

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

In the Matter of the Petition of)	DOCKET NO. UT-031558
)	
SPRINT CORPORATION, d/b/a)	ORDER NO. 01
Sprint PCS, SPRINTCOM, INC.,)	
SPRINT SPECTRUM, L.P., and)	
WIRELESSCO, L.P.)	ORDER GRANTING PETITION
)	FOR DESIGNATION AS AN
)	ELIGIBLE
For Designation as an Eligible)	TELECOMMUNICATIONS
Telecommunications Carrier)	CARRIER
.....)	

BACKGROUND

- 1 The Telecommunications Act of 1996 (Act)¹ requires state utility commissions to make a number of decisions related to opening local telecommunications markets to competition and preserving and advancing universal service. One of those decisions is the designation of qualified common carriers as eligible telecommunications carriers (ETCs). In order to be eligible for federal universal service support, a common carrier must be designated by the state commission as an ETC. 47 U.S.C. § 214(e)(1). Once designated as an ETC, a carrier must advertise the availability of service and offer service in the geographic area in which it is designated. *Id.*

- 2 The Commission considered the requests of numerous carriers for initial designation as ETCs at its regularly scheduled open meetings of November 6

¹ Public Law 104-104, 110 Stat. 154 (1996), codified in scattered sections of Title 47 U.S.C.

and December 10, 1997. The Commission made its initial designations of ETCs by order dated December 23, 1997 (First Order Designating ETCs).²

3 The Act provides for the designation of multiple ETCs in any given service area. In areas served by non-rural carriers, state commissions must designate additional ETCs upon request and such designation may be made for any geographic area established by the state commission. *47 U.S.C. § 214(e)(2), (5)*.

4 On September 29, 2003, Sprint PCS requested ETC designation for those wire centers or portions of the wire centers served by a non-rural incumbent carriers where Sprint PCS's license permits it to serve. Sprint PCS amended its original petition on October 23, 2003. The amendments consisted of replacing two attachments. A list of exchanges was substituted for a list of wire centers. The affidavit of Brian K. Staihr that conformed to RCW 9A.72.085 was substituted for his original affidavit. The Commission considered Sprint PCS's amended petition for ETC designation at its regularly scheduled open public meeting on October 29, 2003.

SPRINT PCS's PETITION

5 Pursuant to *47 U.S.C. § 214(e)(1)*, ETCs must offer the services supported by universal service dollars and advertise the availability of those services. Sprint PCS's request affirms compliance with these provisions. One of the services is Lifeline service consistent with *47 C.F.R. § 54.405*.

6 Sprint PCS has attached to its petition an affidavit that states it provides the federally required services and that it will use universal service funds only for the purposes for which the support is intended. This affidavit is sufficient

² See *In the Matter of the Petitions for Designation as Eligible Telecommunications Carriers*, Docket Nos. UT-970333-970354; 970356, Order Designating Eligible Telecommunications Carriers (Dec. 23, 1997) (*First Order Designating ETCs*).

to meet the requirement stated by the FCC in an order addressing the standard for petitions for designation.³

DESIGNATION FOR PARTS OF EXCHANGES

- 7 Previously, the Commission has designated multiple ETCs for areas served by rural and non-rural carriers. In designations made thus far, the Commission has made the designation at the geographic level of exchanges.
- 8 The purpose for making designations at the exchange level rather than the study area level is to balance promotion of competitive entry with prevention of “cream skimming.” Cream skimming in high-cost locations⁴ can occur if a competitor enters the market only in a small town in an otherwise rural exchange and serves only the relatively low-cost customers.
- 9 Sprint requests designation for areas smaller in size than entire exchanges, consistent with its license as a broadband PCS carrier. Sprint’s request for ETC designation for areas that cover only portions of incumbent exchanges presents the identical issue encountered with RCC Minnesota when the Commission considered, and granted, its petition for designation at less than the exchange level.⁵ The Commission determined that the federal support mechanism eliminates the concern for cream-skimming because support is available equally to all ETCs. Separately, because Sprint’s license boundaries were set by the FCC and the recommended designation is for its entire

³ *In the Matter of Federal-State Joint Board on Universal Service, Western Wireless Corporation Petition for Preemption of an Order of the South Dakota Public Utilities Commission, Declaratory Ruling, CC Docket No. 96-45, 15 FCC Rcd 15,168, 15,178, ¶ 24 (2000).*

⁴ The better phrase might be “high-cost per customer served.” Many locations are not more expensive with respect to construction of plant and equipment, however the amount of revenue that will result from construction of plant and equipment may be quite low because there are very few customers.

⁵ *In the Matter of the Petition of RCC Minnesota, Inc., d/b/a Cellular One For Designation as an Eligible Telecommunications Carrier, WUTC Docket No. UT-023033, Order Granting Petition For Designation As An Eligible Telecommunications Carrier (August 14, 2002).*

licensed areas that coincide with Qwest and Verizon exchanges, Sprint cannot choose to avoid serving sparsely populated areas contained within the limits of its license.

ELECTRONIC MAP

- 10 We have required production of electronic maps from rural telephone companies and from RCC Minnesota and Inland Cellular, both of which requested ETC designation for geographic areas that were not identical to exchange areas.⁶ Sprint PCS also requests designation for areas that are smaller than an entire exchange. Designation for parts of exchanges requires defining what geographic area is included, and production of electronic maps will assist in that task. In addition, production of electronic maps will assist Sprint PCS in claiming federal universal service funds to which it will become entitled, and those maps will also assist other carriers, the FCC (through the Universal Service Administration Company), and, if need be, this Commission, to determine the accuracy of requests for federal support that are based on customer location.
- 11 The availability of electronic maps will permit all interested persons to have an accurate representation of exchanges and service areas for the purpose of ensuring accurate requests for, and payment of, federal universal service support. Sprint PCS's electronic map must be filed with the Commission and provided to the Universal Service Administrative Company not later than six months from the date of this order.

⁶ By "electronic map" we mean a map produced as a .shp file, with all the functionality that .shp maps have. See our orders in UT-013058, Disaggregation & Targeting of Federal Universal Service Support Pursuant to 47 CFR 54.315 and FCC Order 01-157; UT-023020, Joint Petition of CenturyTel of Washington, Inc., and CenturyTel of Inter Island, Inc., for Approval of USF Disaggregation Plan; UT-023031, Non-Rural and Price Cap Disaggregation & Targeting of Federal Universal Service Support.

FINDINGS AND CONCLUSIONS

- 12 Having considered the amended petition of Sprint PCS and our relevant
decisions concerning designation of ETCs, the Commission now makes the
following summary findings of fact.
- 13 (1) Sprint Corporation, d/b/a Sprint PCS, and the licensees Sprintcom, Inc.,
Sprint Spectrum, L.P., And WirelessCo, L.P., is a telecommunications
company doing business in the state of Washington.
- 14 (2) Sprint PCS currently provides service in all of the exchanges listed in
Appendix A.
- 15 (3) Sprint PCS's amended petition complies with 47 U.S.C. § 214(e)(2).
- 16 (4) Sprint PCS offers the services that are to be supported by the federal
universal service support mechanisms set forth in 47 C.F.R. § 54.101(a).
- 17 (5) Sprint PCS competes with local exchange carriers and other
telecommunications carriers in the exchanges where it serves.
- 18 (6) The Commission has jurisdiction over the subject matter of this
petition and over Sprint PCS with respect to its designation as an ETC.
- 19 (7) The Commission is not required by the Act or by any provision of state
law to hold an adjudicative proceeding or other hearing prior to
designating a telecommunications carrier an ETC.
- 20 (8) Granting Sprint PCS's petition for designation as an ETC for areas
within the exchanges listed in Appendix A is consistent with the public
interest, and is consistent with applicable state and federal law.
- 21 (9) Requiring Sprint PCS to create electronic maps of its licensed service
areas is in the public interest.

- 22 (10) The Commission has authority to modify, suspend, or revoke the
designations granted in this order at a future date.

ORDER

23 This Order decides issues raised in a non-adjudicative proceeding. Based on
the foregoing, the Commission orders:

- 24 (1) The amended petition of Sprint Corporation, d/b/a Sprint PCS, and the
licensees Sprintcom, Inc., Sprint Spectrum, L.P., and WirelessCo, L.P.,
is granted, as modified by this Order. Each of the requested
designations set forth in Appendix A is granted. For each partial
exchange, there is a separate designation.
- 25 (2) Sprint PCS must provide service consistent with 47 C.F.R. § 54.405.
- 26 (3) Sprint PCS must prepare electronic maps of its cellular geographic
service areas with standards and attributes as described in the
Commission's Order in Docket Nos. UT-013058 and UT-023020,
entered August 2, 2002. The map must be filed with the Commission
not later than six months from the date of this order.
- 27 (4) The Commission has authority to modify, suspend, or revoke these
designations, including the service areas accompanying those
designations, at a future date.

The Commissioners, having determined this Order to be consistent with the
public interest, directed the Secretary to enter this Order.

DATED at Olympia, Washington, and effective this 29th day of October, 2003.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN, Secretary

ATTACHMENT A

QWEST CORPORATION

Aberdeen-Hoquiam
Auburn
Bainbridge Island
Battle Ground
Belfair
Bellevue
Bellingham
Bellingham
Black Diamond
Bremerton
Buckley
Castle Rock
Centralia
Chehalis
Cle Elum
Colfax
Copalis
Deer Park
Des Moines
Easton
Elk
Enumclaw
Ephrata
Graham
Green Bluff
Hoodsport
Issaquah
Kent

Liberty Lake
Longview-Kelso
Maple Valley
Moses Lake
Newman Lake
Olympia
Pasco
Port Angeles
Port Ludlow
Port Orchard
Port Townsend
Puyallup
Renton
Ridgefield
Rochester
Roy
Seattle
Sequim
Shelton
Silverdale
Spokane
Sumner
Tacoma
Tacoma (Waverly)
Vancouver
Walla Walla
Warden
Yakima

VERIZON NORTHWEST INC.

Acme
Alger

Everson
Ferndale

Big Lake
Blaine
Burlington
Conway
Custer
Deming
Edison

Grayland
LaConner
Laurel
Lynden
Sedro Woolley
Westport

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Benton City
Bothell
Burlington
Camas-Washougal
Cashmere
Coupeville
Everett
George
Granite Falls
Halls Lake
Kennewick
Kirkland
Leavenworth
Marysville

Monroe
Mount Vernon
Oak Harbor
Pullman
Quincy
Richland
Richmond Beach
Rosalia
Sedro Woolley
Silver Lake
Snohomish
Soap Lake
Stanwood
Sultan
Wenatchee
Woodland