

AMENDATORY SECTION (Amending WSR 98-04-028, filed 1/28/98, effective 2/28/98)

WAC 480-123-010 Federal universal service contracts. For purposes of schools and libraries receiving federal universal service funding under 47 C.F.R., Part 54 of the Federal Communications Commission rules, the following intrastate discounts shall apply:

SCHOOLS AND LIBRARIES DISCOUNT MATRIX HOW DISADVANTAGED?	DISCOUNT LEVEL	
	urban discount (%)	rural discount (%)
% of students eligible for national school lunch program		
<1	20	25
1-19	40	50
20-34	50	60
35-49	60	70
50-74	80	80
75-100	90	90

AMENDATORY SECTION (Amending WSR 14-12-008, filed 5/22/14, effective 6/22/14)

WAC 480-123-020 Definitions. As used in this chapter:

"Applicant" means any person applying to an ETC for new service or reconnection of discontinued service.

"Communications provider" or "provider" means a company providing communications service that assigns a working telephone number to a final consumer for intrastate wireline or wireless communications services or interconnected voice over internet protocol service, and includes local exchange carriers.

"Communications services" includes telecommunications services and information services and any combination of these services.

"Eligible telecommunications carrier" and "ETC" mean a carrier designated by the commission as eligible to receive support from federal universal service mechanisms in exchange for providing services supported by federal universal service mechanisms.

"Facilities" means for the purpose of WAC 480-123-030 (1)(b) any physical components of the telecommunications network that are used in the transmission or routing of the services that are supported by federal universal service mechanisms.

".shp format" means the format used for creating and storing digital maps composed of shape files capable of being opened by the computer application ArcGIS™.

"Program" means the state universal communications services program created in RCW 80.36.650.

"Service area" means all of the designated exchanges served by a company in the state.

"Service outage" means a significant degradation in the ability of an end user to establish and maintain a channel of voice communica-

tions as a result of failure or degradation in the performance of a communications provider's network.

"Substantive" means sufficiently detailed and technically specific to permit the commission to evaluate whether federal universal service support has had, or will have, benefits for customers. For example, information about investments and expenses that will provide, increase, or maintain service quality, signal coverage, or network capacity, and information about the number of customers that benefit, and how they will benefit is sufficient to enable evaluation.

"Telecommunications" has the same meaning as defined in 47 U.S.C. Sec. 153(43).

AMENDATORY SECTION (Amending WSR 06-14-051, filed 6/28/06, effective 7/29/06)

WAC 480-123-030 Contents of petition for eligible telecommunications carriers. (1) Petitions for designation as an ETC must contain:

(a) A description of the area or areas for which designation is sought;

(b) A statement that the carrier will offer the services supported by federal universal service support mechanisms throughout the area for which it seeks designation, either using its own facilities or a combination of its own facilities and resale of another carrier's services (including the services offered by another ETC);

(c) A description of how it will provide each supported service;

(d) A substantive plan of the investments to be made with initial federal support during the first two years in which support is received and a substantive description of how those expenditures will benefit customers;

(e) A statement that the carrier will advertise the availability of services supported by federal universal service mechanisms, including advertisement of applicable telephone assistance programs, such as Lifeline, that is reasonably calculated to reach low-income consumers not receiving discounts;

(f) For wireless petitioners, a map in .shp format of proposed service areas (exchanges) with existing and planned locations of cell sites and shading to indicate where the carrier provides and plans to provide commercial mobile radio service signals;

(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 (~~it has at least four hours of back up battery power at each cell site, back up generators at each microwave hub, and at least five hours back up battery power and back up generators at each switch~~) 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; and

(h) Information that demonstrates that it will comply with the applicable consumer protection and service quality standards of chapter 480-120 WAC or, for a wireless carrier, a commitment to comply with the Cellular Telecommunications and Internet Association's (CTIA)

Consumer Code for Wireless Service. Information regarding the version of the CTIA code adopted and where to obtain it is set forth in WAC 480-123-999.

(2) A company officer must submit the petition in the manner required by RCW 9A.72.085.

AMENDATORY SECTION (Amending WSR 06-14-051, filed 6/28/06, effective 7/29/06)

WAC 480-123-060 Annual certification of eligible telecommunications carriers. (1) Each ETC seeking certification of the ETC's use of federal high-cost funds pursuant to 47 C.F.R. (~~§§ 54.307, 54.313, or~~) Sec. 54.314 must request certification by July (~~(31)~~) 1st each year. The ETC must certify that (~~it will use federal high-cost universal service fund support~~) all federal high-cost support provided to the ETC within Washington 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 (~~the~~) facilities and services for which the support is intended. The certification must be submitted by a company officer in the manner required by RCW 9A.72.085.

(2) The commission will certify an ETC's use of federal high-cost universal service fund support, pursuant to 47 C.F.R. (~~§§ 54.307, 54.313, or~~) Sec. 54.314 only if the ETC complies with the requirements in WAC 480-123-070, and the ETC demonstrates that it will use federal high-cost funds only for the provision, maintenance, and upgrading of facilities and services for which the support is intended through the requirements of WAC 480-123-080.

AMENDATORY SECTION (Amending WSR 06-14-051, filed 6/28/06, effective 7/29/06)

WAC 480-123-070 Annual certifications and reports. Not later than July (~~(31)~~) 1st of each year, every ETC that receives federal support from any category in the federal high-cost fund must certify or report as described in this section. The certifications and reports are for activity related to Washington state in the period January 1st through December 31st of the previous year. A company officer must submit the certifications in the manner required by RCW 9A.72.085.

(1) **Report on use of federal funds and benefits to customers.**

(a) (~~For an ETC that receives support based only on factors other than the ETC's investment and expenses,~~) The report must provide a substantive description of investments made and expenses paid with support from the federal high-cost fund.

(~~For ETCs that receive any support based on the ETC's investment and expenses, the report must provide a substantive description of investment and expenses, such as the NECA-1 report, the ETC will report as the basis for support from the federal high-cost fund.~~) The report must include 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. A rate of return wireline ETC must also include a copy of its NECA-1 report for the preceding calendar year.

(b) Every ETC must provide a substantive description of the benefits to consumers that resulted from the investments and expenses reported pursuant to (a) of this subsection.

(2) **Local service outage report.** (~~ETCs not subject to WAC 480-120-412 and 480-120-439(5) are required to report local service outages pursuant to this subsection.~~)

(a) The report must include detailed information on ((every local service outage thirty minutes or longer in duration experienced by the ETC. The report)) any outage in the service area (during the prior calendar year) of at least thirty 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. Sec. 4.5(e).

(b) Specifically, the eligible telecommunications carrier's annual report must include information detailing:

~~((a))~~ (i) The date and time of onset and duration of the outage;

~~((b))~~ (ii) A brief description of the outage and its resolution;

~~((c))~~ (iii) The particular services affected((, including whether a public safety answering point (PSAP) was affected));

~~((d))~~ (iv) The geographic areas affected by the outage;

~~((e))~~ (v) Steps taken to prevent a similar situation in the future; and

~~((f))~~ (vi) The ((estimated)) number of customers affected.

(3) **Report on failure to provide service.** (~~ETCs not subject to WAC 480-120-439 are required to report failures to provide service pursuant to this subsection.~~) The report must include ~~((detailed information on))~~ the number of requests for service from ((applicants)) potential customers within its designated service area((s)) that were unfulfilled ((for)) during the ((reporting period)) prior calendar year. The ETC must also ~~((describe in))~~ detail how it attempted to provide service to those ~~((applicants))~~ potential customers.

(4) **Report on complaints per one thousand ((handsets or lines)) connections (fixed or mobile).** The report must provide separate totals for the number of complaints that the ETC's customers made to the Federal Communications Commission~~((, or))~~ and the consumer protection division of the office of the attorney general of Washington. ~~((The report must also generally describe the nature of the complaints and outcome of the carrier's efforts to resolve the complaints.))~~ The ETC must also report the number of consumer complaints in each general category (for example, billing disputes, service quality).

(5) **Certification of compliance with applicable service quality standards and consumer protection rules.** Certify that it met substantially the applicable service quality standards and consumer protection rules found in WAC 480-123-030 (1)(h).

(6) **Certification of ability to function in emergency situations.** Certify that it had the ability to function in emergency situations based on continued adherence to the standards found in WAC 480-123-030 (1)(g).

(7) **Advertising certification, including advertisement on Indian reservations.** Certify it has publicized the availability of its applicable telephone assistance programs, such as Lifeline, in a manner reasonably designed to reach those likely to qualify for service, in-

cluding residents of federally recognized Indian reservations within the ETC's designated service area. Such publicity should include advertisements likely to reach those who are not current customers of the ETC within its designated service area.

(8) Report filing alternatives. To the extent the company has filed a report with a federal agency that provides the data requested by the commission, the company can refer to that docket number and the date the information was filed with the commission.

AMENDATORY SECTION (Amending WSR 06-14-051, filed 6/28/06, effective 7/29/06)

WAC 480-123-080 Annual plan for universal service support expenditures. (1) Not later than July ~~((31))~~ 1st of each year, every ETC that receives federal support from any category in the federal high-cost fund must report ~~((on:~~

~~(a))~~ the planned use of federal support related to Washington state that will be received during the ~~((period October 1 of the current year through the following September; or~~

~~(b) The planned investment and expenses related to Washington state which the ETC expects to use as the basis to request federal support from any category in the federal high-cost fund))~~ coming calendar year. The report must include the company's planned gross capital expenditures and operating expenses made with federal high-cost support received by the ETC for the coming calendar year along with a description of major projects and affected exchanges.

(2) The report must include 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.

(3) As part of the ~~((filing required by this section to be submitted in 2007))~~ initial ETC petition for federal high-cost support, and at least once every three years thereafter, a wireless ETC must submit a map in .shp format that shows the general location where it provides commercial mobile radio service signals.

AMENDATORY SECTION (Amending WSR 13-05-023, filed 2/11/13, effective 3/14/13)

WAC 480-123-999 Adoption by reference. In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

(1) The Cellular Telecommunications and Internet Association's (CTIA) Consumer Code for Wireless Service.

(2) The commission adopts the version in effect on January 1, ~~((2012))~~ 2014.

(3) This publication is referenced in WAC 480-123-030 (contents of petition for eligible telecommunications carriers).

(4) Copies of the CTIA Consumer Code for Wireless Service are available at <http://www.ctia.org>.