

**Before the  
Washington Utilities and Transportation Commission**

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In the Matter of the Petition of	)	
	)	STATE OF WASH. UTIL. AND TRANSP. COMMISSION
INLAND CELLULAR	)	Docket No. UT-023040
	)	
For Designation as Eligible	)	PETITION FOR MODIFICATION
Telecommunications Carriers	)	
Under 47 U.S.C. § 214(e)(2)	)	

Inland Cellular Telephone Company (“ICTC”), on behalf of both Washington RSA No. 8 Limited Partnership (d/b/a Inland Cellular) and Eastern Sub-RSA Limited Partnership (d/b/a Inland Cellular), hereby petitions the Commission for modification of its Order designating Inland Cellular<sup>1</sup> eligible telecommunications carrier (“ETC”) status for purposes of receiving all available support from the federal Universal Service Fund (“USF”) including, but not limited to, support for rural, insular and high-cost areas and low-income customers.

**I. Introduction**

1. On July 10, 2002, Inland Cellular submitted a petition to the Commission requesting designation as an eligible telecommunications carrier (“ETC”) pursuant to Section 214(e)(2) of the Telecommunications Act of 1934, as amended (“Act”), 47 U.S.C. § 214(e)(2), and Section 54.201 of the Federal Communications Commission’s (“FCC”) rules, 47 C.F.R. § 54.201, for purposes of receiving all available support from the federal Universal Service Fund (“USF”) including, but not limited to, support for rural, insular and high-cost areas and

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<sup>1</sup> See Order Granting Petition for Designation as an Eligible Telecommunications Carrier, Docket No. UT-023040, (August 30, 2002), Page 3, Footnote 10, “Hereinafter the operating company and the limited partnerships, collectively, will be referred to as “Inland Cellular””.

low-income customers. Inland Cellular requested ETC status throughout its FCC licensed service area in Washington, and the Petition set forth the incumbent local exchange carriers (“ILEC’s”) exchanges in which Inland Cellular provided service. Because Inland Cellular’s cellular geographic service area (“CGSA”) differed in some cases from the ILEC wire centers, several wire centers were only partially within Inland Cellular’s requested ETC service area. Those wire centers were accordingly marked as “partial.” The service areas for Inland Cellular that were marked as “partial” included areas where Inland Cellular’s CGSA overlapped portions of non-rural telephone company exchanges (service areas) and rural telephone company service areas (exchanges).<sup>2</sup> The Commission granted Inland Cellular’s petition in an order released August 30, 2002, *In the Matter of the Petition of INLAND CELLULAR TELEPHONE COMPANY, d/b/a Inland Cellular, EASTERN SUB-RSA LIMITED PARTNERSHIP, and WASHINGTON RSA No. 8 LIMITED PARTNERSHIP For Designation as an Eligible Telecommunications Carrier*, Docket No. UT-023040 (“*Inland Cellular Order*”).

In the designation order, the Commission directed Inland Cellular to petition the FCC for concurrence with its designation for parts of exchange areas, *Inland Cellular Order* at ¶ 71. This directive was repeated in the ordering clause, *Id.* at ¶ 90. Inland Cellular’s request is that the Commission modify its order by eliminating the paragraphs that direct Inland Cellular to make a filing with the FCC. Inland Cellular makes this request because the Universal Service Administrative Company (“USAC”) will not provide federal support to Inland Cellular for

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<sup>2</sup> The WUTC has explained that it uses wireline incumbent telephone company exchange names and boundaries to describe wireless and other ETC service areas, but the two designations are independent and the use of exchange names and boundaries is convenience only. 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-043120, Order No. 01, ¶ 7, n.3; ¶ 47, n.19 (Jan. 13, 2005) (“*Sprint PCS Rural Order*”).

service in the partial exchanges listed in the *Inland Cellular Order* and has pointed to the two cited paragraphs as support for its position that something more is required of Inland Cellular before USAC may disburse support. Because Inland Cellular believes that the directive to file with the FCC is unnecessary and not supported by law or rule, we request the Commission modify its order.

## II. Procedural History

2. Inland Cellular's petition requests from the Commission the same treatment that was afforded to RCC Minnesota, Inc., d/b/a Cellular One ("RCC"). *RCC's petition*<sup>3</sup> contains the same problem with USAC that Inland Cellular has encountered and Inland Cellular would make similar compelling arguments to have the *Inland Cellular Order* modified. In the *RCC Order*<sup>4</sup> the Commission stated:

We have already determined that it is in the public interest to designate wireless companies as additional ETCs for locations served by rural telephone companies, and that it is in the public interest to make those designations whether the boundaries of the respective rural and wireless carriers' service areas are coincident or overlap in whole or in part.

*RCC Order No. 02, ¶ 19, n.3.*

The Commission further states:

We conclude that it is in the public interest to grant the modification requested by RCC. Our action will preserve and advance universal service and promote competition. *RCW 80.36.300; 47 U.S.C. § 254.*

*RCC Order No. 02, ¶ 23.*

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<sup>3</sup> See *In the Matter of the Petition of RCC MINNESOTA, INC., d/b/a CELLULAR ONE For Designation as an Eligible Telecommunications Carrier*, Docket No. UT-023033 PETITION FOR MODIFICATION ("RCC Petition").

<sup>4</sup> See *In the Matter of the Petition of RCC MINNESOTA, INC., d/b/a CELLULAR ONE For Designation as an Eligible Telecommunications Carrier*, Docket No. UT-023033, ORDER NO. 2, ORDER GRANTING MODIFICATION (Service Date March 17, 2005) ("RCC Order").

### **III. Conclusion**

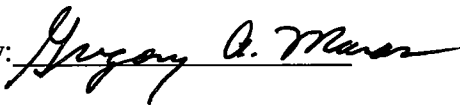
3. The Commission has determined that the public interest is served by designating Inland Cellular as an ETC throughout Inland Cellular's licensed service areas, which overlaps many rural telephone company service areas throughout eastern Washington. The Commission has not required Inland Cellular to serve only those locations where it can completely overlap a rural telephone company service area, and the Act does not require the Commission to limit its designations to locations where additional ETC boundaries are identical to rural telephone company service area boundaries. The Commission has determined that the public interest is served by granting modification to RCC. Accordingly, Inland Cellular respectfully requests that the Commission issue the requested modifications set forth above.

Respectfully submitted,

**Inland Cellular Telephone Company**

As General Partner for

Washington RSA No. 8 Limited Partnership (d/b/a Inland Cellular) &  
Eastern Sub-RSA Limited Partnership (d/b/a Inland Cellular)

By: 

Gregory A. Maras  
Secretary

**BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

**CERTIFICATE OF SERVICE**

I, James K. Brooks, hereby certify that I have, on this 19<sup>th</sup> day of September, 2005, placed in the United States mail, first-class postage pre-paid, a copy of the foregoing: In the Matter of the Petition of INLAND CELLULAR For Designation as Eligible Telecommunications Carriers Under 47 U.S.C. § 214(e)(2), Docket No. UT-023040, PETITION FOR MODIFICATION, filed today to the following:

Asotin Telephone Company  
TDS Telecom  
Gail Long, Regulatory Contact  
Post Office Box 1566  
Oregon City, Oregon 97045

St. John, Co-operative Telephone and  
Telegraph Company  
Greg Morasch, Manager  
Post Office Box 268  
St. John, Washington 99171

CenturyTel of Washington, Inc.  
Don Dennis, Manager State Gov. Relations  
8102 Skansie Avenue  
Gig Harbor, Washington 98332

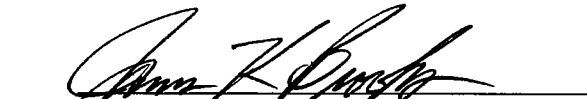
Verizon Northwest, Inc.  
David S. Valdez, Vice President  
1800 41<sup>st</sup> Street  
Post Office Box 1003  
Everett, Washington 98206

Inland Telephone Company  
John Coonan, Treasurer/Controller  
Post Office Box 171  
Roslyn, Washington 98941

Washington Independent Telephone Assoc.  
Terrence Stapleton, Exec Vice President  
2405 Evergreen Park Drive SW  
Suite B-2  
Olympia, Washington 98502

Pioneer Telephone Company  
Dennis Mackleit, General Manager  
Post Office Box 207  
Lacrosse, Washington 99143

Qwest Corporation  
Theresa Jensen, Director-Regulatory  
1600 7<sup>th</sup> Avenue  
Room 1806  
Seattle, Washington 98191

  
James K. Brooks