

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of	)	Docket No.
	)	
T-Mobile West Corporation,	)	T-MOBILE PETITION FOR
For Designation as an Eligible	)	ETC DESIGNATION, AND
Telecommunications Carrier	)	REQUEST FOR WAIVER
Pursuant to 47 U.S.C. § 214(e)(2)	)	OF WAC 480-123-030(1)(g)

**PETITION FOR DESIGNATION AS AN  
ELIGIBLE TELECOMMUNICATIONS CARRIER**

T-Mobile West Corporation (“T-Mobile” or “Company”) hereby submits this Petition for Designation as an Eligible Telecommunications Carrier (“ETC”), pursuant to 47 U.S.C. § 214(e) and Washington Administrative Code (“WAC”) §§ 480-123-020 through 040 for purpose of receiving federal universal service support. As explained herein, the public interest would be served by granting this Petition, thereby enabling T-Mobile to advance universal service by serving the basic and advanced communications needs of rural and low-income consumers.

T-Mobile is a facilities-based wireless telecommunications carrier in Washington serving the basic telephone and advanced broadband needs of consumers. The Company uses radio licenses issued by the Federal Communications Commission (“FCC”) to an affiliate to provide Commercial Mobile Radio Service (“CMRS”) in its requested designated service area, which includes the wire centers of the non-rural incumbent local exchange carriers (“ILECs”) and the rural ILECs listed in Attachment A. Upon designation as an ETC, T-Mobile will provide the supported services in the requested

designated service areas and offer Lifeline service to qualified low-income consumers, thereby advancing universal service in Washington.

### **I. Requirements For Designation As An ETC**

T-Mobile meets the requirements for designation as an ETC as established under federal law and FCC rules [47 U.S.C. § 214(e)(1); 47 C.F.R. § 54.201(d)] and state regulations. In particular, T-Mobile:

- is a common carrier [see 47 U.S.C. § 214(e)(1); 47 C.F.R. § 54.201(d)];
- will offer the services supported by federal universal service support mechanisms as defined in 47 C.F.R. § 54.101(a) [see 47 U.S.C. § 214(e)(1)(A); 47 C.F.R. § 54.201(d)(1)];
- will use its own facilities to provide the supported services [see 47 U.S.C. § 214(e)(1)(A); 47 C.F.R. § 54.201(d)(1)];
- will provide the supported services throughout its designated service area [see 47 U.S.C. § 214(e)(1); 47 C.F.R. § 54.201(d)];
- will advertise the availability of its universal service offerings and charges for such offerings using media of general distribution [see 47 U.S.C. § 214(e)(1)(B); 47 C.F.R. § 54.201(d)(2)]; and
- will make available Lifeline service to qualifying low-income consumers (47 C.F.R. § 54.405).
- submits as Attachment B a substantive plan of investments to be made with universal service support funds during the first two years of support and a substantive description of how those expenditures will benefit customers, including how service quality, signal coverage, and network capacity will be maintained and improved; and how many customers will be benefited. [see WAC 480-123-020 and 030(d)].
- submits as Attachment C a map in .shp format of its proposed ETC service areas (showing ILEC exchange boundaries) with existing and planned locations of cell sites and shading to indicate where the T-Mobile plans to provide commercial mobile radio service signals. [see WAC 480-123-030(1)(f)].

- will submit an updated map, as described above, at least once every three years. [see WAC 480-123-080(3)]
- will, except as described in Section III, below, maintain at least four hours of back up battery power at each cell cite, back up generators at each microwave hub, and at least five hours back up battery power and back up generators at each switch. [see WAC 480-123-030(g)].
- will comply with the Cellular Telecommunications and Internet Association's ("CTIA") Consumer Code for Wireless Service. [see WAC 480-123-030(h)].

**A. T-Mobile Is A Common Carrier**

T-Mobile provides CMRS in its requested designated service area, and as a CMRS provider, T-Mobile is regulated as a common carrier [47 C.F.R. § 20.9], subject to all applicable regulations and therefore meets the ETC requirement of being a common carrier.

**B. T-Mobile Offers The Services Supported By Federal Universal Service Support Mechanisms**

T-Mobile provides each of eight services supported by federal universal service support mechanisms and will provide toll-limitation service for qualifying low-income consumers upon designation as an ETC as set forth below.

1. Voice Grade Access To The Public Switched Telephone Network - the ability to transmit and receive voice communications with a minimum bandwidth of 300 to 3,500 Hertz [47 C.F.R. § 54.101(a)(1)]. T-Mobile meets this requirement through its provision of mobile voice communications service and interconnection to the public switched telephone network.
2. Local Usage – an amount of minutes of use provided free of charge [47 C.F.R. § 54.101(a)(2)]. T-Mobile meets this requirement by providing an amount of local usage free of charge in each universal service rate plan.
3. Dual Tone Multi-Frequency ("DTMF") Signaling Or Its Functional Equivalent – a method of signaling that facilitates the transportation of call set-up and call detail information [47 C.F.R. § 54.101(a)(3)]. T-Mobile meets this requirement by providing

out-of-band digital signaling and in-band multi-frequency signaling for call set-up and termination.

4. Single Party Service Or Its Functional Equivalent – a dedicated message path for the length of a user’s particular transmission [47 C.F.R. § 54.101(a)(4)]. T-Mobile meets this requirement by providing a dedicated, non-shared, frequency path for each voice call.
5. Access To Emergency Services – access to emergency services includes both access to 911 and E911 services to the extent the local government has implemented such services [47 C.F.R. § 54.101(a)(5)]. T-Mobile meets this requirement by providing 911 service and meeting all requests for E911 service from local public service answering points (“PSAPs”).
6. Access To Operator Services – access to any automatic or live assistance to a consumer to arrange for billing or completion, or both, of a telephone call [47 C.F.R. § 54.101(a)(6)]. T-Mobile meets this requirement by providing operator services to its customers directly or through third party arrangements.
7. Access To Interexchange Service – ability to make and receive calls using an interexchange carrier’s network [47 C.F.R. § 54.101(a)(7)]. T-Mobile meets this requirement by providing its customers with the ability to make calls over interexchange network facilities. The FCC has determined that wireless carriers are not required to provide equal access to interexchange service, but may be required to provide equal access in certain special situations.<sup>1</sup>
8. Access To Directory Assistance – making available to customers, among other services, information contained in directory listings. T-Mobile meets this requirement by providing all of its customers with access to directory listings by dialing “411” or “555-1212.”
9. Toll Limitation For Qualifying Low-Income Consumers – toll limitation means both toll blocking and toll control, or, if a carrier is not capable of providing both toll blocking and toll control, then toll limitation is defined as either toll blocking or toll control [47 C.F.R. § 54.101(a)(9); 47 C.F.R. § 54.400(d)]. Upon implementing its Lifeline service offering, T-Mobile will offer toll

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<sup>1</sup> See In the Matter of Federal-State Joint Board on Universal Service, CC Docket No. 96-45, *Report and Order*, ¶ 71, FCC 97-157 (released May 8, 1997) (“*Universal Service Order*”).

limitation to qualifying low-income consumers at no additional charge.

**C. T-Mobile Will Use Its Own Facilities To Provide The Supported Services**

T-Mobile is a facilities-based wireless telecommunications carrier with its own switching, transport, cell sites, and associated telecommunications facilities in its proposed designated ETC service area. While an ETC can meet its universal service obligations by combining its own facilities with the resale of another carrier's services, T-Mobile intends to use its own facilities to meet its universal service obligations. As an ETC, T-Mobile will use universal service funding to support and enhance its network facilities in its proposed designated service area. A substantive plan of investments to be made with universal service funds during the first two years of support and a substantive description of how those expenditures will benefit customers, including how service quality, signal coverage, and network capacity will be maintained and improved; and how many customers will be benefited is appended hereto as Attachment B.

**D. T-Mobile Will Provide The Supported Services Throughout Its Designated Service Areas**

T-Mobile commits to provide the supported services throughout its designated service area, consistent with all applicable requirements, including the FCC's ETC service provisioning requirements found in 47 C.F.R. § 54.202. To the extent T-Mobile's network already passes or covers a potential customer's premises, T-Mobile will provide service on a timely basis, and, in those instances where a request comes from a potential customer within T-Mobile's licensed service area but outside its existing network coverage, T-Mobile will provide service within a reasonable period of time by: (1)

modifying or replacing the requesting customer's equipment; (2) deploying a roof-mounted antenna or other equipment; (3) adjusting the nearest cell tower; (4) adjusting network or customer facilities; (5) reselling services from another carrier's facilities to provide service; or (6) employing, leasing, or constructing an additional cell site, cell extender, repeater, or other similar equipment. If T-Mobile determines that it cannot reasonably serve a consumer, then it will report the unfulfilled request within 30 days after making such determination.

**E. T-Mobile Will Advertise The Availability Of Its Universal Service Offerings And Charges For Such Offerings Using Media Of General Distribution**

T-Mobile commits to advertise the availability of, and charges for, the supported services using media of general distribution. T-Mobile currently offers and advertises its wireless telecommunications services, including those offerings that include all of the supported services, using radio, television, billboards, print, internet, and targeted mailings. In addition, T-Mobile maintains various retail stores and authorized agent locations throughout its proposed ETC designated service area. T-Mobile will use one or more of these media outlets to advertise its universal service offerings in a manner consistent with applicable requirements.

**F. T-Mobile Will Make Available Lifeline Service To Qualifying Low-Income Consumers**

Upon designation as an ETC, T-Mobile will make available to qualified low-income consumers a discounted service offering that meets all applicable Lifeline requirements. Consumers increasingly rely on their mobile phones for all of their communications needs and qualifying low-income consumers are no exception. In fact,

low-income consumers have become increasingly dependent upon wireless service for their communications needs and would be the primary beneficiaries of T-Mobile's Lifeline service offering.

As implemented in other areas where the Company has been designated as an ETC, T-Mobile's planned Lifeline service offering, which is subject to change, will include:

- a low \$6.49 per month Lifeline rate<sup>2</sup>
- 145 Whenever minutes-of-use ("MOUs") per month, plus 500 Night MOUs, plus 500 Weekend MOUs
- an affordable handset

**G. WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION REQUIREMENTS FOR ETC DESIGNATION<sup>3</sup>**

***1. Two-year plan:***

Pursuant to WAC 480-123-030(d), competitive ETC applicants must submit a "substantive plan" of investments to be made with universal service funds during the first two years of support and a "substantive description" of how those expenditures will benefit customers. WAC 480-123-030(d). The term "substantive" means detailed enough to allow evaluation of whether funds have had, or will have, benefits to customers. See WAC 480-123-020 (providing examples of pertinent information,

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<sup>2</sup> The \$6.49 per month discounted Lifeline rate is based upon a non-discounted rate of \$19.99 per month minus a \$13.50 Lifeline discount.

<sup>3</sup> While not expressly required by the Commission's rules, T-Mobile acknowledges that the Commission may require it to provide equal access to long distance carriers in the event that no other ETC is providing equal access within the service area.

including how service quality, signal coverage, or network capacity will be maintained or improved; and how many customers are or will be benefited).

Included as Attachment B is T-Mobile's two year plan. The plan sets forth a substantive description of the manner in which T-Mobile intends to invest the universal service funds it estimates it will receive in the first two years following designation as an ETC in the State of Washington. T-Mobile's two year plan also describes how those expenditures will benefit customers. The plan further describes how service quality, signal coverage, or network capacity will be maintained or improved; and how many customers will be benefited.

**2. Map of proposed service areas:**

The Commission's rules require that an ETC applicant submit 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." WAC 480-123-030(1)(f). Included as Attachment C is a map of T-Mobile's proposed ETC area, showing ILEC exchange boundaries. The map of T-Mobile's Proposed ETC area also shows existing and planned locations of cell sites and shading to indicate T-Mobile current and planned signal coverage area.

**3. Ability to function in emergency situations:**

This Commission requires that wireless ETC applicants submit a plan demonstrating how it will function in an emergency. In particular, a wireless ETC applicant must demonstrate that it has "at least four hours of back up battery power at each cell cite, back up generators at each microwave hub, and at least five hours back up



battery power and back up generators at each switch.” WAC 480-123-030(g). In addition, WAC 480-123-070(6) requires each ETC that receives federal high-cost funds to certify annually that it continues to adhere to the standards in WAC 480-123-030(g).

T-Mobile’s network is designed, maintained and operated in a manner that ensures it will continue to function in emergency conditions. T-Mobile has back up generators at each microwave hub, and at least five hours back up battery power and back up generators at each switch. Except for a relatively small percentage of the cell sites in its proposed ETC area<sup>4</sup>, T-Mobile has at least four hours of back up battery power at each cell site.

**4. Consumer protection and service quality standards:**

This Commission requires wireless ETC applicants to commit to comply with the CTIA Code. WAC 480-123-030(h). T-Mobile is a strong supporter of and abides by the CTIA Consumer Code for Wireless Service.

**II. Designation of T-Mobile As An ETC Is In The Public Interest**

T-Mobile meets all of the requirements for designation as an ETC by providing the supported services, committing to serve all consumers throughout its designated service area, offering a Lifeline service consistent with all applicable requirements, advertising the availability of its universal service offerings, and furthering the goals of the universal service program. Moreover, designation of T-Mobile as an ETC is in the public interest because consumers will benefit from competitive pricing, new services, a

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<sup>4</sup> See *infra*, Section III. Request For Waiver of WAC 480-123-030(1)(g) and 480-123-070(6) and Attachment D.

higher level of service quality, and better customer service. Furthermore, the designation will not adversely impact the universal service fund.

#### A. **Benefits of Increased Competition**

The benefits of competition are widely recognized and extend to all markets, including the universal service market, as recognized by the FCC:<sup>5</sup>

We note that an important goal of the Act is to open local telecommunications markets to competition. Designation of competitive ETCs promotes competition and benefits consumers in rural and high-cost areas by increasing customer choice, innovative services, and new technologies. We agree with Western Wireless that competition will result not only in the deployment of new facilities and technologies, but will also provide an incentive to the incumbent rural telephone companies to improve their existing network to remain competitive, resulting in improved service to Wyoming consumers [consumers in the proposed ETC service area]. In addition, we find that the provision of competitive service will facilitate universal service to the benefit of consumers in Wyoming by creating incentives to ensure that quality services are available at “just, reasonable, and affordable rates.”

Similarly, this Commission has previously recognized that consumers benefit from a competitive carrier being designated as an ETC. For example, in its decision to designate wireless carrier RCC Minnesota, Inc. as an ETC, this Commission stated:

Granting ETC designation to RCC . . . will facilitate the telecommunications choices available to rural citizens, support the growth of new technologies and services, preserve and advance universal service, and promote competition and the benefits it brings.”<sup>6</sup>

Consumers rely on wireless services for their telecommunications needs. T-Mobile’s designation as an ETC will result in consumers having greater access to

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<sup>5</sup> 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, ¶ 17 (released December 26, 2000).

<sup>6</sup> RCC Minnesota, Inc., d/b/a/ Cellular One, Order Granting Petition for Designation as an Eligible Telecommunications Carrier, Docket No. UT-023033 (Aug. 14, 2002), ¶68.

wireless telecommunications services in rural areas, thereby advancing the basic goal of preserving and advancing universal service.<sup>7</sup> In rural areas, the universal service goal is clear:<sup>8</sup>

Consumers in all regions of the Nation, including low-income consumers and those in rural, insular, and high cost areas, should have access to telecommunications and information services, including interexchange services and advanced telecommunications and information services, that are reasonably comparable to those services provided in urban areas and that are available at rates that are reasonably comparable to rates charged for similar services in urban areas.

To accomplish this goal, a competitive universal service framework has been established with consumers benefiting from competing carriers vying for their business based upon price, service offerings, coverage, and service quality. T-Mobile is uniquely positioned in the marketplace, offering consumers the best price and customer service combination in the marketplace.<sup>9</sup> For example, T-Mobile:

- has been consistently rated best in customer service by J.D. Power and Associates
- leads the industry in offering its “Even More” unlimited calling plans; and
- is a leader in the wireless industry by offering consumers discounted early termination fees

T-Mobile’s designation as an ETC will enable the Company to bring these innovative and competitive services to consumers throughout its designated service area, which will lead

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<sup>7</sup> See 47 U.S.C. § 254(b).

<sup>8</sup> 47 U.S.C. § 254(b)(3).

<sup>9</sup> T-Mobile’s price plans are set forth at [www.t-mobile.com](http://www.t-mobile.com). T-Mobile offers a local usage plan comparable to that offered by the incumbent local exchange carriers in its ETC area.

to incumbent carriers expanding their service offerings, service quality, and customer service to the benefit of rural consumers.<sup>10</sup>

**III. Request For Waiver Of WAC 480-123-030(1)(g) and WAC 480-123-070(6)**

WAC 480-123-030(1)(g) requires an ETC applicant to demonstrate that it has the ability to function in emergency situations. For a wireless carrier, WAC 480-123-030(1)(g) provides that the applicant demonstrate that it maintains 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. WAC 480-123-070(6), in turn, requires each ETC that receives federal high-cost funds to certify annually that it continues to adhere to the standards in WAC 480-123-030(1)(g).

As discussed above, T-Mobile's network is designed, maintained and operated in a manner that ensures it will continue to function in emergency conditions. T-Mobile has at least five hours back up battery power and back up generators at each switch in the State. It also has back up generators at each microwave hub in Washington. In addition, the vast majority of T-Mobile's cell sites have at least four hours of back up battery power at each cell site. In fact, of the **\*\*\*Confidential [XXXX]Confidential\*\*\*** existing T-Mobile cell sites in the proposed ETC area, only 22 do not currently satisfy the four hour back up battery power requirement. All of those 22 cell sites are located within the signal coverage of nearby cell sites that satisfy the four hour back up battery power requirement. This means that T-Mobile customers would still have near complete

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<sup>10</sup> Due to the cap on universal service support payments to competitive carriers, T-Mobile's designation as an ETC will not increase the federal universal service fund.

coverage in the affected areas in the event of a loss in power supply to any of the 22 cell sites that do not meet the requirement.

Many of the 22 cell sites without back up battery power are “micro” cells that enhance “in-building” coverage and are, therefore, in space constrained areas that limit T-Mobile’s ability to locate standard back up power resources on site. Other sites have varying space constraints, including pole attachments and building rooftop sites. In each of these instances, T-Mobile will need time to engineer appropriate back up power resource alternatives and to work with building landlords, tower lessors and pole owners, and to ensure that each site continues to comply with relevant permits issued by municipalities and other licensing bodies. Bringing these sites into compliance with the Commission’s four hour back up battery power requirement will, among other things, require T-Mobile to:

- Survey each of the 22 sites to determine the steps necessary to engineer and construct the site to 4-hours of reliable alternative power sources;
- Design each of the 22 sites to meet the requirement of reliable alternate power sources;
- Perform a structural analysis on certain sites, when needed, to determine whether structural improvements may be required to support the additional battery load (this issue generally arises when the cell site is located on a building or rooftop);
- Amend the lease agreements (including pole attachment agreements), when needed, to allow for additional space to install backup batteries or a permanent generator; and
- Order and install backup power equipment (or make appropriate arrangements for accessing landlord back up power resources) for each site that requires additional backup power, so that each of the 22 sites will have the required reliable alternate power installed.

This process will take a considerable amount of time. For many of these sites, T-Mobile has already attempted without success to work out arrangements to provide backup

power; the extension requested will provide T-Mobile additional time to attempt to find a backup power solution for these limited number of sites. The Commission has previously granted other wireless ETCs temporary waivers of WAC 480-123-030(1)(g) and WAC 480-123-070(6) in order to bring sites into compliance.<sup>11</sup> The Commission granted both AT&T Mobility (fka Cingular) and Sprint Nextel initial two year partial exemptions that were subsequently extended for several additional years. Given the considerable work that will need to be done to bring these 22 sites into compliance, in light of the experience of these other wireless carriers and the amount of time that it has taken each to bring their cell sites into compliance with the four hour back up power requirement, T-Mobile hereby requests the Commission grant it a partial exemption from WAC 480-123-030(1)(g) and WAC 480-123-070(6) for a four year period conditioned upon T-Mobile bringing into compliance the 22 cell sites listed in Attachment D.

#### **IV. Certification For Use Of Universal Service Funds**

T-Mobile certifies that it will use federal high-cost universal service support only for the provision, maintenance, and upgrading of facilities and services for which the support is intended, in accordance with 47 U.S.C. § 254(e). T-Mobile's high-cost certifications pursuant to 47 C.F.R. §§ 54.313(a) and 54.314(a) are included as Attachment E.

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<sup>11</sup> *See e.g.*, In the Matter of the Request of Bellingham Cellular Partnership, et al. For a Permanent Exemption from the Requirements of WAC 480-123-070(6), Order No. 01 (February 15, 2007) (granting Cingular 2 year partial exemption), and Order Nos. 2 and 3 (September 10, 2009 and October 8, 2009)(approving additional 1 year on extension on certain sites and additional 3 year extension on other sites); *See also*, In the Matter of the Petition of Sprint Nextel Corporation To Amend Its Designation as an Eligible Telecommunications Carrier and Request for and Exemption from WAC 480-123-070(6) and WAC 480-123-030(1)(g), Order No. 1 (October 23, 2007)(granting 2 year exemption) and Order No. 2 (September 10, 2009)(granting additional 2 year extension).

To ensure that T-Mobile's receipt of federal universal service support is effective as of its designation date, it is requested that the Commission provide a supplemental certification for T-Mobile's use of universal service support. The FCC rules expressly provide for the filing of supplemental certifications for new ETC designations.

**Conclusion**

T-Mobile respectfully requests designation as an ETC for purposes of receiving federal universal service support. T-Mobile further requests the Commission grant it a temporary waiver from WAC 480-123-030(1)(g) and WAC 480-123-070(6) for a four year period conditioned upon T-Mobile bringing into compliance the 22 cell sites listed in Attachment D.

Dated this 10<sup>th</sup> day of June, 2010.

Respectfully submitted,

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