

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

Rulemaking to consider amending rules in)
WAC 480-120, Telephone Companies,) **Docket UT-140680**
WAC 480-121, Registration and)
Competitive Classification of)
Telecommunications Companies, WAC)
480-122, Washington Telephone)
Assistance Program, WAC 480-123,)
Universal Service, WAC 480-140,)
Commission General Budgets, and WAC)
480-143, Commission General Transfers)
of Property, due to competitive changes)
within the telecommunications to meet)
consumer, commission and industry)
requirements no longer applicable under)
the existing WAC rules)

T-MOBILE WEST LLC'S COMMENTS ON PROPOSED RULES

Pursuant to the Notice of Opportunity To Submit Written Comments On Proposed Rules, issued by the Commission on December 5, 2014, T-Mobile West LLC ("T-Mobile") hereby submits the following comments.¹

All pleadings, correspondence, and other communications concerning this docket should be sent to the following addresses:

Teri Ohta, Esq.
Principal Corporate Counsel
T-Mobile USA, Inc.
12920 SE 38th Street
Bellevue, WA 98006
Telephone: 425-383-5532
Facsimile 425-383-3640
Email: teri.ohta@t-mobile.com

Mark Trincherro, Esq.
Davis Wright Tremaine LLP
1300 SW 5th Ave, Ste 2400
Portland, OR 97201
Telephone: 503-778-5318
Facsimile: 503-778-5299
Email: marktrincherro@dwt.com

¹ On June 9, 2014, T-Mobile submitted "Comments of T-Mobile West LLC," regarding the Commission Staff's draft redline of Chapter 480-123.

I. INTRODUCTION

T-Mobile is a commercial mobile radio service (“CMRS”) provider designated as an eligible telecommunications carrier in the state of Washington for the purposes of receiving support from the federal universal service fund for high-cost, low income (Lifeline), and Mobility Fund. T-Mobile’s comments are limited to the proposed amendments to Chapter 480-123 Washington Administrative Code (Universal Service), though it reserves the right to comment on other party’s comments that are the subject of this proceeding.

II. CHAPTER 480-123 WAC

WAC 480-123-030(g) – Functionality in Emergency Situations

The proposed rules would amend WAC 480-123-030(g) to require wireless ETCs to provide:

(g) Information that demonstrates its ability to remain functional in emergency situations including a description of how it complies with WAC 480-120-411 or, for a wireless carrier, information that demonstrates that, when commercial power is not available, it has a reasonable amount of backup power (fixed, portable or other backup power source) for its cell sites, and backup power for its switches is as prescribed in WAC 480-120-411(3) for LEC central offices; and cell sites do not include any small cell facility as defined in RCW 80.36.375(2)(d) or any in building wireless installation.

This revised version of the rule is identical to the Staff draft redline of the rule issued previously in this docket. As T-Mobile noted in its comments submitted June 9, 2014, T-Mobile supports the proposed changes to the rule. The changes allow for a carrier to utilize a variety of options (i.e., fixed, portable or other backup power source) to demonstrate that it has a reasonable amount of backup power for its cell sites. It also excludes small cell facilities and in-building wireless installations from this rule.

WAC 480-123-060 and Annual Certification of Eligible Telecommunications Carriers

Consistent with Staff's previous draft, the proposed rules would amend the deadline for ETCs to submit their requests for certification of the ETC's use of federal high cost support to the Commission from July 31 to July 1. T-Mobile supports this change, as it mirrors the July 1st deadline for ETCs to submit their Form 481 reports to the FCC.

WAC 480-123-070 – Annual Certifications and Reports

In its June 9, 2014 comments, T-Mobile noted that changes to WAC 480-123-070 proposed in the Staff's draft redline appeared to unduly *expand* the information required of ETCs in their annual reports. In particular, the Staff's draft redline proposed an amendment to WAC 480-123-070(1) to read as follows:

The report must provide a substantive description of investments made and expenses paid with support from the federal high-cost fund. The report must include the Company's gross capital expenditures and maintenance expense in the preceding calendar year along with a description of major protects and affected exchanges. The rate of return wireline ETCs must also include a copy of its NECA-1 report for the preceding calendar year.

In its earlier comments, T-Mobile questioned if it was in fact Staff's intent to impose additional requirements upon ETCs, as the draft rule appeared to require more detailed reporting of expenditures and maintenance expenses than in the prior rule.

The Commission's proposed rule mirrors the changes in Staff's draft redline. However, the Commission's proposed rule now also includes the following "Note:"

Information already on file with the commission. To the extent a company has already filed any of the information required under this rule the company need not provide that same information so long as the company identifies the docket number, documents, and location within those documents in which the company has already provided the information.

The FCC requires ETCs to submit as part of its Form 481 filing:

A progress report on its five-year service quality improvement plan pursuant to § 54.202(a), including maps detailing its progress towards meeting its plan targets, an explanation of how much universal service support was received and how it was used to improve service quality, coverage, or capacity, and an explanation regarding any network improvement targets that have not been fulfilled in the prior calendar year. The information shall be submitted at the wire center level or census block as appropriate[.]

47 C.F.R. § 54.313(a)(1). ETCs file copies of these reports with the relevant state commissions, including this Commission.

T-Mobile believes that, for wireless carriers, the information contained in the Form 481 provides sufficient detail for the Commission to conduct its annual ETC recertification.² Indeed, the information contained in the Form 481 may, in fact, provide the level of detail the Commission's proposed amended reporting rule would require. However, because the language in the Commission's proposed rule does not mirror the language in the FCC's rule, an ambiguity would be created that would render it difficult for ETCs to know whether submission of the information in the Form 481 alone is sufficient to comply with the proposed amended rule.

T-Mobile urges the Commission to avoid creating undue ambiguity and confusion and potentially duplicative reporting requirements.³ Accordingly, T-Mobile recommends that the

///

///

///

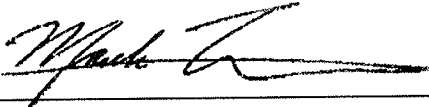
² A number of states, including the neighboring states of Oregon and Idaho, have amended their ETC reporting obligations to require wireless ETCs to file a copy of their Form 481 only.

³ T-Mobile also notes that the FCC originally mandated that high-cost support to wireless ETCs be phased out by the end of 2016. While temporarily suspended, this phase down will likely be reinstated, and perhaps accelerated. Accordingly, the progress reports required pursuant to WAC 480-123-070(1) will soon no longer be required of wireless ETCs. It would make little sense to complicate this filing process at a time when it will soon become obsolete.

Commission instead require wireless ETCs to submit a copy of the progress report that it files with its Form 481, as is done in other states.

Respectfully submitted this 6th day of January, 2015.

DAVIS WRIGHT TREMAINE LLP

By: 

Mark P. Trincherro, OSB #883221

Email: marktrincherro@dwt.com

Telephone: 503-778-5318

Facsimile: 503-778-5299

Attorneys for T-Mobile West LLC