

Agenda Date: September 27, 2006  
Item Number: A1

**Docket:** UT-063065  
Company Name: Cingular Wireless (Cingular)

Staff: Bob Shirley, Telecommunications Policy Analyst

### **Recommendation**

Grant the temporary exemption from the requirements of WAC 480-123-070(2) requested by Cingular for its filing made in 2006.

### **Background**

Cingular has requested a temporary exemption from WAC 480-123-070(2)<sup>1</sup>, one of several new rules creating certification and reporting requirements for eligible telecommunications carriers (ETCs). The purpose of the rules is to permit the commission to determine if ETCs have used federal high-cost support in the manner prescribed by law. This purpose is achieved by collection of readily available information and certifications made by ETCs.

Prior to the September 13 Open Meeting, Cingular supplied some of the required information for 14 outages, but stated it could not state the number of customers affected for any of the 14 reported outages. Cingular stated in its request that prior to adoption of WAC 480-123-070(2) it was not required in 2005 to maintain the detailed outage records required by the rule and it was not required to retain the information for any other reporting function in 2005.

Cingular also stated that it would take extraordinary effort and expense to recreate the required information, and Cingular doubts that it actually could recreate all the required information. However, Cingular has changed its system for retaining service outage information and anticipates it will be able to report all the required information for outages in 2006.

In the Open Meeting on September 13, the commission requested more information from Cingular about outages. In response, Cingular examined trouble tickets for 2005 and determined that it could report more instances of service outages. Cingular has filed that information with the commission to replace its original list of service outages, but representatives of Cingular stated to commission staff that because the company underwent a merger with AT&T in late 2004, and because each company had its own outage reporting and trouble ticket process until August 2005, Cingular cannot be certain this information reports all outages that should be reported.<sup>2</sup> Just as with the original filing concerning service outages, Cingular was unable to state the number of customers affected for each of the additional reported outages because it had no reason to collect that information on most outages in 2005.

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<sup>1</sup> The subsection requires reports of every local service outage thirty minutes or longer in duration.

<sup>2</sup> Cingular was not an ETC from January through April 2005.

**Discussion**

At the Open Meeting on September 13, commission staff recommended the temporary exemption be granted. That recommendation was based, in large part, on the belief that the exemption will not create any insurmountable problem for the commission in its effort to determine if ETCs have used federal high-cost support in the manner prescribed by law because the rules will require collection of information for an indefinite number of years and the commission will be in a position to assess Cingular's efforts over time.

Cingular's statement that it does not anticipate any reporting problems for 2006 support commission staff's continued opinion that granting the temporary exemption will not limit the commission's ability to determine in the future whether high-cost support is used as required by law.

**Conclusion**

Commission staff recommends the commission grant the temporary exemption from WAC 480-123-070(2) requested by Cingular for its filing made in 2006.