

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

In the Matter of the Petition of	)	DOCKET NO. UT-043120
	)	
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
.....	)	

1     *Synopsis: The Commission grants the petition of Sprint PCS for designation as an eligible telecommunications carrier. Sprint PCS meets the requirements for designation, and granting the petition is in the public interest. Sprint PCS is ordered to provide a map of its licensed service areas in electronic format.*

**I. BACKGROUND**

2     The federal Telecommunications Act of 1996 (Act)<sup>1</sup> 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 service area in which it is designated. *Id.*

3     On December 1, 2004, Sprint PCS requested ETC designation for those portions of its licensed service area that are also served by rural telephone companies.

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

The Commission considered Sprint PCS's petition for ETC designation at its regularly scheduled open public meeting of December 29, 2004.

## II. SPRINT PCS's PETITION FOR ETC DESIGNATION

### A. The Petitioner

4 Sprint PCS is authorized to provide broadband personal communications service ("PCS") in Washington pursuant to Part 24 of the rules of the Federal Communications Commission (FCC). *Petition*, ¶ 5. Sprint PCS is a common carrier under 47 U.S.C. § 153(10) and it is a commercial mobile radio service provider under 47 U.S.C. § 332(c)(1). *Id.*

5 Sprint PCS states that it operates a "robust, all-digital, nationwide mobile wireless network" that includes over 20,000 cell sites in service. *Id.* ¶ 30. The Sprint PCS network "offers its subscribers the capacity to view, download, and share data, including the ability to shoot full-color digital pictures or 15-second video clips and instantly share them with family and friends," and "also offers consumers high data speed capabilities, supporting applications such as the ability to watch TV on a PCS phone via the Web." *Id.*

6 As part of the operation of its network in Washington, Sprint PCS has entered into interconnections agreements with non-rural and rural telephone companies.<sup>2</sup>

7 By order dated October 29, 2003, the Commission designated Sprint PCS as an ETC for the portions of its licensed service area that are located in areas served by non-rural telephone companies Qwest Corporation and Verizon Northwest Inc.<sup>3</sup>

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<sup>2</sup> See, e.g., Sprint PCS interconnection agreements with Verizon Northwest Inc., Docket No. UT-970312; St. John Co-operative Telephone and Telegraph, Docket No. UT-043054; The Toledo Telephone Company, Inc., Docket No. UT-043063; and Whidbey Telephone Company, Docket No. UT-043075.

<sup>3</sup> The separate service areas are described using non-rural ILEC exchange names and Sprint PCS's licensed service area. Sprint PCS was designated as an ETC for service areas

8 Sprint PCS now requests designation for the portions of its licensed service area that coincide or overlap, in whole or in part, with some or all of the exchange areas served by the following rural telephone companies: United Telephone-Northwest d/b/a Sprint;<sup>4</sup> CenturyTel of Washington, Inc.; CenturyTel of InterIsland, Inc.; Asotin Telephone Co.; Ellensburg Telephone Co.; Hat Island Telephone Co.; Hood Canal Telephone Co.; Inland Telephone Co.; Kalama Telephone Co.; McDaniel Telephone Co. (TDS Telecom, Inc.); Lewis River Telephone Co. (TDS Telecom, Inc.); Mashell Telephone, Inc. d/b/a Rainier Connect or The Rainier Group; St. John Telephone Co.; Tenino Telephone Co.; Toledo Telephone Co.; Whidbey Telephone Co.; and Ycom Networks, Inc.<sup>5</sup>

### B. Statutory Requirements

9 ETCs are required to offer the services supported by the federal High Cost Fund (HCF) and advertise the availability of those services. 47 U.S.C. § 214(e)(2); 47 C.F.R. § 101(a), (b). In addition, ETCs must offer discounts to low-income consumers through the Lifeline and Link Up programs. 47 C.F.R. §§ 54.405, 411.

10 Under the Act, state commissions shall designate as ETCs common carriers that request such designation provided the carriers meet the requirements for ETC designation. 47 U.S.C. § 214(e)(2). Notwithstanding the apparent command that

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wherever its licensed service area coincides with or overlaps selected non-rural exchanges. Sprint PCS's designation is independent of wireline carrier ETC service area designations; exchange areas are used as descriptors because they have known geographic boundaries and because federal universal service support is distributed to all ETCs based on incumbent local exchange carrier (ILEC) per-line costs. 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-031558, Order No. 01 (Oct. 29, 2003) ("*Sprint PCS Non-Rural Order*"), ¶¶ 7-9 and Appendix A.

<sup>4</sup> In its petition, Sprint PCS refers to United Telephone-Northwest d/b/a Sprint as a rural telephone company. In Washington, for universal service purposes, the Commission has treated United Telephone-Northwest d/b/a Sprint as a non-rural telephone company. See Docket UT-980311. This has no bearing on our decision in this order.

<sup>5</sup> Sprint PCS does not make any request in its petition that would require a change in rural telephone company study areas or service areas.

state commissions “shall” designate carriers meeting the requirements of 47 U.S.C. § 214(e)(1), the statute also provides that additional designations are permissive in some circumstances and mandatory in others. A state commission “may, in the case of an *area* served by a rural telephone company, and shall, in the case of all other areas, designate more than one common carrier as an eligible telecommunications carrier for a *service area* designated by the state commission so long as each additional requesting carrier meets the requirements of [§ 214(e)(1)] ”. *Id.* (*Italics added*)<sup>6</sup>. When the request is for designation of an additional ETC for an area served by a rural telephone company, the state commission must determine that the additional designation is in the public interest. *Id.*

11 The Act contemplates that service areas may have multiple ETCs. Where there are multiple ETCs, their service areas may coincide or overlap, in whole or in part. There is no requirement that coincident or overlapping service areas have identical boundaries. *Id.*<sup>7</sup>

12 The Act does not set forth the criteria state commissions must consider in determining whether the designation of an additional ETC in an area served by a rural telephone company is in the public interest.

### C. Positions of Interested Persons

#### 1. *Sprint PCS*

13 Sprint PCS states in its petition that it meets the requirements for ETC designation. *Petition*, ¶¶ 11-24. Sprint PCS has not stated in its petition whether it will participate in the Washington Telephone Assistance Program (WTAP).

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<sup>6</sup> This “area” is not a “service area” as that term is used in 47 U.S.C. § 214(e). A “service area” is the geographic location established by a state commission for ETC designation, not an area where a company serves with or without designation. 47 U.S.C. 214(e)(5). See *In the Matter of Petition of Hood Canal Telephone Company for Designation as an Eligible Telecommunication Carrier*, Order Granting Designation as an Eligible Telecommunications Carrier, Docket No. UT-043121, Order No. 1 (Dec. 29, 2004), ¶ 19.

<sup>7</sup> See *Sprint PCS Non-Rural Order*, ¶¶ 7-9.

- 14 Sprint PCS contends that granting its petition will serve the public interest. *Petition*, ¶¶ 27-34. Sprint PCS states that the public interest will be served by promoting additional deployment of wireless facilities and services to the high-cost areas in rural Washington, and by bringing consumers in those areas the benefits of additional competitive universal service offerings. *Id.* ¶ 27.
- 15 Sprint PCS states that granting the petition will allow it to use federal support funds to invest in, and expand, its network in Washington. *Id.* ¶ 32. Sprint PCS states that receipt of HCF support will benefit the public interest because Sprint PCS will use the support to make its network available to deliver basic and advanced services to all telecommunications consumers. *Id.*
- 16 Sprint PCS also contends that ETC designation will provide incumbent companies with an incentive to improve their networks, offer advanced services at competitive prices, and improve customer service. *Id.* ¶ 33. At the same time, Sprint PCS states that the increased competition will not “threaten” the provision of universal services by rural telephone companies because under the federal funding mechanisms rural telephone companies will not lose any support even if they lose customers to Sprint PCS. *Id.* ¶ 34.
- 17 In response to comments filed by the Washington Independent Telephone Association (WITA), Sprint PCS stated that it seeks designation for its entire licensed service area that is coincident with rural telephone company service areas. *Sprint PCS Response at 2*. Sprint PCS also stated in response to WITA that it will provide service through roaming agreements to customers that live in the requested service areas and that Sprint PCS cannot serve with its own facilities. *Id.*

2. *Rural Incumbent Local Exchange Companies*

- 18 WITA and its member companies (Rural ILECs) oppose Sprint PCS’s petition. Rural ILECs submitted written comments at the request of the Commission, and appeared through counsel at the January 12, 2005, Open Meeting.

- 19 Rural ILECs contend Sprint PCS seeks ETC designation not for its licensed cellular geographic service area (CGSA), but rather “only where it actually provides service today, which is some smaller portion of its licensed service area.” *Rural ILEC Comments, at 2 (underline in original)*.
- 20 Rural ILECs contend that Sprint PCS commits in its petition to provide service where it physically provides service today, not to the extent of its licensed service areas. *Id.* Rural ILECs note an apparent discrepancy between the supporting affidavit stating that Sprint PCS will use resale as described in the petition, and the lack of any statement in the petition about the use of resale. Rural ILECs contend the failure of Sprint PCS to say how it will use resale implies that Sprint PCS does not use resale. *Id.*
- 21 Rural ILECs contend that Sprint PCS’s request for designation for areas where it currently serves, and not to the extent of its licensed service area, raises cream-skimming concerns. Rural ILECs also contend that Sprint PCS’s network is set up to accommodate roaming, and that its service along major highways should raise the issue of cream-skimming on its own. *Id. at 3.*
- 22 Rural ILECs contend Sprint PCS will serve very little of the rural telephone company service area. *Id.* Rural ILECs contend that Sprint PCS has provided too little information to determine whether Sprint PCS will serve only the densely populated areas of rural telephone company service areas. Rural ILECs are concerned that Sprint PCS will be required to serve only the densely populated portions of rural telephone companies’ service areas. Rural ILECs cite the FCC’s *Highland Cellular* decision as support for the proposition that where a wireless ETC seeks to become an ETC in only a portion of a rural service area, the concern about rural cream-skimming is raised.<sup>8</sup> *Highland Cellular*, according to Rural ILECs, states cream-skimming is a particular concern if the wireless ETC will

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<sup>8</sup> See *In the Matter of Federal-State Joint Board on Universal Service Highland Cellular, Inc. Petition for Designation as an Eligible Telecommunications Carrier In the Commonwealth of Virginia*, CC Docket 96-45, Memorandum Opinion and Order, 19 FCC Rcd. 6422, 6434-35, FCC 04-37 ¶ 26 (2004) (“*Highland Cellular Order*”).

serve only the lower cost (more densely populated) portions of a rural telephone company's service area. *Id.*

23 Rural ILECs provide information about the anticipated service area for Sprint PCS in areas served by eleven rural telephone companies. *Id. at 3-7.* Rural ILECs indicate that for the Anatone exchange and the Hat Island exchange, it appears Sprint PCS is not even licensed to serve. For other areas, rural ILECs note that Sprint PCS will serve the more densely populated portions of rural ILEC service areas, but indicate that in some areas Sprint PCS may be serving the less densely populated areas of Rural ILEC service areas.

24 Rural ILECs also raise the question of whether it is in the public interest to designate multiple ETCs in areas served by rural telephone companies. The Rural ILECs contend that multiple designations will have an adverse effect on the size of the federal high-cost fund (HCF). *Id. at 7-8.*

### 3. *Commission Staff*

25 Commission Staff recommends granting the petition. According to Commission Staff, it would be in the public interest to grant Sprint PCS's petition for ETC designation because it would bring the benefits of competition to rural customers.

26 Commission Staff contends that granting the petition is consistent with the two purposes of the federal Act—to promote local competition and to preserve and advance universal service. Staff cites prior decisions of this Commission where we have held that rural customers benefit from competition because additional customer choice will bring downward pressure on prices, greater availability of innovative products, and more attention to customer service. *Staff Memorandum at 2.*

27 Commission Staff also states that granting Sprint PCS's petition is consistent with our previous decisions designating additional ETCs in areas served by rural carriers. *Id., at 3-4.*

28 Commission Staff, addressing resale and roaming, notes that the federal Act permits ETCs to provide service using the company's own facilities or its own facilities in combination with resale of another carriers' service. Commission Staff asserts that resale and roaming are functional equivalents. *Id. at 4.*

29 Commission Staff suggests the question before the Commission is whether to limit altogether Sprint PCS's access to federal HCF support by denying it ETC designation, or whether to designate Sprint PCS as an ETC and let the FCC adjust support amounts if the revenue replacement provided by the HCF is providing more than sufficient support to ETCs. *Id. at 5.*

### III. COMMISSION DISCUSSION AND DECISION

30 We base our decision on the written materials provided in this matter, information presented at the Open Meeting, and on our knowledge and experience regarding ETC designation. We have a substantial number of thorough and reasoned decisions on which we rely to reach our conclusion. As a result, we will not discuss in detail every issue that has come before the Commission and has been discussed and decided in prior proceedings.

#### A. Legal and Policy Issues

31 Congress has authorized state commissions to designate common carriers as ETCs. 47 U.S.C. § 214(e)(2). The FCC may designate common carriers as ETCs where the state commission has no jurisdiction over the common carrier. *Id.* § 214(e)(6). The FCC does not have jurisdiction to designate common carriers as ETCs in areas where a state commission has jurisdiction to do so.<sup>9</sup>

32 Congress left to the state commissions to determine whether the designation of a common carrier as an ETC is in the public interest. 47 U.S.C. § 214(e)(2). The Commission may look to the decisions of the FCC and other states to assist it in

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<sup>9</sup> Because Sprint PCS does not seek to alter the study areas or service areas of any rural telephone company, neither 47 U.S.C. § 214(e)(5) nor 47 C.F.R. § 54.207 apply.



making that determination, but the Commission is not bound by those decisions.<sup>10</sup>

33 The Act has interrelated goals of fostering competition and advancing universal service.<sup>11</sup> Access to a variety of telecommunications service for rural consumers is one of the goals of the federal Act. 47 U.S.C. § 254(b)(3). This is also state policy. RCW 80.36.300.

**B. Designation of Sprint PCS Meets the Requirements of Section 214(e) and Is in the Public Interest**

1. *Sprint PCS Will Provide the Required Services*

34 Sprint PCS provides or will provide with its facilities and through roaming the nine services ETCs must provide pursuant to 47 C.F.R. § 54.101(a) and (b). *Petition*, ¶¶ 11-24; *Sprint PCS Response at 2*. Sprint PCS will advertise the availability of these services throughout its service area in media of general distribution. *Id.* ¶ 24. Sprint PCS states it will offer Lifeline and Link Up discounts. *Id.* ¶ 26. Sprint PCS may use the support it receives from the federal HCF *only* for the provision, maintenance, and upgrading of facilities and services for which support is intended. 47 U.S.C. § 254(e).

35 In seeking ETC designation, Sprint PCS is not required to demonstrate that it can provide service in every portion of the area for which it seeks designation. If that

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<sup>10</sup> The only restriction on state commission decisions regarding service areas is that a rural telephone company must be designated as an ETC for its entire "study area" (all the areas it serves in one state combined) unless the state and the FCC agree to establish a different service area for a rural company. 47 U.S.C. § 214(e)(5). This restriction on state commission determination of the service area does not prevent a state from designating another carrier as an ETC for an area that is coincident with, or overlaps in whole or in part, a portion of a rural telephone company's study area or service area. 47 U.S.C. § 214(e)(2).

<sup>11</sup> *Wash. Indep. Tel. Ass'n v. Wash. Utils. & Transp. Comm'n*, 149 Wn.2d 17, 28, 65 P.3d 319, 330 (2003)(citing *Alenco Communications, Inc. v. Fed. Communications Comm'n*, 201 F.3d 608, 615 (5th Cir. 2000) ("FCC must see to it that *both* universal service and local competition are realized; one cannot be sacrificed in favor of the other.")).

were the standard, carriers would be required to make the investment to serve non-economic markets before knowing whether or not federal support would be available to supplement the otherwise insufficient revenue available in the service area. Such an approach would not advance universal service, and it would eliminate any possibility of fair competition throughout low-revenue service areas.<sup>12</sup> Here, Sprint PCS states that it can provide service through roaming agreements with other wireless carriers. *Sprint PCS Response at 2*. We will not dictate the manner in which ETCs meet their obligations, especially when more than one technology may be employed. Sprint PCS will have to meet its obligations, but is free to do so in a manner consistent with its business plans.

2. *Granting Sprint PCS's Petition Is In the Public Interest*

36 "Public interest" is a broad concept encompassing the welfare of present and future consumers, stakeholders, and the general public. The "public interest" is broader than the goal of fostering competition alone, and broader than the goal of advancing universal service alone;<sup>13</sup> and we believe the decision today advances these two goals. Designating Sprint PCS as an ETC furthers the public interest because rural consumers, like urban consumers, will benefit from increased competition in the form of a greater variety of services and more comparability of services. Rural customers also benefit because they, rather than the government, will choose which services and technologies meet their telecommunications needs.

i. Multiple ETC designations fosters competition

37 Urban customers can choose among many companies and technologies because companies serving urban areas can earn sufficient revenue to recoup investment

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<sup>12</sup> See *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) ("*RCC Order*"), ¶ 48.

<sup>13</sup> See *United States Cellular Order*, ¶¶ 38-39.

and make a profit. Rural ILECs receive support because they serve fewer customers and, in some cases, those customers are located in difficult, expensive to serve terrain. State and federal policies support all lines provided by Rural ILECs; even multi-line businesses receive supported service. Because of the limited opportunities for revenue in areas served by Rural ILECs, there will be no competition—and no customer choice—unless all carriers receive support where the market does not provide sufficient revenue to support service.

38 We disagree with Rural ILECs that too many ETCs in rural areas runs counter to the public interest. Rather, that the public interest is better served by multiple ETCs. By competing with Rural ILECs, and other ETCs, each ETC will have to offer its services at a competitive price with a high level of quality to attract and keep customers.<sup>14</sup> It is possible that changes in the administration of the HCF will prompt a review of our current policy, but under the current HCF rules, our current policy is sound.

39 The Commission's experience is that this approach, if not benefiting customers (which it does), certainly is not failing customers. In the five years since we first designated an additional ETC in areas served by rural telephone companies, the Commission has received only two customer complaints in which the consumers alleged that a *non-rural*, wireline ETC was not providing service. No Rural ILEC has requested an increase in revenue requirements based on need occasioned by competition from wireless or other ETCs. This record supports our practice of not seeking commitments or adding requirements as part of the ETC designation process.

40 Granting Sprint PCS's petition also is consistent with the principles of competitive and technological neutrality. Sprint PCS offers service through technologies that Rural ILECs do not use. Consumers are better off when the

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<sup>14</sup> See *In The Matter of The Petition of Inland Cellular Telephone Company et al. for Designation As An Eligible Telecommunications Carrier*, WUTC Docket No. UT-023040, Order Granting Petition for Designation as an Eligible Telecommunications Carrier (August 30, 2002) ("*Inland Order*"), ¶¶ 38, 59; *U.S. Cellular Order*, ¶¶ 31, 41, 47; and *RCC Order*, ¶¶ 36, 59, 68.

government does not favor one technology over another, but instead lets consumers choose the technology that best serves their needs.<sup>15</sup>

ii. Effect on the Federal High-Cost fund of Designation of Sprint PCS

41 Rural ILECS have raised concerns about the effect of additional ETC designations on the federal fund. The companies are concerned about the size of the fund from which they draw support. When we addressed this same concern in a recent proceeding, we stated that this concern should be addressed at a national level. We noted that not even the FCC was able to draw a conclusion regarding the effect of a single ETC designation on the HCF.<sup>16</sup>

42 We agree with Commission Staff that the decision before us is whether to limit altogether Sprint PCS's access to federal HCF support by denying it ETC designation or to designate Sprint PCS as an ETC and let the FCC adjust support amounts if the revenue replacement provided by the HCF is providing more than sufficient support to ETCs. The FCC is in the better position to adjust either HCF support or PCS licenses if the FCC decides that it is necessary to do so.

iii. Preservation and advancement of universal service

43 Rural ILECs stated that the licensed service area of Sprint PCS along major highways alone should raise cream-skimming concerns. *Rural ILEC Comments at 3*. Rural ILECs appear to be raising a concern that providing support to a carrier that serves the traveling public as well as households and businesses may be inconsistent with the goals of universal service. In the past, Rural ILECs have contended that HCF support was intended to assist families and small business

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<sup>15</sup> The FCC stated the principle of competitive and technological neutrality is properly applied when "universal service support mechanisms and rules neither unfairly advantage nor disadvantage one provider over another, and neither unfairly favor nor disfavor one technology over another." See *In the Matter of Federal-State Joint Board on Universal Service*, CC Docket 96-45, Report and Order, 12 FCC Rcd 8776, ¶ 47 (1997).

<sup>16</sup> See *In the Matter of the Petition of AT&T Wireless PCS of Cleveland, LLC, et al. for Designation as an Eligible Telecommunications Carrier*, Docket No. UT-043011, Order Designating Eligible Telecommunications Carriers, ¶ 36 and n.7 (April 13, 2004).

in rural areas to obtain affordable telephone service in their homes and places of business and that support for telephones that will be carried in cars along major highways is contrary to the purposes of universal service.<sup>17</sup>

44 We disagree with this limited view of universal service. The federal Act plainly defines universal service as “an evolving level of telecommunications services that the FCC establishes periodically, taking into account advances in telecommunications and information technologies and services.” 47 U.S.C. § 254(c)(1). Congress declared that 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 available at rates that are reasonably comparable to rates charged for similar services in urban areas.” 47 U.S.C. § 254(b)(3).

45 We have already stated the FCC has determined that mobile wireless service qualifies as basic service. We do not believe we should constrain rural citizens to communication only from their homes. Indeed, wireless phones can be critically important for citizens who live and work in rural areas, where a road-side accident or a mishap on a farm can occur far from the nearest landline telephone.<sup>18</sup>

46 Granting Sprint PCS’s petition is consistent with federal and state statutes and policies. ETC designation of Sprint PCS will preserve and advance universal service. 47 U.S.C. § 254(b)(1). Designation of Sprint PCS will also maintain and advance the efficiency and availability of telecommunications services, ensure

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<sup>17</sup> Wireless carriers obtain federal support for “lines” serving customers whose billing addresses are within the service areas for which the wireless carrier has received ETC designation. Sprint PCS will not receive any universal service support as a result of non-resident drivers that use their wireless telephones as they transit through rural service areas.

<sup>18</sup> See *RCC Order*, ¶¶ 65-66.

that customers pay reasonable rates for their services, and promote diversity in the supply of telecommunications services throughout the state. *RCW 80.36.300.*

#### IV. OTHER ISSUES

47 The Commission orders Sprint PCS to produce electronic maps of its licensed service areas. Production of electronic maps will assist Sprint PCS in claiming federal universal service funds to which it will become entitled. Those maps will also assist Rural ILECs, 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.<sup>19</sup> Sprint PCS must prepare maps with the same standards and attributes required of Rural ILECs, and its maps must be filed with the Commission, where they will be available to Rural ILECs. The availability of electronic maps from ETCs serving rural areas (including Rural ILECs, Sprint PCS, and others) 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.

48 A combination of state and federal laws impose upon all ETCs an obligation to offer reduced-price telephone service to low-income customers within the designated service area of the ETC. *47 U.S.C. § 254(i), (j); 47 C.F.R. §§ 54.405, 411; RCW 80.36.420; WAC 480-122-020; Chapter 388-273 WAC.* There is some

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<sup>19</sup> When creating geographic service areas for wireless companies, the WUTC has referred to the known boundaries of wireline exchanges as descriptors in combination with the known licensed service areas of wireless companies to create ETC service areas unique to each wireless carrier. Reference to the known boundaries of wireline exchange companies in combination with licensed service area boundaries of wireless carriers eliminates the expense and effort that would be needed to define each service area by latitude and longitude, township and range, or meets and bounds. Reference to wireline exchange boundaries in combination with licensed service areas also has the beneficial result that calculation of support amounts for wireless carriers is made simple. This is so because non-ILEC ETCs receive support from the FCC based on the per-line support amounts received by non-rural and rural ILECs wherever a non-ILEC ETC service area overlaps an ILEC's exchange.

uncertainty about the appropriate role of wireless carriers in the state low-income program. In the event of a statutory change or changes in administrative rules that address wireless carrier participation in WTAP, Sprint PCS must comply with the statutory or administrative rule change.

## V. FINDINGS OF FACT

- 49 Having discussed above all matters material to our decision, and having stated  
general findings and conclusions, the Commission now makes the following  
summary findings of fact.
- 50 (1) Sprint Corporation, d/b/a Sprint PCS, SprintCOM, INC., Sprint  
Spectrum, L.P., and Wirelessco, L.P. (collectively "Sprint PCS") and  
referred to in this order as Sprint PCS, are telecommunications companies  
doing business in the state of Washington.
- 51 (2) Sprint PCS currently provides service in the exchanges listed in Appendix  
A to this Order.
- 52 (3) Sprint PCS's petition satisfies the requirements of 47 U.S.C. § 214(e).
- 53 (4) Sprint PCS offers all of the services that are to be supported by the federal  
universal service support mechanisms set forth in 47 C.F.R. § 54.101(a).
- 54 (5) Sprint PCS competes with Rural ILECs, ETCs, and other  
telecommunications carriers in the licensed areas where it serves.

## VI. CONCLUSIONS OF LAW

- 55 (1) The Commission has jurisdiction over the subject matter of this petition  
and over Sprint PCS with respect to its designation as an ETC.

- 56 (2) 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 telecommunication carrier an ETC.
- 57 (3) Granting Sprint PCS's petition for designation as an ETC in its licensed service areas coincident with the rural telephone company exchanges listed in Appendix A is in the public interest, and is consistent with applicable federal and state law.
- 58 (4) Granting Sprint PCS's petition for designation as an ETC in areas also served by rural telephone companies is in the public interest.
- 59 (5) Granting Sprint PCS's petition for designation as an ETC does not alter the study area or the service areas of any rural telephone company and neither Sprint PCS nor any rural telephone company or any previously designated ETC must take any action under 47 U.S.C. § 214(e)(5) or 47 C.F.R. § 54.207.
- 60 (6) Requiring Sprint PCS to create electronic maps of its licensed service areas is in the public interest.
- 61 (6) The Commission has authority to modify, suspend, or revoke the designations granted in this order at a future date.

## VII. ORDER

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

- 63 (1) The Commission grants the petition of Sprint Corporation, d/b/a Sprint PCS, SprintCOM, INC., Sprint Spectrum, L.P., and Wirelessco, L.P. (collectively "Sprint PCS"), as modified by this Order. Each of the



requested designations set forth in Appendix A is granted and each designation is for a separate service area.

- 64 (2) Sprint PCS must provide Lifeline and Link Up discounts consistent with 47 C.F.R. §§ 54.405 and 411.
- 65 (3) Sprint PCS must prepare electronic maps of its licensed service areas with standards and attributes as described in the Commission's Order in Docket No. UT-013058 and UT-023020, entered August 2, 2002.
- 66 (4) The Commission has authority to modify, suspend, or revoke these designations, including the service areas accompanying those designations, at a future date.

DATED at Olympia, Washington, and effective this 13<sup>th</sup> day of January, 2005.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

  
MARILYN SHOWALTER, Chairwoman

  
RICHARD HEMSTAD, Commissioner

  
PATRICK J. OSHIE, Commissioner

**APPENDIX A**

Designation of Sprint PCS licensed service areas coincident with listed exchanges.

ILEC	CLLI	EXCHANGE NAME
<u>UNITED TELEPHONE - NORTHWEST</u>	BCTNWAXX CLMAWAXA CNTRWAXX DLPTWAXA GDVWWAXA GRNGWAXA GRNRWAXX HRRHWAXA LYLEWAXA MBTNWAXX MTWAWAXA PASNWAXA PLSBWAXX PRSRWAXA QLCNWAXA RSVTWAXA SNSDWAXA TPNSWAXX WHSLWAXX WHSWWAXX WHTSWAXA WPATWAXX WSHRWAXA ZLLHWAXA	Bickleton Columbia Chimacum Dallesport Grandview Granger Gardiner Harrah Lyle Mabton Mattawa Paterson Poulsbo Prosser Quilcene Roosevelt Stevenson Toppenish White Salmon White Swan Whitstran Wapato Wishram Zillah
<u>ASOTIN TELEPHONE CO.</u>		

ASOTWAXA

Asotin

CENTURYTEL OF  
WASHINGTON,  
INC.

ARLTWAXX	Arletta
ASFDWAXA	Ashford
ASLKWAXA	Ames Lake
BSCTWAXX	Basin City
CHNYWAXC	Cheney
CRNTWAXX	Carnation
EDWLWAXA	Edwall-Tyler
ELMAWAXA	Elma
ELTPWAXX	Eltopia
EURKWAXA	Eureka
FLCYWAXX	Fall City
GGHRWAXA	Gig Harbor
HMPLWAXA	Lake Quinault
KGTNWAXA	Kingston
LINDWAXA	Lind
LKBYWAXA	Lakebay
MCCLWAXA	McCleary
MDLKWAXX	Medical Lake
MESAWAXX	Mesa
MNTSWAXA	Montesano
MTCOWAXX	Mathews Corner
NBNDWAXA	North Bend
OCSTWAXA	Ocosta
ORNGWAXA	Orting
PEELWAXA	Curtis
RRDNWAXX	Reardan
RTVLWAXA	Ritzville-Benge
RYCYWAXA	Royal City
SNPSWAXA	Snoqualmie Pass
SPNGWAXA	Spangle
SPRGWAXA	Sprague
SPRRWAXX	South Prairie
VADRWAXA	Vader

<u>CENTURYTEL OF INTER-ISLAND, INC.</u>	VSHNWAXA WSCKWAXA	Vashon Wilson Creek
<u>ELLENSBURG TELEPHONE CO.</u>	BLKIWAXX ESNDWAXA FRHRWAXA	Blakely East Sound Friday Harbor
	ELBGWAXA KTTSWAXX	Ellensburg Kittitas
<u>HAT ISLAND TELEPHONE CO.</u>	SELHWAXX THRPWAXA VNTGWAXX	Selah Thorp Vantage
<u>HOOD CANAL TELEPHONE CO.</u>	SWHWDWAXX	Hat Island
<u>INLAND TELEPHONE CO.</u>	UNINWAXB	Union
<u>KALAMA TELEPHONE CO.</u>	RSLNWAXX UNTWAXA	Roslyn Uniontown
<u>LEWIS RIVER TELEPHONE COMPANY</u>	KALMWAXB	Kalama
<u>MCDANIEL TELEPHONE CO.</u>	LACTWAXA	LaCenter
	ONLSWAXA SLKMWAXB	Onalaska Salkum

<u>MASHELL</u> <u>TELECOM, INC.</u>	ETVLWAXA	Eatonville
<u>ST. JOHN</u> <u>TELEPHONE CO.</u>	STJHWAXA	St John
<u>TENINO</u> <u>TELEPHONE CO.</u>	TENNWAXA	Tenino
<u>TOLEDO</u> <u>TELEPHONE CO.,</u> <u>INC.</u>	TOLDWAXA	Toledo
<u>WHIDBEY</u> <u>TELEPHONE CO.</u>	CLTNWAXA LNGLWAXA	South Whidbey Port Roberts (Langley)
<u>YCOM</u> <u>NETWORKS, INC.</u>	RANRWAXA YELMWAXA	Rainier Yelm