

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of)
T-Mobile West LLC)
For Annual Certification as an Eligible) Docket No. _____
Telecommunications Carrier)

**T-MOBILE WEST LLC'S
AMENDED
ANNUAL PETITION FOR CERTIFICATION AS AN
ELIGIBLE TELECOMMUNICATONS CARRIER**

T-Mobile West LLC (hereinafter, "T-Mobile" or the "Company") hereby submits this AMENDED Petition for Certification As An Eligible Telecommunications Carrier ("ETC") pursuant to the Washington Utilities and Transportation Commission ("Commission") Orders No. 01, 02 and 03 in Docket UT-101060 ("*Designating Order*"),¹ amended Sections 480-123-060 through 480-123-080 of Washington Administrative Code ("WAC") (hereinafter referred to as the "*Washington Certification Requirements*"),² and applicable federal requirements, including 47 U.S.C. § 254(e), 47 C.F.R. § 54.313, and 47 C.F.R. § 54.314.

I. COMMUNICATIONS REGARDING THIS PETITION

All correspondence and communications regarding this Petition should be addressed as follows:

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¹ On May 30, 2012, T-Mobile restructured the operating entity that the Commission designated as an ETC in the *Designating Order* and notified the Commission of this change, which the Commission approved in Order Number 03 in Docket UT-101060 effective June 14, 2012.

² On March 26, 2015, the Commission issued General Order R-580, Order Amending, Adopting, and Repealing Rules Permanently, Docket UT-140680 ("*ETC Modified Requirements Order*").

II. BACKGROUND

T-Mobile was designated as an ETC by the Commission on October 14, 2010, in the *Designating Order*. Pursuant to discussions with Staff of the Commission, on April 5, 2011, T-Mobile filed an amended list of the local exchange carrier wire centers that comprise T-Mobile's designated service area. The Commission accepted T-Mobile's revised ETC service area list of telephone company wire centers and issued Order Number 02 in Docket UT-101060 with the revised list of local exchange carrier wire centers that comprise T-Mobile's designated service area ("Designated Area"), which is included as Attachment A.

On October 27, 2011, in its *USF/ICC Transformation Order*, the FCC adopted changes to its universal service rules.³ On February 6, 2012, in its *Lifeline Reform Order*, the FCC adopted further changes to its universal service rules governing the provision of Lifeline service,⁴ and on March 31, 2016, the FCC adopted further changes to the Lifeline program.⁵ Among the changes adopted in the *USF/ICC Transformation Order* and *Lifeline Reform Order*, the FCC revised the annual reporting and certification requirements, which are now reflected in 47 C.F.R. §§ 54.313, 54.314 and 54.422. The revised *Washington Certification Requirements* are largely consistent with the annual reporting requirements in the FCC rules.⁶ In this Petition, T-Mobile addresses each of the reporting requirements adopted by the Commission in the *Designating Order* and the *Washington Certification Requirements*, and incorporates the identified attachments, some of which contain confidential and proprietary information and are filed under seal. In addition,

³ *Connect America Fund et al.*, WC Docket No. 10-90 et al., Report and Order and Further Notice of Proposed Rulemaking, FCC 11-161 (rel. Nov. 18, 2011) ("*USF/ICC Transformation Order*").

⁴ *In the Matter of Lifeline and Link Up Reform and Modernization, Report and Order and Further Notice of Proposed Rulemaking*, WC Docket No. 11-42, FCC 12-11, released February 6, 2012 ("*Lifeline Reform Order*").

⁵ *In the Matter of Lifeline and Link Up Reform and Modernization, Telecommunications Carrier Eligible for Universal Service Support, Connect America Fund*, WC Docket No. 11-41, 09-197, and 10-90, *Third Report and Order, Further Report and Order, and Order On Reconsideration*, FCC 16-38 (April 27, 2016).

⁶ *In the Matter of Federal-State Joint Board on Universal Service, Report and Order*, FCC 05-46, March 17, 2005 ("*ETC Additional Requirements Order*").

T-Mobile is separately filing with the Commission, in UT-160030, a copy of its FCC Form 481 Annual Report for its legacy high cost ETC service area and, in UT-120512, a copy of its FCC Form 690 Annual Report for its Mobility Fund service area.

III. FEDERAL HIGH COST UNIVERSAL SERVICE SUPPORT RECEIVED

In the *USF/ICC Transformation Order*, the FCC took several steps toward developing a budget for the Universal Service Fund including (among other things) eliminating the identical support rule, limiting the per-line high-cost support, freezing high-cost support for all competitive ETCs (“CETCs”) for an interim period of six months in 2012, and phasing down all high-cost support for CETCs over a five-year period beginning in July 2012. Pursuant to the *USF/ICC Transformation Order*, monthly high-cost support for CETCs is the aggregate support received in 2011 divided by 12. Beginning in July 2012, CETCs were subject to a 20 percent per year phase down.⁷

In the calendar year 2015, T-Mobile received a total of \$1,328,244 in federal high cost universal service support for its Designated Area in Washington. Based upon support received to date in 2016, T-Mobile estimates that it will receive the same amount of federal high cost universal service support, \$1,328,244, for its Designated Area in 2016, which is based upon the steps taken by the FCC in the *USF/ICC Transformation Order* (identified above) to reduce legacy funding for CETCs, subject to the halt in the phase down of legacy high-cost support. This estimate is based on current information and is subject to change.

⁷ 47 C.F.R. § 54.307(e)(5). The phase down of high-cost support for competitive ETCs was halted in July 2014 because Mobility Fund Phase II is not yet operational; consequently, projected high-cost support for 2015 is based upon the monthly support received during the first six months of 2015.

IV. ANNUAL CERTIFICATIONS AND REPORTING

A. Use of Universal Service Support and Benefits to Consumers

Standard 1 of the *Washington Certification Requirements* requires that an ETC submit a report providing a “substantive description of investments made and expenses paid with support from the federal high cost fund,” including “the company’s gross capital expenditures and operating expenses made with federal high-cost support received by the ETC in the preceding calendar year along with a description of major projects and affected exchanges,” plus “a substantive description the benefits to consumers that resulted from the investments and expenses reported.”⁸ T-Mobile’s report regarding its use of federal high cost universal service support for 2015 is included as Confidential Attachment B.

The *Washington Certification Requirements*⁹ and federal law¹⁰ require ETCs to use support “only for the provision, maintenance, and upgrading of facilities and services for which the support is intended.” The FCC rules require states to “file an annual certification with the Administrator and the Commission stating that all federal high-cost support provided to such carriers within that State was used in the preceding calendar year and will be used in the coming calendar year only for the provision, maintenance, and upgrading of facilities and services for which the support is intended.”¹¹ Included in Attachment C is T-Mobile’s annual certification based upon federal and Washington requirements.

B. Local Service Outages

Standard 2 of the *Washington Certification Requirements* is consistent with the FCC outage reporting requirement [47 C.F.R. § 54.313(a)(2)] requiring “detailed information on any

⁸ WAC 480-123-070(1).

⁹ WAC 480-123-060.

¹⁰ 47 U.S.C. § 254(e) and 47 C.F.R. § 54.7.

¹¹ 47 C.F.R. § 54.314(a).

outage in the service area (during the prior calendar year) of at least 30 minutes in duration in which the ETC owns, operates, leases, or otherwise utilizes facilities, that potentially affect: (i) at least ten percent of the end users; or (ii) a 911 special facility, as defined in 47 C.F.R. Sect. 4.5(e).”¹² ETCs must include the following information in their outage reports: ¹³

- (a) the date and time of onset of the outage;
- (b) a brief description of the outage and its resolution;
- (c) the particular services affected;
- (d) the geographic areas affected by the outage;
- (e) steps taken to prevent a similar situation in the future; and
- (f) the number of customers affected.

This outage information was included in T-Mobile’s FCC Form 481 Annual Report filed with the FCC and USAC on or about July 1, 2016, and a copy of this report was filed with the Commission in Docket No. UT-160030 on or about July 1, 2016.¹⁴

C. Requests For Service

Standard 3 of the *Washington Certification Requirements* and 47 C.F.R. § 54.313(a)(3) require an ETC to identify the number of requests for service from consumers within its designated service areas that were unfulfilled in the prior calendar year and describe in detail how the Company attempted to provide service to those potential customers.¹⁵ The unfulfilled service request information was included in T-Mobile’s FCC Form 481 Annual Report filed with the FCC and USAC on or about July 1, 2016, and a copy of this report was filed with the Commission in Docket No. UT-160030 on or about July 1, 2016.

¹² WAC 480-123-070(2); *see also* 47 C.F.R. § 54.313(a)(2).

¹³ WAC 480-123-070(2).

¹⁴ WAC 480-123-070(8) specifically allows ETCs to reference reports filed with a federal agency that include the information required by the Commission’s rules.

¹⁵ WAC 480-123-070(3).

D. Complaints Per 1,000 Handsets

Standard 4 of the *Washington Certification Requirements* requires an ETC to report the number of complaints, per 1,000 connections, made to the FCC, or (separately) to the consumer protection division of the Office of the Attorney General of Washington during the previous calendar year.¹⁶ The *Washington Certification Requirements* also required ETCs to “report the number of consumer complaints in each general category (or example, billing disputes, service quality).”¹⁷ Confidential Attachment D includes the complaints per 1,000 connections consistent with the applicable requirements and the number of consumer complaints in each general category.

E. Certification of Compliance with Applicable Service Quality Standards and Consumer Protection Rules

Standard 5 of the *Washington Certification Requirements* requires an ETC to certify that it met substantially the applicable service quality standard and consumer protection rules found in WAC 480-123-030(1)(h), which, for a wireless carrier, is the CTIA-The Wireless Association’s® (“CTIA”) Consumer Code for Wireless Service (“Consumer Code”).¹⁸ 47 C.F.R. § 54.313(a)(5) similarly requires a wireless ETC to certify that it complies with the CTIA Consumer Code.¹⁹ T-Mobile is a signatory to the Consumer Code and meets applicable service quality and consumer protection rules for wireless carriers. T-Mobile’s certification of compliance with the applicable service quality standard and consumer protection rules was included in its FCC Form 481 Annual Report filed with the FCC and USAC on or about July 1,

¹⁶ WAC 480-123-070(4); 47 C.F.R. § 54.313(a)(4) also requires an ETC to report the number of complaints per 1,000 connections, but this report could include complaints to other entities and is included in T-Mobile’s FCC Form 481 Annual Report filed with the FCC and USAC on or about July 1, 2016, and a copy of this report was filed with the Commission in Docket No. UT-160030 on or about July 1, 2016.

¹⁷ WAC 480-123-070(4).

¹⁸ WAC 480-123-070(5); WAC 480-123-030(1)(h).

¹⁹ 47 C.F.R. 54.313(a)(5).

2016, and a copy of this report was filed with the Commission in Docket No. UT-160030 on or about July 1, 2016.

F. Certification of Ability to Function in Emergency Situations

Standard 6 of the *Washington Certification Requirements* requires an ETC to annually certify that it is able to function in emergency situations and is in compliance with Washington Administrative Code 480-123-030(1)(g), requiring that, when commercial power is not available, it has a reasonable amount of backup power (fixed, portable, or other backup power source) for cell sites required to have backup power.”²⁰ 47 C.F.R. § 54.313(a)(6) similarly requires an ETC to certify its ability to function in emergency situations. T-Mobile’s certification of ability to function in emergency situations was included in its FCC Form 481 Annual Report filed with the FCC and USAC on or about July 1, 2016, and a copy of this report was filed with the Commission in Docket No. UT-160030 on or about July 1, 2016.

G. Advertising Certification

Standard 7 of the *Washington Certification Requirements* requires an ETC to annually certify that it has publicized the availability of its applicable telephone assistance programs, such as Lifeline Service, in a manner reasonably designed to reach those likely to qualify for service, including to residents of federally recognized Indian reservations within the ETC’s designated service area.²¹ Attachment E includes examples of the advertising that T-Mobile completed in its Designated Area in 2015. Attachment F includes T-Mobile’s certification that it appropriately advertised the availability of its telephone assistance program in a manner reasonably designed to reach those likely to qualify for service in accordance with Standard 7 of the *Washington Certification Requirements*.

²⁰ WAC 480-123-030(1)(g).

²¹ WAC 480-123-070(7).

H. Annual Plan for Universal Service Support Expenditures

The *Washington Certification Requirements* also require an ETC to report on the planned use of federal support, including the company's planned gross capital expenditures and operating expenses made with federal high-cost support received by the ETC for the coming year along with a description of major projects and affected exchanges, and a substantive plan of the investments and expenditures to be made with federal support and a substantive description of how those investments and expenditures will benefit customers.²²

T-Mobile's report on the use of federal high cost universal service support projected to be received in 2016 is included in its Service Improvement Plan for Washington included as Confidential Attachment G. T-Mobile's Service Improvement Plan identifies projected network improvements and upgrades to be funded with universal service support in 2016 and used to improve signal quality, coverage, and/or capacity. All cell site construction and site modification projects are designed to improve signal quality, coverage, and capacity, and switch upgrades are designed to improve service quality and capacity. The Service Improvement Plan further identifies other expenditures for the provision, maintenance, and upgrading of facilities used to deliver supported services to consumers consistent with 47 U.S.C. § 254(e).

The selection of the projects in the Service Improvement Plan is based on the Company's evaluation of many factors, including, but not limited to, current consumer demand, competitive forces, long-term planning, available capital, and others. As these factors change, the Service Improvement Plan may be modified. In addition, forces beyond the Company's control (for example, zoning issues related to cell site placement) may result in modifications to planned projects or timelines. As a result, the content and timing of the projects in the Service Improvement Plan are subject to change. In addition, if the actual amount of federal high cost

²² WAC 480-123-080.

universal service funding received varies from the amount currently estimated, T-Mobile reserves the right to modify its Service Improvement Plan accordingly.

The *Washington Certification Requirements* also require an ETC to submit, at least every three years, a copy of its then current coverage map in native ESRI format. In its Annual Report filed in 2013, T-Mobile submitted a copy of its coverage map for Washington in ESRI.shp format, consistent with WAC 480-123-080(3). Therefore, T-Mobile is submitting an updated copy of its coverage map for Washington in ESRI.shp format with this report. A copy of the map is also included as Attachment I.

V. ADDITIONAL T-MOBILE CONDITIONS OF ETC DESIGNATION

The Commission granted T-Mobile's request for ETC designation subject to two conditions. Condition 1(a) of the *Designating Order* requires T-Mobile to comply with all applicable federal and Washington State statutes and regulations, including E911 tax contributions. T-Mobile confirms its compliance with all applicable requirements.

Condition 1(b) of the *Designating Order*, related to Lifeline and Link Up support and eligibility, requires T-Mobile to identify the number of Lifeline customers and receipt of federal Lifeline and Link Up support. The Commission also requires T-Mobile to submit a copy of its Annual Verification Survey report made to the USAC regarding its Lifeline customers' continued eligibility for Lifeline and, based upon a review of that information, the Commission reserved the right to impose more rigorous customer eligibility verification requirements on T-Mobile.

A. Low Income Subscribership and Lifeline and Link Up Support

T-Mobile identifies in Confidential Attachment H the total number of Lifeline customers it served in Washington as of December 31, 2015, and the total amount of federal Lifeline and

Link Up support received in 2015 for its Washington study area, in compliance with condition 1(b) of the *Designating Order*.

B. Annual Verification Survey

T-Mobile previously provided the Commission with a copy of its Annual Verification Survey filed with USAC on or about January 31, 2016, for its Designated Area in Washington in compliance with condition 1(b) of the *Designating Order*.

VI. CONCLUSION

Based on the foregoing information, T-Mobile respectfully requests the Commission (i) approve its Petition for Annual Certification and (ii) certify to the FCC and USAC that T-Mobile is eligible to receive federal universal service support in accordance with 47 U.S.C. § 254(e).

Dated this 29th day of August, 2016.

Respectfully submitted,

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