

**BEFORE THE WASHINGTON STATE  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of	)	DOCKET UT-110423
	)	
YOURTEL AMERICA, INC.,	)	ORDER 02
	)	
	)	
	)	ORDER GRANTING THE
	)	APPLICATION TO AMEND
For an Exemption from WAC 480-123-	)	DESIGNATION AS AN ELIGIBLE
030(1)(d), (f) and (g), and Designation as	)	TELECOMMUNICATIONS
an Eligible Telecommunications Carrier	)	CARRIER
.....	)	

**INTRODUCTION AND BACKGROUND**

- 1 On August 9, 2012, YourTel America, Inc. (YourTel or Company) filed a petition with the Washington Utilities and Transportation Commission (UTC or Commission) requesting that the Commission amend the Company’s designation as an Eligible Telecommunications Carrier (ETC) to include the exchange areas listed in Appendix A to their amendment petition. On August 13, 2012, YourTel filed a replacement page of Appendix A to its petition.
- 2 YourTel has been operating as an ETC in Washington since 2011. The Commission granted the Company the exemption from provisions of Washington Administrative Code 480-123-030(1)(d),(f) and (g), and designation as an ETC for the purpose of receiving the Low Income Support<sup>1</sup> of the federal Universal Service Fund (USF) in this docket on June 16, 2011.
- 3 The Commission has jurisdiction over ETC petitions. Section 214 (e) of the Act authorizes state regulatory commissions to designate a qualified common carrier as an ETC for the purpose of receiving federal USF.<sup>2</sup> By rule, WAC 480-123-040, the Commission has the authority to approve petitions from carriers requesting ETC designation.

**DISCUSSION**

- 4 YourTel states in this amendment petition that it failed to incorporate some exchange areas in its 2011 petition. It further informed Staff that it was reselling Sprint Nextel Corporation’s wireless services at the time when it petitioned for ETC designation in

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<sup>1</sup> YourTel was designated as an ETC for the purpose of receiving both Lifeline and Link Up support in the federal Low Income Support program, which provides subsidy to monthly telephone service expense and the initial charges for commencing telephone service, respectively. In its 2012 Lifeline Reform Order, the Federal Communications Commission (FCC) eliminated Link Up support on non-Tribal lands for all ETCs. As a result, YourTel America no longer receives Link Up support.

<sup>2</sup> 47 U.S.C. § 214(e)(2). See also 47 C.F.R. § 54.201(c).

2011; now it is able to utilize both Sprint Nextel Corporation and Verizon Wireless's network services. Therefore, it can provide service to additional areas not previously included in the ETC-designated service area.

- 5 In Order 01 in this docket, the Commission determined that YourTel met all the requirements for designation as an ETC and such designation is in the public interest. No circumstance has changed regarding the company's qualification except for its pending compliance plan at the Federal Communications Commission (FCC).<sup>3</sup> Since it launched its Lifeline program in Washington, YourTel has complied with all federal Lifeline rules as well as Washington state conditions imposed by the Commission in Order 01. Staff considers that amending the Company's ETC designation to include additional exchange areas is consistent with public interest. It will provide low-income households in those areas with one more competitive provider of federal Lifeline benefit.

### FINDINGS AND CONCLUSIONS

- 6 (1) The Commission has jurisdiction over eligible telecommunications carriers in Washington and the subject matter of this Order pursuant to 47 U.S. C. § 214(e)(2), 47 C.F.R. §§ 54.201(b)-(c) and WAC 480-123-040.
- 7 (2) YourTel America, Inc. meets the requirements for ETC designation under 47 U.S. C. § 214(e)(1), 47 C.F.R. § 54.201(d) and WAC 480-123-030.
- 8 (3) YourTel America, Inc. has complied with all federal and state rules and conditions on the Low Income Program.
- 9 (4) The Commission finds that amending the Company's request to include the exchange areas listed in Appendix A is in the public interest.
- 10 (5) The Commission should retain jurisdiction over the subject matter and the parties to effectuate the terms of this Order.
- 11 (6) The Commission finds YourTel's petition to add additional exchange areas is in the public interest and should be granted.

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<sup>3</sup> The FCC amended the list of supported services in 47 C.F.R. § 54.101(a). As a result, YourTel America no longer met the "own-facilities" requirement of 47 U.S.C. 214(e)(1). In compliance with the FCC's 2012 Lifeline Reform Order, YourTel America submitted its compliance plan to the Wireline Bureau of the FCC before July 1, 2012. The Company can continue to operate its Lifeline programs in states where it has obtained ETC designation prior to December 29, 2011 and receive reimbursement pending the FCC's approval of its compliance plan.

**ORDER**

**THE COMMISSION ORDERS:**

- 12 (1) The Commission grants the petition of YourTel America, Inc. for amending the Company's designation as an Eligible Telecommunications Carrier for the purpose of receiving Lifeline support from the federal Universal Service Fund to include the additional exchange areas listed in Appendix A to this Order. The designation is subject to the conditions set forth in Appendix B to Order 01 in this docket.
- 13 (2) YourTel America, Inc. must comply with applicable federal and Washington state laws and regulations on ETC obligations and requirements.
- 14 (3) The Commission retains jurisdiction over the subject matter and the parties to this proceeding.
- 15 (4) The Commission has authority to modify, suspend, or revoke YourTel America, Inc.'s ETC designation granted in this Order at a future date.

DATED at Olympia, Washington, and effective September 13, 2012.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER, Executive Director and Secretary

**Appendix A**

**YourTel America, Inc.  
Additional Areas for Eligible Telecommunications Carrier Designation**

<b><u>INCUMBENT LOCAL EXCHANGE CARRIER</u></b>	<b><u>EXCHANGE</u></b>
QWEST CORPORATION	
	Clarkston
	Coulee Dam
	Dayton
	Omak
	Oroville
	Pasco
	Pomeroy
	Walla Walla - Touchet