION

APPLICATION AND REQUEST FOR AUTHORITY

BLC Management LLC d/b/a Angles Communication Solutions ("BLC" or the "Applicant"), pursuant to Section 214(e)(2) of the Communications Act of 1934, as amended (the "Act")<sup>1</sup> and Sections 54.101 through 54.207 of the Rules of the Federal Communications Commission ("FCC"),<sup>2</sup> and the rules and regulations of the Idaho Public Utilities Commission (the "PUC"), hereby applies to the PUC for designation as an Eligible Telecommunications Carrier ("ETC") throughout the Qwest Corporation ("Qwest") service territory (the "Designated Service Area") for the purpose of receiving federal universal service support.<sup>3</sup> The Applicant is seeking only low income support, and is not requesting high cost support. As demonstrated below, BLC satisfies all of the statutory and regulatory requirements for designation as an ETC in the Designated Service Area. Furthermore, designation of BLC as an ETC in the Designated Service Area will serve the public interest. Accordingly, BLC respectfully requests that the PUC grant this Application.

<sup>1</sup> 47 U.S.C. § 214(e)(2).

<sup>2</sup> 47 C.F.R. §§ 54.101-54.207.

<sup>3</sup> A list of each wire center which the Applicant is requesting ETC status in the State of Idaho is attached hereto as Exhibit 1.

All correspondence, communications, pleadings, notices, orders and decisions relating to this Application should be addressed to:

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## **I. Background**

1. BLC is a Tennessee limited liability company<sup>4</sup> and is authorized to conduct business as a foreign limited liability company with the State of Idaho. Copies of the Applicant's Articles of Organization and authority to transact business in the State of Idaho are on file with the PUC and incorporated herein by reference. The Applicant is authorized to provide competitive local exchange services throughout Idaho (Docket No. BLC-T-08-01). The principal office of the Applicant is located at 11121 Highway 70, Suite 202, Arlington, Tennessee 38002. The telephone number of the Applicant is (901) 373-3103. The Applicant will provide local exchange and exchange access services in the Designated Service Area using a combination of resale and unbundled network elements, or unbundled network equivalents ("UNEs") obtained through interconnection agreements that allow end-to-end switching and delivery of calls.

2. As set forth in Section 214(e)(2) of the Act, the Commission "shall upon its own motion or upon request designate a common carrier that meets the requirements of [Section 214(e)(1)] as an eligible telecommunications carrier for a service area designated by the State

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<sup>4</sup> BLC was organized in the State of Tennessee on February 23, 2001.

commission.”<sup>5</sup> Upon designation as an ETC, the carrier shall be eligible to receive universal support in accordance with Section 254 of the Act.<sup>6</sup>

3. The requirements for designation as an ETC set forth in Section 214(e)(1) are that the carrier must:

- (a) offer the services that are supported by Federal universal support mechanisms under section 254(c), either using its own facilities or a combination of its own facilities and resale of another carrier’s services (including the services offered by another eligible telecommunications carrier); and
- (b) advertise the availability of such services and the charges therefore using the media of general distribution.<sup>7</sup>

## II. BLC Satisfies the Requirements for Designation as an ETC to Serve the Designated Service Area

4. BLC is a common carrier as that term is defined in the Act.<sup>8</sup> The Applicant provides competitive local telecommunications services in the Designated Service Area pursuant to Docket No. BLC-T-08-01 referenced above.

5. BLC will offer all of the supported services enumerated under Section 254(c) using facilities obtained as UNEs, or the equivalents thereof. According to FCC Rules, facilities obtained as UNEs satisfy the requirement that an ETC provide the supported services using

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<sup>5</sup> 47 U.S.C. § 214(e)(2); *see* 47 C.F.R. § 54.201(b) (FCC Rules citing the Act’s requirements).

<sup>6</sup> 47 U.S.C. § 214(e)(1).

<sup>7</sup> *Id.*

<sup>8</sup> *See* 47 U.S.C. § 153(10) (“the term ‘common carrier’ or ‘carrier’ means any person engaged as a common carrier for hire, in interstate or foreign communication by wire or radio or in interstate or foreign radio transmission of energy . . .”).

either its own facilities or a combination of its own facilities and resale of another carrier's services.<sup>9</sup> Accordingly, the Applicant satisfies the requirement set forth in Section 214(e)(1)(A).

6. The services that are supported by Federal universal support mechanisms under section 254(c) are enumerated in the rules of the Federal Communications Commission ("FCC") at 47 C.F.R. § 54.101(a)(1)-(9). These services are:

- (a) Voice grade access to the public switched network. "Voice grade access" is defined as a functionality that enables a user of telecommunications services to transmit voice communications, including signaling the network that the caller wishes to place a call, and to receive voice communications, including receiving a signal indicating there is an incoming call. For the purposes of this part, bandwidth for voice grade access should be, at a minimum, 300 to 3,000 Hertz. Applicant meets this requirement by providing voice-grade access to the public switched telephone network. All customers of Applicant are able to make and receive calls on the public switched telephone network within the specified bandwidth;

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<sup>9</sup> Section 54.201(f) of the FCC's Rules states, "[f]or the purposes of this section, the term 'own facilities' includes, but is not limited to, facilities obtained as unbundled network elements pursuant to Part 51 of this chapter, provided that such facilities meet the definition of the term 'facilities' under this subpart." 47 C.F.R. § 54.201(f). The term "facilities" under Section 54.201 is defined as "any physical components of the telecommunications network that are used in the transmission or routing of the services that are designated for support pursuant to subpart B of this part." 47 C.F.R. § 54.201(e). BLC's use of UNEs, including § 251 loops, or equivalents thereof, commingled with § 271 elements provided pursuant to an agreement filed with the Commission pursuant to § 252, meets this definition of "facilities."

(b) Local usage. "Local usage" means an amount of minutes of use of exchange service, prescribed by the FCC, provided free of charge to end users. Applicant includes specified quantities of usage in its rate plans and thereby complies with the requirement. It is important to note, that currently, there is no specific rule that requires an ETC to include any particular amount of local usage;

(c) Dual tone multi-frequency signaling or its functional equivalent. "Dual tone multi-frequency" (DTMF) is a method of signaling that facilitates the transportation of signaling through the network, shortening call set-up time. Applicant provides DTMF signaling to its customers, which is the equivalent of that offered by the incumbent LEC to its customers;

(d) Single-party service or its functional equivalent. "Single-party service" is telecommunications service that permits users to have exclusive use of a wireline subscriber loop or access line for each call placed, or, in the case of wireless telecommunications carriers, which use spectrum shared among users to provide service, a dedicated message path for the length of a user's particular transmission. Applicant meets the requirement of single-party service by providing a dedicated message path for the length of all customer calls;

(e) Access to emergency services. "Access to emergency services" includes access to services, such as 911 and enhanced 911, provided by local governments or other public safety organizations. 911 is defined as a service that permits a telecommunications user, by dialing the three-digit code "911,"

to call emergency services through a Public Service Access Point (PSAP) operated by the local government. "Enhanced 911" is defined as 911 service that includes the ability to provide automatic numbering information (ANI), which enables the PSAP to call back if the call is disconnected, and automatic location information (ALI), which permits emergency service providers to identify the geographic location of the calling party. "Access to emergency services" includes access to 911 and enhanced 911 services to the extent the local government in an eligible carrier's service area has implemented 911 or enhanced 911 systems. Through its agreements with Qwest, Applicant currently provides its subscribers access to 911 emergency services, and also provides Enhanced 911 services including Phase I and Phase II E911 services where requested by local public safety authorities ready to receive the information and where the local exchange carrier supports such services;

(f) Access to operator services. "Access to operator services" is defined as access to any automatic or live assistance to a consumer to arrange for billing or completion, or both, of a telephone call. Operator services are offered by Applicant;

(g) Access to interexchange service. "Access to interexchange service" is defined as the use of the loop, as well as that portion of the switch that is paid for by the end user, or the functional equivalent of these network elements in the case of a wireless carrier, necessary to access an interexchange carrier's network. Applicant provides long distance access to its customers;

(h) Access to directory assistance. "Access to directory assistance" is defined as access to a service that includes, but is not limited to, making available to customers, upon request, information contained in directory listings. Applicant provides access to directory assistance to its customers; and

(i) Toll limitation for qualifying low-income consumers. Toll limitation for qualifying low-income consumers is linked to participation in the Lifeline program, which Applicant will participate in and offer upon designation as an ETC. Applicant will use the appropriate toll limitation technology to provide this required service at no additional charge to Lifeline customers.

7. Upon certification as an ETC, BLC will participate in, and offer LifeLine and Link-Up programs to qualifying low-income consumers and publicize the availability of Lifeline and Link-Up services in a manner reasonably designed to reach those likely to qualify for those services, as required by FCC Rules.<sup>10</sup> The FCC has concluded that even pure resellers may qualify as an ETC and properly use universal service support for the purposes for which it was intended by offering reduced price Lifeline service.<sup>11</sup>

8. BLC will advertise the availability of the above-referenced services and the charges for those services in the Designated Service Area using media of general distribution, as required by FCC Rules.<sup>12</sup>

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<sup>10</sup> See 47 C.F.R. §§ 54.401-54.417; 54.405(b) & 54.411(d).

<sup>11</sup> See *Federal-State Joint Board on Universal Service, Petition of Tracfone Wireless, Inc.*, 20 FCC Rcd 15095 (2005) (finding that because Lifeline support is customer-specific and is directly reflected in the price that the eligible customer pays, it is impossible for any carrier to receive a double recovery of the support).

<sup>12</sup> See 47 C.F.R. §§ 54.201(d)(2).

### **III. Area for Which ETC Certification Is Requested**

9. BLC will serve the exchanges where it leases UNEs or resells the services of the non-rural telephone companies in the Designated Service Area. BLC does not seek certification as an ETC in any areas served by rural telephone companies.

### **IV. Granting BLC's Application Will Serve the Public Interest**

10. Congress requires that the PUC grant competitive ETC applications in non-rural areas.<sup>13</sup> No specific public interest test is mentioned, as is the case for areas served by rural telephone companies.<sup>14</sup> Thus, the Act provides that the PUC "shall" designate BLC as an ETC upon finding that the company meets the nine-point list of services and that it agrees to advertise the supported services throughout the Designated Service Area. Notwithstanding, the designation of BLC as an ETC will serve the public interest.

11. BLC will announce and advertise telecommunications services as an ETC where it provides service in its Designated Service Area in Idaho and will publicize the availability of Lifeline and Link-Up services in a manner reasonably designed to reach those likely to qualify for those services. Accordingly, more low-income Idaho residents will be made aware of the opportunities afforded to them under the Lifeline and Link-Up programs and will be able to take advantage of those opportunities by subscribing to BLC's service. BLC advertises its services through several different media of general distribution including (but not limited to) marketing at targeted retail locations, including rent-to-own centers, as well as advertisements via television, radio, newspapers and trade magazines.

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<sup>13</sup> See 47 U.S.C. 214(e)(2).

<sup>14</sup> See *Id.*

Since BLC's service is of particular interest to credit-challenged customers—many of whom are low income—who generally cannot obtain service from the incumbent carrier, the granting of ETC status is clearly in the public interest; access to Lifeline and Link-Up programs can be critically important to a significant portion of the eligible low income consumers. To Applicant's knowledge, Lifeline and Link-Up services are not being sufficiently advertised and made available to eligible low income consumers in the Designated Service Area. BLC will provide universal service as an ETC in all of its Designated Service Area.

12. BLC is willing to accept carrier of last resort obligations throughout the universal service areas in which BLC is designated as an ETC by the PUC.

13. BLC is aware that it may seek USF funding only with respect to those customers that it serves through the use of its own facilities (including unbundled network elements or equivalent facilities).

14. BLC will provide equal access to interexchange service.

15. Under FCC guidelines, an ETC Applicant must submit a five-year plan that describes with specificity proposed improvements or upgrades to the applicant's network on a wire center-by-wire center basis throughout its proposed Designated Service Area. The only circumstance warranting deviation from this requirement is where an applicant's requested ETC serving territory would qualify it to receive no "high cost" USF support, but only "low income" USF support. Because BLC seeks ETC designation solely for purposes of reimbursement for provision of subsidized Lifeline and Link-Up services to eligible customers, submission of a Five-Year Network Improvement Plan is not required at this time. Since Lifeline support is designed to reduce the monthly cost of telecommunications services for eligible consumers, and

is distributed on a per-customer basis and is directly reflected in the price that the eligible customer pays, it is assured that all support received by the carrier is used to provide Lifeline services to consumers, thus promoting Lifeline and the availability of telephone service to low income users, which is clearly in the public interest.

16. Applicant offers a local usage plan comparable to the one offered by the incumbent LEC in the service areas for which it seeks designation. Applicant offers a local usage plan with unlimited calling within the customer's local calling area for a flat monthly fee with the same calling scope as Qwest.

17. Under FCC guidelines, an ETC Applicant must demonstrate that it will satisfy applicable consumer protection and service quality standards. 47 CFR §54.202(a)(3); *see In the Matter of Federal-State Joint Board on Universal Service*, Report and Order, CC Dkt. No. 96-45, 20 FCC Rcd 6371, para. 28 (2005) (FCC ETC Order). Applicant will satisfy all such standards. As part of its certification requirements for providing local exchange services, Applicant must abide by the service quality and consumer protection rules. In addition, Applicant commits to reporting information on consumer complaints per 1,000 lines on an annual basis consistent with the FCC ETC Order. Applicant in general commits to satisfying all such applicable state and federal requirements related to consumer protection and service quality standards.

18. Under FCC guidelines, an ETC Applicant must demonstrate its ability to remain functional in emergency situations. 47 CFR §54.202(a)(2); *see* FCC ETC Order at para 25. Applicant provides to its customers the same ability to remain functional in emergency situations as currently provided by Qwest to its own customers, including access to a reasonable amount of

