

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of	)	DOCKET UT-120512
	)	
T-MOBILE WEST LLC	)	ORDER 02
	)	
For Designation as an Eligible	)	
Telecommunications Carrier for Census	)	
Tracts Granted to the Company by the	)	
Federal Communications Commission	)	ORDER GRANTING DESIGNATION
From the Mobility Fund Phase I	)	AS AN ELIGIBLE
Auction	)	TELECOMMUNICATIONS CARRIER
.....	)	

**INTRODUCTION AND BACKGROUND**

*1* On April 9, 2012, T-Mobile West Corporation filed a petition with the Washington Utilities and Transportation Commission (UTC or Commission) requesting conditional designation as an Eligible Telecommunications Carrier (ETC) for the purpose of participating in the Federal Communications Commission’s (FCC) Mobility Fund Phase I auction. On June 14, 2012, the Commission granted T-Mobile West Corporation’s request for conditional designation as an ETC pursuant to 47 U.S.C. § 214(e)(2), 47 C.F.R. § 54.1003, and Washington Administrative Code (WAC) §§ 480-123-020 through 040 for the purpose of participating in the FCC’s Mobility Fund Phase I wireless auction. The Company sought ETC designation in all Mobility Fund Phase I eligible census blocks outside its existing ETC area in Washington conditioned upon T-Mobile West Corporation’s<sup>1</sup> winning support from the Mobility Fund Phase I auction. Docket UT-120512, Order 01, paragraph 1, page five in the order section grants the conditional ETC designation with the following requirements:

- a. The Company must notify the Commission its bidding results from the auction relevant to Washington state within 30 days after the FCC releases the results of the winning bids;
- b. If the Company wins any bid, its notification should specify the names of census blocks and census tracts where it will be eligible to receive Mobility Fund Phase I support as well as the names of associated incumbent local

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<sup>1</sup> T-Mobile West Corporation changed its name to T-Mobile West LLC effective June 25, 2012.

exchange carriers' wire centers corresponding to the census blocks and census tracts;

- c. The Company must also provide a copy of the project construction schedule/specifications contained in the long-form application it submitted to the FCC within 10 days after the Company submits it to the FCC;
- d. The Company must also provide a copy of the annual reports on Mobility Fund Phase I support it submits to the FCC, within 10 days after it submits such reports to the FCC; and
- e. If the Company fails to win any bid for Washington State, it does not need to comply with the reporting requirements in (b)-(d) above.

### DISCUSSION

2 On October 3, 2012, the FCC issued a Public Notice announcing the winning bidders for the Mobility Fund Phase I auction. T-Mobile West LLC (T-Mobile or Company) obtained three winning Washington census tract<sup>2</sup> bids for portions of Grant and Lincoln counties allowing the Company to be eligible to receive \$4,316,763 in federal support from the fund.

3 On November 2, 2012, the Company filed data with the Commission that complies with UTC requirements (a) and (b) (listed above).<sup>3</sup>

4 On November 5, 2012, T-Mobile filed its FCC Long Form application, FCC Form 680, for those areas it received winning census tract bids. The long-form application contains a number of disclosures and certifications. Among them, a winning bidder must provide project construction schedule/specifications that detail the project design, proposed technology, project budget and schedule. For five years after qualifying for support, recipients of Mobility Fund Phase I support are required to file annual reports to the FCC. The reports must include maps illustrating the scope of the areas reached by new services, the population residing in those areas, the linear road miles covered, all coverage test data for the

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<sup>2</sup> Census track is an aggregation of census blocks for bidding purposes.

<sup>3</sup> Compliance filing on behalf of T-Mobile West LLC from Mark P. Trincherro, RE: list of census blocks, census tracts and the associated incumbent local exchange carriers' wire centers for the areas T-Mobile will be eligible to receive Mobility Fund Phase I support.

supported areas, and any updated project information including updates to the project description, budget and schedule.<sup>4</sup>

5 On November 9, 2012, T-Mobile filed with the Commission data meeting the requirement of item (c) above.<sup>5</sup>

6 This Commission has the authority to designate ETCs under 47 U.S.C. § 214(e), 47 C.F.R. § 54.1003, and Washington Administrative Code (WAC) § 480-123. The FCC did not establish additional rules to govern the ETC designation process solely for the purpose of ETC designation of entities receiving Mobility Fund Phase I funding. Commission Staff agrees the Company meets the requirements for ETC designation under 47 U.S. C. § 214(e)(1), 47 C.F.R. § 54.201(d) and WAC 480-123-030. The Company commits to provide all of the supported services with its own facilities throughout its designated service area. It also commits to advertise the availability of and charges for its universal service offerings using media of general distribution, and will undertake outreach initiatives to increase consumer awareness of the Company's Lifeline service offering.

### FINDINGS AND CONCLUSIONS

7 (1) The Commission has jurisdiction over Eligible Telecommunications Carriers (ETC) in Washington and the subject matter of this Order pursuant to 47 U.S. C. § 214(e)(2), 47 C.F.R. §§ 54.201(b)-(c) and WAC 480-123.

8 (2) The Commission designated T-Mobile as an ETC on October 4, 2010, and amended the description of its service area on May 12, 2011. It complies with all the applicable ETC obligations under federal and state statutes and rules.

9 (3) T-Mobile meets the requirements for ETC designation under 47 U.S. C. § 214(e)(1), 47 C.F.R. § 54.201(d) and WAC 480-123.

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<sup>4</sup> USF/ICC Transformation Order, 26 FCC Red at 17817, para. 472.

<sup>5</sup> Compliance filing on behalf of T-Mobile West LLC from Mark P. Trincherio, RE: Project construction schedules/specifications contained in the Mobility Fund Phase I long-form application.

- 10 (4) The Commission agrees with staff's recommendation and finds that the Company has met the requirements of Ordering Paragraph (1)(a)(b) and (c) of Order No. 01.
- 11 (5) The Commission also finds the Company should be granted ETC status for those census blocks or census tracts that were awarded winning bids in the FCC's Mobility Fund Phase I auction and are outside its existing ETC area. This designation will advance the purpose of universal service found in 47 U.S.C. § 254. The designation is in the public interest and should be granted.

## **O R D E R**

### **THE COMMISSION ORDERS:**

- 12 (1) The Commission grants the petition of T-Mobile West LLC for designation as an Eligible Telecommunications Carrier (ETC) in Mobility Fund Phase I eligible census tracts outside its existing ETC designated area in Washington where T-Mobile West LLC won support in the Mobility Fund Phase I auction for census tracts and related census blocks. The designation is subject to the following requirements:
- a. T-Mobile West LLC must provide a copy of the annual reports on Mobility Fund Phase I support it submits to the FCC, within 10 days after it submits such reports to the FCC
  - b. T-Mobile West LLC shall comply with all applicable federal and Washington state statutes and regulations, including E911 tax contributions.
  - c. T-Mobile West LLC shall provide the number of Lifeline customers and its receipt of federal low income support in its annual re-certification report. T-Mobile West LLC shall also provide a copy of its annual verification survey report on Lifeline customers' continued eligibility to the Commission. Based on the size of the low income support T-Mobile West LLC receives in the future and the result of its eligibility verification survey, the Commission reserves the right to

impose more rigorous customer eligibility verification conditions on T-Mobile West LLC's ETC designation.

- 13 (2) T-Mobile West LLC must comply with applicable federal laws and regulations on ETC obligations and requirements.
- 14 (3) The Commission has authority to modify, suspend, or revoke T-Mobile West LLC's ETC designation granted in this Order at a future date.
- 15 (4) The Commission revokes the T-Mobile West LLC conditional designation as an ETC in all Mobility Fund Phase I eligible census blocks or census tracts outside its existing ETC area for which it was not a winning bidder in the FCC's Mobility Fund Phase I auction.

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 November 29, 2012.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER, Executive Director and Secretary