

UT-083043

# **1-800-RECONEX**

**Because Everybody Needs A Phone™**

August 15, 2008

Ms. Carole J. Washburn  
Executive Secretary  
Washington Utilities and Transportation Commission  
1300 S. Evergreen Park Dr. SW  
Olympia, Washington 98504-7250

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WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

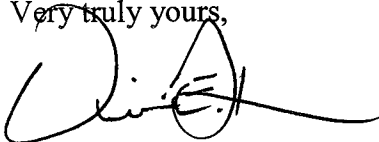
*Re: Petition For Designation As An Eligible Telecommunications Carrier*

Dear Ms. Washburn:

Enclose for filing please find the original plus 12 copies of the Petition of 1-800-Reconex, Inc. for Designation As An Eligible Telecommunications Carrier.

If you have any questions or if I may provide you with additional information, please contact me directly at 503.982.5573.

Very truly yours,



William E. Braun  
Vice-President & General Counsel

enclosures

**BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION  
COMMISSION**

In the Matter of the Petition by

1-800-Reconex, Inc., d/b/a	)	
U.S. Tel For Designation as an Eligible	)	Docket No. _____
Telecommunications Carrier in the	)	
State of Washington	)	PETITION

**PETITION OF 1-800-RECONEX, INC. FOR DESIGNATION AS AN ELIGIBLE  
TELECOMMUNICATIONS CARRIER IN THE STATE OF WASHINGTON**

**INTRODUCTION**

1. 1-800-Reconex, Inc., (“Reconex” or “Company”), by its undersigned counsel and pursuant to Washington Administrative Code Section 480-123-030 (Washington Rules), Section 214(e)(2) of the Communications Act of 1934, as amended (the “Act”)<sup>1</sup>, and the rules of the Federal Communications Commission (“FCC”) 47 C.F.R. §54.201, hereby submits this Petition for Designation (“Petition”) as an Eligible Telecommunications Carrier (“ETC”) in the State of Washington. Reconex seeks designation as an ETC for the wire centers in Zones 1 & 2 of Qwest Communications, Inc., (“Qwest”), an incumbent local exchange carrier (“ILEC”). Reconex seeks limited designation for low income support programs (Lifeline and Link Up) only and does not seek to participate in the Federal High Cost support program. As demonstrated below, Reconex satisfies all of the statutory and regulatory requirements for designation as an ETC and Reconex’s designation will serve the public interest. Accordingly, Reconex respectfully requests that Washington Utilities And Transportation Commission (“Commission”) grant this Petition.

<sup>1</sup> 47 U.S.C. Section 214(e)(2)

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COMMISSION

## **BACKGROUND**

2. Reconex is a competitive local exchange carrier (“CLEC”) headquartered in Hubbard, Oregon that offers local exchange and exchange access services to both residential and small business customers in thirty-five (35) jurisdictions, including the State of Washington,<sup>2</sup> and is certified to provide local exchange and exchange access services in forty-five (45) jurisdictions.

3. Reconex currently provides all services and functionalities supported by the federal universal service program set forth in Section 54.101(a) of the FCC rules throughout its service area in Washington. Reconex will provide universal service to its consumer using a combination of unbundled network elements (“UNEs”), purchased in a wholesale arrangement with Qwest, and resale of Qwest’s local exchange service pursuant to Section 251(c)(4) of the federal Act.<sup>3</sup>

4. Reconex seeks designation as a limited ETC for purposes of qualifying to receive federal universal service support in the non-rural service area of the incumbent carrier, Qwest, for the low income Lifeline and Link Up programs only. Reconex does not seek federal High Cost support or, if applicable, state of Washington High Cost support.

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<sup>2</sup> Washington Utilities And Transportation Commission Docket No. UT-061426 effective October 1, 2006.

<sup>3</sup> Section 54.201 of the FCC’s Rules states, “[f]or the purposes of this section, the term ‘own facilities’ includes, but is not limited to, facilities obtained as unbundled network elements pursuant to part 51 of this chapter, provided that such facilities meet the definition of the term ‘facilities’ under this subpart. 47 C.F.R. Section 54.201(f). The term “facilities” under Section 54.201 is defined as “any physical components of the telecommunication network that are used in the transmission or routing of the services that are designated for support pursuant to subpart B of this part. 47 C.F.R. Section 54.201(e). Reconex’s use of Qwest’s UNEs meets this definition of “facilities”.

**RECONEX SATISFIES ALL OF THE REQUIREMENTS FOR DESIGNATION  
AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER**

5. Pursuant to Section 214(e)(2) of the Act, a State commission shall upon its own motion or upon request designate a common carrier that meets the requirements of paragraph (1) [Section 214(e)(1) of the Act] as an eligible telecommunications carrier for a service area designated by the State commission.<sup>4</sup> A “common carrier” under the Act means, “...any person engaged as a common carrier for hire, in interstate or foreign communication by wire or radio or in interstate or foreign radio transmission of energy, except where reference is made to common carriers not subject to this Act...”.<sup>5</sup> Reconex is a common carrier as defined by the above language.

6. The requirements of Section 214(e)(1) and Sections 480-123-030(1)(b) and (e) of the Washington Rules are that the common carrier must:

- (A) offer the services that are supported by Federal universal service support mechanisms under section 254(c) of this title, 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 eligible telecommunications carrier); and
- (B) advertise the availability of such services and the charges therefore using media of general distribution.<sup>6</sup>

The “supported services” are listed in 47 C.F.R. Section 54.101(a). Reconex satisfies each of the elements required for ETC designation pursuant to Section 214(e) of the Act.

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<sup>4</sup> 47 U.S.C Section 214(e)(2)

<sup>5</sup> 47 U.S.C. Section 153(10)

<sup>6</sup> 47 U.S.C. Section 214(e)(1)

7. Reconex currently provides all of the services and functionalities supported by the federal universal service program, as set forth in Section 214 of the Act and Section 54.101(a) of the FCC's rules throughout the Qwest area in Washington for which it seeks designation. Attached as Exhibit A is the Affidavit of David R. Griffie, President of Reconex, certifying that the Company satisfies all the requirements for designation as an ETC to serve the Designated Area.

8. 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:<sup>7</sup>

- A. Voice-grade access to the public switched telephone network;
- B. Local usage;
- C. Dual-tone, multi-frequency ("DTMF") signaling, or its functional equivalent;
- D. Single-party service or its functional equivalent;
- E. Access to emergency services;
- F. Access to operator services;
- G. Access to interexchange services;
- H. Access to directory assistance, and
- I. Toll limitation for qualifying low-income consumers.

For purposes of ETC applications, carriers must provide each of the

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<sup>7</sup> 47 C.F.R. Section 54.101(a)(1-9).

supported services, or where it's appropriate, its functional equivalent.<sup>8</sup> As shown below, Reconex currently provides each of the required services and functionalities throughout the area for which it seeks designation.

**i. Voice-Grade Access To The Public Switched Network.**

“Voice-grade access” is defined as a functionality that enables a user of telecommunication services to transmit voice communications, including signaling the network that the caller wishes to place a call, and to receive voice communications, including receiving a signal there is an incoming call. The bandwidth for voice grade access should be, at a minimum, 300 to 3,000 Hertz. Reconex meets this requirement by providing voice-grade access to the public switched telephone network. Through its interconnection arrangements with Qwest, each of Reconex's customers are able to make and receive calls on the public switched telephone network within the specified bandwidth.

**ii. Local Usage.**

“Local Usage” means an amount of minutes of use of exchange service prescribed by the FCC, provided free of charge to end-users. ETCs must include local usage beyond providing simple access to the public switched network as part of a universal service offering. Reconex includes unlimited local usage in each of its local service rate plans, and thereby complies with the requirement that all ETCs offer local usage.

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<sup>8</sup> See 47 C.F.R. Section 54.101.

**iii. 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. Reconex provides DTMF signaling consistent with the rules.

**iv. Single-Party Service or Its Functional Equivalent.**

“Single-party service” is telecommunications service that permits users to have exclusive use of a wireline subscriber loop or access line for each call placed, or, in the case of wireless telecommunication carriers, which use spectrum shared among users to provide service, a dedicated message path for the length of the user’s particular transmission. Reconex meets the requirement by providing single-party service throughout its service area.

**v. Access to Emergency Services.**

“Access to emergency services” includes access to services, such as 911 and enhanced 911, provided by local governments or other public safety organizations. 911 is defined as a service that permits a telecommunications user, by dialing the three-digit code “911”, to call emergency services through a Public Service Access Point (PSAP) operated by the local government. “Enhanced 911” is defined as 911 service that includes the ability to provide automatic numbering information (ANI), which enable the PSAP to call back if the call is disconnected, and automatic location information (ALI), which permits emergency service providers to identify the geographic location of the calling party. “Access to emergency services” includes access to 911 and enhanced 911

services to the extent the local government in an eligible carrier's service area has implemented 911 or enhanced 911 systems. Reconex currently provides its subscribers with access to 911 and enhanced 911 emergency services in accord with this requirement, and consistent with FCC regulations throughout the service area for which designation is sought.

**vi. Access to Operator Services.**

"Access to operator services" is defined as access to any automatic or live assistance to a consumer to arrange for billing or completion, or both, of a telephone call. Reconex offers its customers access to operator services, including customer service and call completion.

**vii. Access to Interexchange Service.**

"Access to interexchange service" is defined as the use of the loop, as well as that portion of the switch that is paid for by the end user, or the functional equivalent of these network elements in the case of a wireless carrier, necessary to access an interexchange carrier's network. An ETC must offer consumers access to interexchange service to make and receive toll or interexchange calls. Reconex meets this requirement by providing its customers with the ability to make such calls.

**viii. Access to Directory Assistance.**

"Access to directory assistance" is defined as access to a service that includes, but is not limited to, making available to customers, upon request, information



contained in directory listings. Reconex meets this requirement by providing its customers with access to directory assistance by dialing “411” or “555-1212”.

**ix. Toll Limitation for Qualifying Low-Income Consumers.**

“Toll limitation” denotes either toll blocking or toll control for eligible telecommunications carriers that are incapable of providing both services. For eligible telecommunications carriers that are capable of providing both services, “toll limitation” denotes both toll blocking and toll control.<sup>9</sup>

(a) Toll blocking. “Toll blocking” is a service provided by carriers that lets consumers elect not to allow the completion of outgoing toll calls from their telecommunications channel.<sup>10</sup>

(b) Toll control. “Toll control” is a service provided by carriers that allows consumers to specify a certain amount of toll usage that may be incurred on their telecommunications channel per month or per billing cycle.<sup>11</sup>

Reconex currently has the technology to provide toll limitation, currently provides it to its customers, and will utilize this technology to provide such functionality at no additional charge to Lifeline customers.

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<sup>9</sup> 47 C.F.R. Section 54.400(d)

<sup>10</sup> 47 C.F.R. Section 54.400(c)

<sup>11</sup> 47 C.F.R. Section 54.400(b)

**RECONEX OFFERS SUPPORTED SERVICES OVER ITS OWN  
FACILITIES**

9. 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.”<sup>12</sup> Reconex will provide universal service to its consumer using a combination of unbundled network elements (“UNEs”), purchased in a wholesale arrangement with Qwest, and resale of Qwest’s local exchange service pursuant to Section 251(c)(4) of the federal Act.<sup>13</sup> Reconex is willing and able to serve all customers throughout the area for which it has requested designation.

**RECONEX WILL ADVERTISE ITS UNIVERSAL SERVICE OFFERING**

10. Reconex will advertise the availability of the supported services and the corresponding charges in a manner that informs the general public within the designated area of both the services available and the corresponding charges.<sup>14</sup> Reconex advertises its wireline services through several different media of general distribution throughout the service area for which designation is requested. While Reconex’s primary method of advertising is via television, other methods including direct mail, newspapers, periodicals, and customer bill inserts, will be utilized to advertise its universal service offerings throughout the service area designated by the Commission.

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<sup>12</sup> 47 U.S.C. Section 214(e)(1)(A); WAC Section 480-123-030 (1)(b).

<sup>13</sup> Section 54.201 of the FCC’s Rules states, “[f]or the purposes of this section, the term ‘own facilities’ includes, but is not limited to, facilities obtained as unbundled network elements pursuant to part 51 of this chapter, provided that such facilities meet the definition of the term ‘facilities’ under this subpart. 47 C.F.R. Section 54.201(f). The term “facilities” under Section 54.201 is defined as “any physical components of the telecommunication network that are used in the transmission or routing of the services that are designated for support pursuant to subpart B of this part. 47 C.F.R. Section 54.201(e). Reconex’s use of Qwest’s UNEs meets this definition of “facilities”.

<sup>14</sup> 47 C.F.R. Section 54.201(d)(2); 47 U.S.C. Section 214(e)(1)(B); WAC Section 480-123-030(e).

**RECONEX REQUESTS DESIGNATION THROUGHOUT THE QWEST  
SERVICE AREA IN WASHINGTON**

11. Reconex requests ETC designation for the Qwest service area in Washington as represented by the list of wire centers on Exhibit B. Pursuant to the Act, a “service area”, is a “geographic area established by a state commission for the purpose of determining universal service obligations and support mechanisms.”<sup>15</sup> Reconex is not applying for designation as an ETC in an area served by a rural telephone company.

**ABILITY TO REMAIN FUNCTIONAL IN EMERGENCY SITUATIONS**

12. The FCC Rules and the Washington Rules<sup>16</sup> require that Reconex demonstrate its ability to remain functional in emergency situations. In addition the Washington Rules require that Reconex include a description as to how it complies with Washington Administrative Code Section 480-120-411.

13. Since Reconex is providing service to its customer through the use of Qwest leased facilities this arrangement allows Reconex to provide its customers the same ability to remain functional in emergency situations as currently provided by the ILEC to its own customers. This includes providing adequate maintenance to ensure that all facilities are in safe and serviceable condition, correct immediately hazardous conditions endangering persons, property, or the continuity of service, promptly repair or replace broken, damaged, or deteriorated equipment, and correct promptly transmission problems on any channel.

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<sup>15</sup> 47 C.F.R. Section 54.207(a).

<sup>16</sup> 47 C.F.R. Section 54.202(a)(2); WAC Section 480-123-030 (g).

**RECONEX WILL COMPLY WITH APPLICABLE CONSUMER PROTECTION  
AND SERVICE QUALITY STANDARDS**

14. The Washington Rules require that Reconex provide information that demonstrates that it will comply with the applicable consumer protection and service quality standards of Washington Administrative Code Chapter 480-120. Reconex currently does and will continue to comply with Rules set out in Chapter 120. As part of the certification requirement Reconex must abide by the consumer protection and service quality rules set forth in Chapter 120. Reconex asserts that it is compliance and commits to satisfying all relevant state and federal rules related to consumer protection and quality of service.

**PLAN OF INVESTMENTS MADE WITH FEDERAL SUPPORT**

15. Washington Rules<sup>17</sup> require that Petitions include a substantive plan of investments to be made with initial federal support during the first two years in which the support is received. As stated above, Reconex does not seek Federal High Cost universal service support. Reconex submits this Petition for the limited purpose of providing Low Income assistance to its customers via the State and Federal Lifeline and Link-Up Assistance Programs. As such, the requirement for a two year plan of investment is not required in this instance.

16. Should circumstances change and Reconex desires to become eligible to receive State or Federal High Cost support it shall abide by the Federal requirement for a five-year plan and the State requirement for the two-year plan.

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<sup>17</sup> WAC Section 480-123-030(1)(d).

## **GRANTING THIS PETITION WILL SERVE THE PUBLIC INTEREST**

17. The Commission should find that designating Reconex as an ETC would serve the public interest. Designation of Reconex, as an ETC will benefit Washington consumers by enhancing Reconex's ability to construct and improve network facilities, which will facilitate competition by placing Reconex on a more level playing field with the incumbent local exchange carriers.

18. In addition, designating Reconex as an ETC will bring the further benefits of competition of increased choices at competitive prices. In a competitive market, consumers will be able to choose the services that best meet their communication needs. With a choice of service providers, the consumer is able to select a provider based on service quality, service availability, and rates.

19. Finally, Reconex will advertise telecommunication services as an ETC in the Qwest territory in Washington and will publicize the availability of Lifeline and Link Up services in a manner reasonably designed to reach those likely to qualify for those services. Accordingly, more low-income Washington residents will be made aware of the opportunities afforded to them under the Lifeline and Link Up programs and will be take advantage of those opportunities by subscribing to the Reconex service. And to the extent that additional low income customers avail themselves of the service this will result in increased access to emergency services for the public overall.

## **CONCLUSION**

20. Based upon the foregoing, Reconex respectfully request that the Commission grant this Petition and designate Reconex as an Eligible Telecommunication Carrier

(ETC) for the limited purpose of receiving Federal and State universal service support for the low income programs Lifeline and Link Up, effective as of the date of the Commission's order.

Dated: August 15, 2008

Respectfully submitted,

1-800-Reconex, Inc.

By: 

William E. Braun  
Vice-President & General Counsel  
2500 Industrial Avenue  
Hubbard, Oregon 97032  
Telephone: 503.982.5573  
Facsimile: 503.982.6077  
E-mail: bill.braun@reconex.com

## Exhibit A

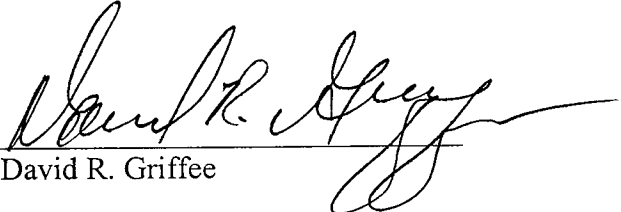
### Affidavit of David R. Griffiee

David R. Griffiee, being first duly sworn upon oath, deposes and states as follows:

1. My name is David R. Griffiee and I serve as President of 1-800-Reconex, Inc., ("Reconex"). My business address is 2500 Industrial Avenue, Hubbard, Oregon 97032. I am an authorized representative of Reconex with respect to the foregoing Application for Designation as an Eligible Telecommunications Carrier in the State of Washington ("Application").
2. I have read the foregoing Application, and I certify under penalty of perjury under the laws of the state of Washington that information therein is true and correct to the best of my knowledge, information, and belief.
3. Reconex is a common carrier and 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)(1-9) of the FCC's rules, throughout the service area for which it seeks ETC designation in Washington. Reconex will also advertise the availability of the supported services and the corresponding charges through several different media of general distribution, throughout the service areas for which designation is requested. As an ETC, Reconex will also offer a universal service at reduced rates package to subscribers who are eligible for Lifeline and Link-Up support.

This concludes my affidavit.

Date: 8-15-08

  
\_\_\_\_\_  
David R. Griffiee

## Exhibit B

### Wire Centers

BLLVWAGL	WA	Zone 1
KENTWAOB	WA	Zone 1
MRISWA01	WA	Zone 1
STTLWA03	WA	Zone 1
STTLWA05	WA	Zone 1
STTLWA06	WA	Zone 1
STTLWACA	WA	Zone 1
STTLWAEL	WA	Zone 1
STTLWALA	WA	Zone 1
STTLWASU	WA	Zone 1
STTLWAVE	WA	Zone 1
TACMWafa	WA	Zone 1
AUBNWA01	WA	Zone 2
BLHMWA01	WA	Zone 2
BLLVWASH	WA	Zone 2
BMTNWA01	WA	Zone 2
BNISWA01	WA	Zone 2
DESMWA01	WA	Zone 2
FDWYWA01	WA	Zone 2
ISQHWAEX	WA	Zone 2
KENTWA01	WA	Zone 2
LACYWA01	WA	Zone 2
OLYMWA02	WA	Zone 2
ORCHWA01	WA	Zone 2
PYLPWA01	WA	Zone 2
RNTNWA01	WA	Zone 2
SLDLWASI	WA	Zone 2
SMNRWA01	WA	Zone 2
SPKNWA01	WA	Zone 2
SPKNWafa	WA	Zone 2
SPKNWAHD	WA	Zone 2
SPKNWAKY	WA	Zone 2
STTLWA04	WA	Zone 2
STTLWACH	WA	Zone 2
STTLWADU	WA	Zone 2
STTLWAPA	WA	Zone 2
TACMWAFI	WA	Zone 2
TACMWAGF	WA	Zone 2
TACMWAJU	WA	Zone 2
TACMWALE	WA	Zone 2
TACMWALO	WA	Zone 2
TACMWASY	WA	Zone 2



TACMWAWA	WA	Zone 2
TACMWAWV	WA	Zone 2
VANCWA01	WA	Zone 2
VANCWANO	WA	Zone 2
YAKMWA02	WA	Zone 2