

**BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION
COMMISSION**

In the Matter of

Petition of Sprint Corporation to Amend Its
Certification as an Eligible
Telecommunications Carrier in Washington

Docket No. UT- _____

**PETITION OF SPRINT CORPORATION TO AMEND ITS
CERTIFICATION AS AN ELIGIBLE TELECOMMUNICATIONS
CARRIER IN THE STATE OF WASHINGTON**

William E. Hendricks
902 Wasco Street
Hood River, OR 97031
(541) 387-9439 phone
(541) 387-9753 fax
tre.e.hendricks.iii@mail.sprint.com

Attorney for Sprint

November 30, 2004

TABLE OF CONTENTS

	<u>Page</u>
I. INTRODUCTION	2
II. SPRINT MEETS ALL THE STATUTORY AND REGULATORY PREREQUISITES FOR DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER IN THE AREAS FOR WHICH IT REQUESTS DESIGNATION IN THIS PETITION.	3
A. Sprint Provides Each of the Services Supported By the Federal High-Cost Universal Service Program.....	5
B. Sprint Offers Supported Services Over Its Own Facilities	9
C. Sprint Advertises Its Universal Service Offering	9
III. SPRINT HAS THE ABILITY TO PROVIDE SERVICE THROUGHOUT THE SERVICE AREA IN WASHINGTON FOR WHICH IT REQUESTS DESIGNATION.....	9
IV. PARTICIPATION IN LOW INCOME PROGRAMS	10
V. GRANTING THIS APPLICATION WILL SERVE THE PUBLIC INTEREST	10
VI. HIGH COST CERTIFICATION	14
VII. ANTI-DRUG ABUSE CERTIFICATION	15
VIII. CONCLUSION.....	15

1 Sprint Corporation, on behalf of its Wireless Division (consisting of SprintCom, Inc., Sprint Spectrum, L.P., and WirelessCo, L.P., d/b/a Sprint) (collectively, “Sprint”) pursuant to Section 214(e) of the Communications Act of 1934, as amended,¹ submits this Petition to amend its certification as an Eligible Telecommunications Carrier (“ETC”) in Washington. This Petition seeks to amend the ETC certification that the Washington Utilities and Transportation Commission (“Commission”) granted to Sprint on October 29, 2003.²

2 Sprint asks that the Commission designate Sprint as an ETC in additional specified portions of its service area in the State of Washington that are served by the following rural incumbent local exchange carriers (“ILECs”): United Telephone-Northwest d/b/a Sprint; CenturyTel of Washington, Inc.; CenturyTel of InterIsland, Inc.; Asotin Telephone Co.; Ellensburg Telephone Co.; Hat Island Telephone Co.; Hood Canal Telephone Co.; Inland Telephone Co.; Kalama Telephone Co.; McDaniel Telephone Co. (TDS Telecom, Inc.); Lewis River Telephone Co. (TDS Telecom, Inc.); Mashell Telephone, Inc. d/b/a Rainier Connect or The Rainier Group; St. John Telephone Co.; Tenino Telephone Co.; Toledo Telephone Co.; Whidbey Telephone Co.; and Ycom Networks, Inc. (collectively, the “Rural ILECS”). As demonstrated below and in the attached affidavit of Dr. Brian K. Staihr, Sprint satisfies the prerequisites for ETC designation set forth in the Act and the Federal Communications Commission’s (“FCC”) rules, and Sprint’s designation will serve the public interest.

¹ 47 U.S.C. § 214(e)(1).

² The Commission found that Sprint satisfied the applicable requirements and designated Sprint as an ETC in service areas consisting of specified areas served by Qwest Corporation, Verizon Northwest Inc., and Verizon Northwest Inc.-WA (collectively, the “Non-Rural ILECs”). *See In the Matter of the Petition of Sprint Corporation, d/b/a/ Sprint PCS, Sprintcom, Inc., Sprint Spectrum, L.P., and WirelessCo., L.P. for Designation as an Eligible Telecommunications Carrier*, Docket No. UT-031558, Order No. 01 (Oct. 29, 2003) (“*Sprint Non-Rural ETC Order*”).

3 The Applicant, Sprint, has its principal place of business at 6200 Sprint Parkway, Overland Park, Kansas 66521. All correspondence regarding this Application should be directed to the undersigned counsel for Sprint:

William E. Hendricks
Sprint – Attorney
902 Wasco Street
Hood River, OR 97031
(541) 387-9439 phone
(541) 387-9753 fax
tre.e.hendricks.iii@mail.sprint.com

4 The statutes and rules implicated by this Petition include 47 U.S.C. §§ 153(44), 214(e), 253(b) and 254(d); 47 C.F.R. §§ 51.5, 54.5, 54.101, 54.201, 54.207, 54.307, 54.314.

I. INTRODUCTION

5 Sprint is authorized to provide broadband personal communications service (“PCS”) in Washington pursuant to Part 24 of the FCC’s rules. Sprint is a common carrier, consistent with the definition in 47 U.S.C. § 153(10) and the requirements of 47 U.S.C. § 214(e)(1), and is a commercial mobile radio service (“CMRS”) provider as set forth in 47 U.S.C. § 332(c)(1). On October 29, 2003, the Commission found that Sprint satisfied the applicable requirements and designated Sprint as an ETC, in the *Sprint Non-Rural ETC Order*.

6 Sprint intends to obtain universal service support funding in certain of the high-cost areas served by the Rural ILECs in Washington. As required, this funding will be used only to support the provision, upgrading, and maintenance of the facilities and services for which the support is intended. As a result, Sprint will be able to increase the service quality and geographic coverage of its all-digital wireless network in Washington.

In addition, designation of Sprint as an ETC will speed the deployment of advanced wireless network facilities that support provision of both basic wireless services and higher-bandwidth and enhanced services to consumers in Washington.³ As an ETC, Sprint will also offer a reduced-rate universal service package to subscribers who are eligible for Lifeline support. Sprint's service offerings are competitive with those of the Rural ILECs.

II. SPRINT MEETS ALL STATUTORY AND REGULATORY PREREQUISITES FOR DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER IN THE AREAS FOR WHICH IT REQUESTS DESIGNATION IN THIS PETITION

7 A telecommunications carrier may be designated as an ETC and receive universal service support throughout its designated service area if it agrees to: (i) offer services that are supported by federal universal support mechanisms, and (ii) advertise the availability of such services.⁴ In its *Universal Service Order* implementing Sections 214(e) and 254, the FCC set forth the services a carrier must provide to be designated as an ETC in order to receive federal universal service support.⁵

8 Section 214(c)(2) of the Act provides that ETC designations shall be made for a "service area" designated by the state commission. In areas served by a rural telephone company, "service area" means the local exchange carrier ("LEC") study area unless and until the FCC and the states, taking into account recommendations of a Federal-State

³ See *Federal-State Joint Board on Universal Service, Order and Order on Reconsideration*, CC Docket No. 96-45, FCC 03-170, ¶ 13 (released July 14, 2003) ("*Definition of Universal Service Order*") ("[W]e continue to support the Commission's prior conclusion that 'our universal service policies should not inadvertently create barriers to the provision or access to advanced services, and. . . that our current universal service system does not create such barriers.' Thus, even though advanced services are not directly supported by federal universal service, '[Commission] policies do not impede the deployment of modern plant capable of providing access to advanced services.' We recognize that the network is an integrated facility that may be used to provide both supported and non-supported services.").

⁴ See 47 U.S.C. § 214(e)(1).

⁵ *Federal-State Joint Board on Universal Service, Federal-State Joint Board on Universal Service*, First Report and Order, 12 FCC Rcd 8776, ¶¶ 63-82 (1997) ("*First Report and Order*"), subsequent history omitted.

Joint Board on Universal Service, establish a different definition of service area for such company.⁶

9 On August 17, 1998, the Commission and 20 rural LECs filed a petition with the FCC seeking the FCC's agreement with the Commission's designation of the individual exchanges of 15 rural LEC's as their "service areas" for universal service purposes. The petition also requested a waiver of 47 C.F.R. § 54.307, to permit the disaggregation of high-cost support to Washington's rural carriers. In a Memorandum Opinion and Order released September 9, 1999,⁷ the FCC agreed with the Commission's proposed service area designation, stating that redefinition along exchange-area boundaries was "warranted in order to promote competition."⁸

10 The FCC also granted the proposed waiver of Section 54.307, permitting the disaggregation of high-cost support on an interim basis pending the development of a new mechanism for the calculation and distribution of support.⁹ Pursuant to the Fourteenth Report and Order released in May 2001, several ILECs in Washington submitted filings to the Commission to select among three enumerated paths that define the manner in which support is calculated and distributed.¹⁰ The computation and

⁶ See 47 C.F.R. § 54.207(b).

⁷ See *Petition for Agreement with Designation of Rural Company Eligible Telecommunications Carrier Service Areas and for Approval of the Use of Disaggregation of Study Areas for the Purpose of Distributing Portable Federal Universal Service Support, Memorandum Opinion and Order*, CC Docket No. 96-45, Memorandum Opinion and Order, DA 99-1844 ¶ 8 (rel. Sept. 9, 1999) ("*Disaggregation Order*").

⁸ *Id.*

⁹ *Id.*

¹⁰ See 47 C.F.R. § 54.315; *Multi-Association Group (MAG) Plan for Regulation of Interstate Services of Non-Price Cap Incumbent Local Exchange Carriers and Interexchange Carriers, Fourteenth Report and Order, Twenty Second Order on Reconsideration, and Further Notice of Proposed Rulemaking*, CC Docket No. 00-256, Fourteenth Report and Order, FCC 01-157, ¶¶ 144-164 (rel. May 23, 2001).

distribution of high-cost support resulting from these filings supersede the portions of the *Disaggregation Order* that pertains to disaggregation.¹¹

A. Sprint Provides Each of the Services Supported By the Federal High-Cost Universal Service Program.

11 As supported by the affidavit of Dr. Brian K. Staihr, attached as Exhibit A, Sprint provides all the services and functionalities supported by the federal universal service program, as set forth in Section 214(e) of the Act and Section 54.101(a) of the FCC's rules, throughout the Rural ILECs' service areas for which Sprint seeks ETC designation in Washington.

12 In order to be designated as an ETC, a carrier must be a common carrier and both offer and advertise the supported services throughout the designated service area, either using its own facilities or a combination of its own facilities and resale of another carrier's services.¹² The FCC has identified the following services and functionalities as the core services to be offered by an ETC and supported by federal universal service support mechanisms:

1. Voice-grade access to the public switched telephone network;
2. Local usage;
3. Dual-tone, multi-frequency ("DTMF") signaling, or its functional equivalent;
4. Single-party service or its functional equivalent;
5. Access to emergency services;
6. Access to operator services;
7. Access to interexchange service;

¹¹ See *Disaggregation Order*, ¶ 6.

¹² 47 U.S.C. § 214(e)(1).

8. Access to directory assistance; and
9. Toll limitation for qualifying low-income consumers.

13 For purposes of ETC applications, carriers must certify that they provide each of the supported services, or where appropriate, its functional equivalent.¹³ The Commission found that Sprint meets these criteria in the *Sprint Non-Rural ETC Order*. As shown below and in the Declaration attached as Exhibit A hereto, Sprint provides the required services throughout the area for which it seeks ETC designation in this Petition.

14 1. Voice-grade access to the public switched network. The FCC has concluded that voice-grade access means the ability to make and receive phone calls, within a specified bandwidth and frequency range.¹⁴ Sprint meets this requirement by providing voice-grade access to the public switched telephone network. Through its interconnection arrangements with local exchange carriers in Washington, all customers of Sprint are able to make and receive calls on the public switched telephone network within the specified bandwidth.

15 2. Local usage. ETCs must include local usage beyond providing simple access to the public switched network as part of a universal service offering.¹⁵ Sprint includes specified quantities of usage in each of its rate plans, at the option of the customer, and thereby complies with the requirement that all ETCs offer local usage. To

¹³ *Section 214(e)(6) Public Notice*, 12 FCC Rcd at 22948 & n.5.

¹⁴ *First Report and Order*, 12 FCC Rcd at 8810-12, ¶¶ 63-64.

¹⁵ The FCC has rejected proposals to require unlimited local usage, and has not quantified any minimum amount of local usage required to be included in a universal service offering. In the *First Report and Order*, the FCC deferred a determination on the amount of local usage that a carrier would be required to provide. *Id.* at 8812-14, ¶¶ 65-69. The FCC later issued a Notice of Proposed Rulemaking seeking comment on how much, *if any*, local usage an ETC should be required to offer, *Federal-State Joint Board on Universal Service*, Memorandum Opinion and Order and Further Notice of Proposed Rulemaking, 13 FCC Rcd 21252, 21279-81, ¶¶ 50-53 (1998), but more recently, the Commission decided to “adopt[] the Joint Board recommendation that unlimited local usage should not be added to the list of supported services.” *Definition of Universal Service Order*, ¶ 14.

date, the FCC has not prescribed any minimum amount of local usage required to be provided by any ETC, and has confirmed that unlimited local usage is not required by any ETC.¹⁶ However, Sprint will comply with any specific local usage requirements adopted by the FCC and required of federal ETCs in the future.

16 3. Dual-tone multi-frequency (“DTMF”) signaling, or its functional equivalent. DTMF is a method of signaling that facilitates the transportation of call set-up and call detail information. Consistent with the principles of competitive and technological neutrality, the FCC permits carriers to provide signaling that is functionally equivalent to DTMF, such as out-of-band digital signaling, in satisfaction of this requirement.¹⁷ The DTMF-emulating service offered by Sprint, like that offered by other CMRS providers, satisfies this requirement.

17 4. Single-party service or its functional equivalent. “Single-party service” means that only one party will be served by a subscriber loop or access line (in contrast to a multi-party line).¹⁸ The FCC has concluded that a wireless provider offers the equivalent of single-party service when it offers a dedicated message path for the length of a user’s particular transmission.”¹⁹ Sprint meets the requirement of single-party service by providing a dedicated message path for the length of all customer calls.

18 5. Access to emergency services. The ability to reach a public emergency service provider by dialing 911 is a required service in any universal service offering. Sprint currently provides its subscribers with access to 911 emergency services in accord with this requirement throughout the service area for which Sprint seeks rural ETC

¹⁶ *Federal-State Board on Universal Service*, CC Docket 96-45, *Order and Order on Reconsideration*, FCC 03-170, ¶ 15 (rel. July 14, 2003) (“*July 14 Order*”).

¹⁷ 47 C.F.R. § 54.101(a)(3); *First Report and Order*, 12 FCC Rcd at 8814-15, ¶ 71.

¹⁸ *First Report and Order*, 12 FCC Rcd at 8810, ¶ 62.

¹⁹ *Id.*

designation. Sprint also provides Enhanced 911 services, including Phase I and Phase II E-911 services, where requested by local public safety authorities ready to receive the information and where such services are supported by the local exchange carrier.

19 6. Access to operator services. Access to operator services is defined as any automatic or live assistance provided to a consumer to arrange for the billing or completion, or both, of a telephone call.²⁰ Sprint meets this requirement by providing all of its customers with access to operator services, including customer service and call completion.

20 7. Access to interexchange service. An ETC must offer consumers access to interexchange service to make and receive toll or interexchange calls.²¹ Sprint meets this requirement by providing all of its customers with the ability to make and receive interexchange calls. Most Sprint rate plans include nationwide interexchange calling at the same rate as local calls. Additionally, customers are able to reach their IXC of choice by dialing the appropriate access code.

21 8. Access to directory assistance. The ability to place a call to directory assistance is a required service offering.²² Sprint meets this requirement by providing all of its customers with access to directory assistance by dialing “411.”

22 9. Toll limitation for qualifying low-income consumers. An ETC must offer either “toll control” or “toll blocking” services to qualifying Lifeline customers at no additional charge. 47 C.F.R. § 54.101(a)(9). Once designated as an ETC in the Rural

²⁰ *Id.* at 8817-18, ¶ 75.

²¹ Equal access, however, is not required at this time. “The FCC do[es] not include equal access to interexchange service among the services supported by universal service mechanisms.” *Id.* at 8819, ¶ 78; *Definition of Universal Service Order* at ¶ 33 (“[W]e make no decision regarding equal access at this time. . . . [W]e defer consideration of this issue pending resolution of the *Portability Proceeding*.”).

²² *First Report and Order*, 12 FCC Rcd at 8821, ¶ 80.

ILEC areas that are the subject of this application, Sprint will participate in Lifeline in those areas as required, and will provide toll control and/or toll blocking capability to the extent required. Sprint currently has the technology to provide toll limitation and will utilize this technology to provide such functionality at no additional charge to Lifeline customers.

B. Sprint Offers Supported Services Over Its Own Facilities.

23 A carrier requesting designation must certify that it offers the supported services “either using its own facilities or a combination of its own facilities and resale of another carrier’s services.”²³ Sprint provides the supported services primarily using its existing network infrastructure, which includes the antennas, cell-sites, towers, trunking, mobile switching, and interconnection facilities owned or leased by Sprint, used to serve PCS customers.

C. Sprint Advertises Its Universal Service Offering.

24 Sprint advertises the availability of the supported services and the corresponding charges in a manner that informs the general public within the designated service area of both the services available and the corresponding charges. Sprint advertises its wireless services through several different media of general distribution throughout the service area for which designation is requested.

III. SPRINT HAS THE ABILITY TO PROVIDE SERVICE THROUGHOUT THE SERVICE AREA IN WASHINGTON FOR WHICH IT REQUESTS DESIGNATION

25 Sprint requests ETC designation for the service area in Washington depicted on the maps attached as Exhibit B. Specifically, Sprint proposes a service area consisting of

²³ 47 U.S.C. § 214(e)(1)(A).

each of the Rural ILEC exchanges in Washington in which PCS service is available over the Sprint PCS network. Maps of the proposed service area are attached in Exhibit B, and a list of the exchanges included in the proposed service area is provided in Exhibit C. The maps indicate the areas where Sprint will provide service. Sprint will also provide to the Commission maps in .shp format. Sprint accepts the obligation to serve those who request services consistent with its ETC designation.

IV. PARTICIPATION IN LOW-INCOME PROGRAMS

26 All ETCs must participate in the federal Lifeline and Link Up programs. Sprint will participate in the FCC's Lifeline and Link Up programs in the Rural ILEC areas that are the subject of this application, in accordance with 47 C.F.R. §§ 54.400 through 54.415. As required, toll blocking will be provided to those who request it, and customers who choose toll blocking will be relieved of any deposit requirement.

V. GRANTING THIS APPLICATION WILL SERVE THE PUBLIC INTEREST

27 Many residents of Washington live in rural areas where it is cost-prohibitive for a competitive telecommunications company to offer service. As a result, consumers do not have the choices of service providers available in urban areas. A grant of this Application will serve the public interest by promoting additional deployment of wireless facilities and services to the high-cost areas served by the Rural ILECs in Washington, and by bringing consumers in those areas the benefits of additional competitive universal service offerings.²⁴

²⁴ See, e.g., *Cellco Partnership d/b/a ell Atlantic Mobile Petition for Designation as an Eligible Telecommunications Carrier*, Memorandum Opinion and Order, 16 FCC Rcd 39, 43, ¶ 8 (Com. Car. Bur. 2000) (“[A] policy of technological neutrality will foster competition by including providers, such as

28

The Commission has recognized that the FCC’s established public interest analysis under Section 214(e)(6) seeks to balance the benefits of increased competition and consumer choice against any demonstrated adverse impacts to the consumer that might be caused by the designation.²⁵ Likewise, the FCC has recognized the advantages wireless carriers can bring to the universal service program. In particular, the FCC has found that “imposing additional burdens on wireless entrants would be particularly harmful to competition in rural areas, where wireless carriers could potentially offer service at much lower costs than traditional wireline service.”²⁶ One of the principal goals of the Telecommunications Act of 1996 is to “promote competition and reduce regulation in order to secure lower prices and higher quality services for American telecommunications consumers and encourage the rapid deployment of new telecommunications technologies.”²⁷ The FCC has thus observed that “[d]esignation of qualified ETCs promotes competition and benefits consumers in rural and high-cost areas by increasing customer choice, innovative services, and new technologies.”²⁸

29

The Commission has specifically emphasized the public interest benefits that flow from competitive entry by wireless carriers in rural areas. For example, the Commission

wireless providers, that may otherwise have been excluded from participation in the federal universal service mechanisms.”).

²⁵ *RCC Minnesota, Inc., d/b/a Cellular One*, Order Granting Petition for Designation as an Eligible Telecommunications Carrier, Docket No. UT-023033, ¶¶ 23-25 (Aug. 14, 2002) (“*RCC Order*”). However, the Commission has made it clear that it *may* look to the decision of the FCC for guidance as to the factors used in making public interest determinations, but that the Commission is not bound by those decisions. See *AT&T Wireless PCS of Cleveland, LLC et al.*, Order Granting Petition for Designation as an Eligible Telecommunications Carrier, Docket No. UT-043011; ¶¶ 33-34 (April 13, 2004) (“*AWS Order*”).

²⁶ *Universal Service Order*, ¶ 190.

²⁷ Telecommunications Act of 1996, Public Law, 104-104, 100 Stat. 56 (1996).

²⁸ See *In the Matter of Federal-State Joint Board on Universal Service Western Wireless Corporation Petition for Designation as an Eligible Telecommunications Carrier for the Pine Ridge Reservation in South Dakota*, CC Docket No. 96-45, *Memorandum Opinion and Order*, FCC 01-283, ¶ 12 (rel. Oct. 5, 2001).

stated in its order granting the amended petition for ETC designation by United States Cellular (“USC”) that it “believes it is in the public interest to grant USC’s petition because rural customers will benefit from the increased availability of wireless service. These benefits include increased mobility and increased level of service.”²⁹ The Commission reached a similar conclusion in designating AT&T Wireless (“AWS”) earlier this year, in which it stated that the applicant:

offers service through technologies that Rural ILECs and other wireless carriers do not use. Consumers are better off when the government does not favor one technology over another, but instead lets consumers choose the technology, based on its own attributes (including quality of service), in comparison to the attributes of other technologies.³⁰

30 Like the services provided by other approved rural wireless ETCs in Washington, Sprint’s PCS offerings give customers substantial and unique benefits. Sprint operates a robust, all-digital, nationwide mobile wireless network. Today, Sprint’s nationwide PCS network includes over 20,000 cell sites in service. Sprint offers consumers industry-leading network technology. Sprint offers its subscribers the capacity to view, download, and share data, including the ability to shoot full-color digital pictures or 15-second video clips and instantly share them with family and friends or upload them to an album. Sprint also offers consumers high data speed capabilities, supporting applications such as the ability to watch TV on a PCS phone via the Web.³¹

²⁹ *AWS Order*, ¶ 44.

³⁰ *RCC Order*, ¶ 68.

³¹ Although advanced services are not mandatory “supported services” included in the minimum defined list of services that all ETCs must offer, under the FCC’s “no barriers to advanced services” policy, “use of support to invest in infrastructure capable of providing access to advanced services does not violate section 254(e), which mandates that support be used ‘only for the provision, maintenance, and upgrading of facilities and services for which the support is intended.’ The public switched telephone network is not a single-use network. Modern network infrastructure can provide access not only to voice services, but also to data, graphics, video, and other services.” *Federal-State Joint Board on Universal Service*, Fourteenth Report and Order, 16 FCC Rcd 11244, ¶ 200 (2001), *subsequent history omitted*.

31 Sprint offers consumers some of the most innovative and beneficial wireless calling packages in the industry. Like other wireless carriers, Sprint's plans offer broad local calling scopes, including nationwide long distance, as well as voicemail, caller ID, and other "vertical services," included in the basic monthly rate for many plans. Sprint goes much further, however, in offering new plans, like its recently introduced Sprint PCS Fair and FlexibleSM Plan, which automatically adjusts the number of included minutes based on a customer's actual usage each month and prevents high overage charges. Sprint is therefore well positioned to bring the economies and broader local calling scopes to subscribers in its ETC service area.

32 As Sprint continues to develop and upgrade its wireless network, it is able to offer consumers in rural and high-cost areas the same advanced features noted above. Thus, an expanding number of Sprint's Washington customers will be able to combine basic universal service and functionalities with these advanced services if they so desire. Wireless technology and networks have been rapidly deployed over the past 15 years. This network expansion must continue if Washington consumers are to have full access to this technology in the future. The use of federal universal service support to provide universal services and extend wireless networks in rural and high-cost areas clearly benefits the public interest by ensuring these networks will be available to deliver basic and advanced services to all telecommunications consumers.

33 Moreover, designating Sprint as an additional ETC will provide the incumbent companies with a competitive incentive to improve their own networks, offer advanced services at competitive prices and improve customer service. As noted above, the Commission and the FCC have both concluded that increased competition can lead to

better service and the provision of new, innovative services for the benefit of consumers.³²

34 Sprint's designation as an additional ETC will not threaten the provision of universal services by rural telephone companies. Under the current funding mechanisms, rural telephone companies will continue to receive funding based on an embedded cost methodology until 2006, and will not lose support if they lose lines to Sprint as a competitor.³³ This extended transition period ensures that rural telephone companies can move successfully to competitive markets. The public interest standard under Section 214(e)(2) for designating ETCs in territories served by rural telephone companies emphasizes competition and consumer benefits, not incumbent protection.³⁴

VI. HIGH COST CERTIFICATION

35 Sprint certifies in Exhibit A to this Petition that all high-cost universal service support received in Washington will be used only for the provision, maintenance, and upgrading of services and facilities for which the support is intended.

³² See, e.g., *RCC Order*, ¶ 59; *In the Matter of the Federal-State Joint Board on Universal Service, Western Wireless Corp. Petition for Designation as an Eligible Telecommunications Carrier in the State of Wyoming*, CC Docket No. 96-45, Memorandum Opinion and Order, DA 00-2896, ¶ 11 (rel. Dec. 26, 2000) ("*Wyoming Order*"), ¶¶ 16-22.

³³ See *Fourteenth Report and Order*, ¶¶ 165-177.

³⁴ In considering the impact that Western Wireless' ETC designation in Wyoming would have on rural telephone companies, the FCC said:

We do not believe that it is self-evident that rural telephone companies cannot survive competition from wireless providers. Specifically, we find no merit to the contention that designation of an additional ETC in areas served by rural telephone companies will necessarily create incentives to reduce investment in infrastructure, raise rates, or reduce service quality to consumers in rural areas. To the contrary, we believe that competition may provide incentives to the incumbent to implement new operating efficiencies, lower prices, and offer better service to its customers.

Wyoming Order, ¶ 22.

VII. ANTI-DRUG ABUSE CERTIFICATION

36 Sprint certifies that no party to this petition is subject of a denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 862, and Sections 1.2001-1.2003 of the Commission's rules, 47 C.F.R. §§ 1.2001-1.2003. See Exhibit A, ¶ 19.

VIII. CONCLUSION

37 Sprint respectfully requests that the Commission grant this Petition to amend Sprint's designation as an ETC in Washington to include certain portions of its service territory served by the Rural ILECs.

Respectfully submitted, this 30th day of November 2004.

By: _____

William E. Hendricks
WSBA No. 29786
902 Wasco Street
Hood River, OR
(541) 387-9439

Attorney for Sprint

November 30, 2004

Exhibit A

Affidavit of Brian K. Staihr

Brian K. Staihr, being first duly sworn upon oath, deposes and states as follows:

1. My name is Brian K. Staihr, and I serve as Regulatory Economist for Sprint Corporation. My business address is 6450 Sprint Parkway, Overland Park, KS 66251. I am an authorized representative of Sprint Corporation's Wireless Division, which consists of Sprint Spectrum, L.P., WirelessCo, L.P., SprintCom, Inc., Sprint PCS License, L.L.C., APC PCS, LLC, PhillieCo, L.P., and other wholly-owned and controlled affiliates (collectively, "Sprint"), with regard to Sprint's Application for Designation as an Eligible Telecommunications Carrier ("ETC") in the State of Washington ("Application") for certain portions of its service territory service by the Rural ILECs as identified below and in Sprint's Application, attached hereto.

2. I have read the foregoing Application and all information therein is true and correct to the best of my knowledge, information and belief. Sprint offers all the services and functionalities supported by the federal universal service program, and advertises those services, throughout the area for which ETC designation is sought. Sprint does so using a combination of its own facilities and resale of other carriers' services, as described in the foregoing Application.

3. Sprint requests ETC designation for the service areas in Washington depicted on the maps attached as Exhibit B. Specifically, Sprint proposes service areas consisting of specified portions of the areas in the State of Washington that are served by the following rural incumbent local exchange carriers ("ILECs"): United Telephone-Northwest (d/b/a/ Sprint Local); CenturyTel of Washington, Inc.; CenturyTel of InterIsland, Inc.; Asotin Telephone Co.; Ellensburg Telephone Co.; Hat Island Telephone Co.; Hood Canal Telephone Co.; Inland Telephone Co.; Kalama Telephone Co.; McDaniel Telephone Co.; Mashell Telephone Co.; St. John Telephone Co.; Tenino Telephone Co.; Toledo Telephone Co.; Whidbey Telephone Co.; and Ycom Networks, Inc. (collectively, the "Rural ILECS"). A list of the exchanges included in the proposed service areas is provided in Exhibit C.

4. A grant of Sprint's application will serve the public interest by promoting additional deployment of wireless facilities and services to the specified rural service areas in the State of Washington, bringing consumers in those areas the benefits of additional competitive universal service offerings, and for the other reasons described in the Application.

5. High-Cost Certification. Sprint certifies that all high-cost universal service support received in Washington will be used only for the provision, maintenance, and upgrading of services and facilities for which the support is intended.

6. Anti-Drug Abuse Certification. To the best of my knowledge, the applicant referred to in the foregoing Application, including all officers, directors, or

persons holding 5% or more of the outstanding stock or shares (voting and/or non-voting) of the applicant as specified by Section 1.2002(b) of the FCC's rules, are not subject to a denial of federal benefits, including FCC benefits, pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 862. A list of the officers, directors, and persons holding 5% or more of the outstanding stock or shares (voting and/or non-voting) is attached.

7. This concludes my affidavit.

Date

SUBSCRIBED, SWORN TO AND ACKNOWLEDGED before me on this ___ day of November, 2004.

NOTARY PUBLIC

My Commission Expires: _____
NAME