

AT&T Mobility (SAC 529910) Annual Eligible Telecommunications Carrier Report for 2009 and Future Annual Plan

Bellingham Cellular Partnership; Bremerton Cellular Telephone Company, Hood River Cellular Telephone Company; New Cingular Wireless PCS, LLC; and, Olympia Cellular Telephone Company (collectively "AT&T Mobility") submits AT&T Mobility's Annual Eligible Telecommunications Carrier Report for 2009 and Annual Plan for 2011¹ for future expenditures in accordance with the rules that apply to Eligible Telecommunications Carriers ("ETCs").

This filing includes the 42 additional wire centers in Washington RSAs 2 and 3 that AT&T Mobility purchased from Rural Cellular Corporation of Minnesota and that were added to AT&T Mobility's ETC designation effective October 15, 2009.²

In this filing, AT&T Mobility will refer generally to its entire ETC designated area, however, in some situations it is appropriate to make a distinction between the original ETC designated area ("Legacy ETC Designated Area")³ and those areas there were recently added ("ETC Designation RSA 2/3").

I. AT&T MOBILITY ETC REPORT FOR 2009

A. Annual Certification of Eligible Telecommunications Carriers

With this filing AT&T Mobility is requesting continued certification as an ETC in the state of Washington. In accordance with WAC 480-123-060, AT&T Mobility provides a certification in **Exhibit A** that it will use the federal universal service support for the "provision, maintenance, and upgrading of facilities and services for which the support is intended".

B. Report as Required by WAC 480-123-070 for Calendar Year 2009

¹ As AT&T Mobility plans its capital expenditures on a calendar year basis, it has reported in this manner for its annual plan.

² See *New Cingular Wireless PCS, LLC; Bellingham Cellular Partnership; Bremerton Cellular Telephone Company; Hood River Cellular Telephone Company; and Olympia Cellular Telephone Company Inc. d/b/a AT&T Mobility For Amendment of its Designation as an Eligible Telecommunications Carrier to Include Additional Wire Centers, Order Granting Amendment of Designation as an Eligible Telecommunications Carrier to Include Wire Centers in Washington Rural Service Area 2 and 3*, Docket UT-04-3011, Order 03, ("ETC Designation RSA 2/3").

³ See *In the Matter of Amending the Designation of AT&T Wireless PCS of Cleveland, LLC: AT&T Wireless Services of Washington, LLC; Spokane Cellular Telephone Company; Yakima Cellular Telephone Company; Bremerton Cellular Telephone; Olympia Cellular Telephone Company; Bellingham Cellular Partnership and Hood River Cellular Telephone Company, Inc., Petition to Amend the Designation as an Eligible Telecommunications Carrier*, Docket No. UT-043011, March 2, 2005; Order, April 29, 2005.

1. Report on use of federal universal service funds and benefits to consumers (WAC 480-123-070(1)(a) and (b))

AT&T Mobility did not receive any universal service support for 2009 to correct for an error in the previous distribution of Interstate Access Support ("IAS") funding to AT&T Mobility.⁴ Nevertheless, AT&T Mobility continued to make network enhancements in its ETC areas throughout the year. **Confidential Exhibit B** describes the network improvements made in AT&T's Legacy ETC Designated Area.

AT&T Mobility's ETC Designation for RSA 2/3 was approved on October 15, 2009. As this was so late in the year, AT&T Mobility did not have an opportunity to start any capital projects. Further, AT&T Mobility did not receive its first disbursement from USAC for this area until 2010 (although it was for the time period beginning October 15, 2009). AT&T Mobility will reports its expenditure of ETC support separately for its ETC Designation for RSA 2/3 for calendar year 2010.

2. Local Service Outage Reports (WAC 480-123-070(2))

AT&T Mobility's local service outage report for calendar year 2009 is attached hereto as **Confidential Exhibit C**. The report includes information on every outage affecting the supported services that was thirty minutes or longer in duration and includes: (a) date and time of onset and duration; (b) description of the outage; (c) particular services affected; (d) geographic area affected; (e) steps taken to prevent a similar situation in the future; and (f) estimated number of customers affected. The information requested for this report is broad and very inclusive such that it includes outages of minimal, if any, impact to consumers. For example, the report would include a situation where a single sector of a cell site was not available for thirty minutes even though customers were still receiving service from the other two sectors of the cell site.

It should be noted that due to system limitations the information provided in this report is for the entire state of Washington and not just the areas in which AT&T Mobility was designated as an ETC.

⁴ CETCs, like AT&T Mobility, are required to report line counts by UNE zone and customer class in the quarterly Form 525 filings made to USAC. In order to file accurate line counts per UNE zone, AT&T contacted USAC to provide data that associates a wire center with a UNE zone. In the first part of 2008, it was discovered that the UNE zone file that AT&T Mobility previously received from USAC was corrupt in that it did not reflect a UNE zone change in the Washington Verizon study area that affected over 90 of Verizon's wire centers. As a result of the error in the files that USAC transmitted to AT&T Mobility, AT&T Mobility received approximately 34 million dollars in overpayment. USAC agreed that for the State of Washington it would reduce the disbursements that AT&T Mobility would otherwise receive to zero dollars (\$0) each month until the approximately 34 million dollar IAS overpayment is recovered.

3. Report on failure to provide service (WAC 480-123-070(3))

AT&T Mobility's report on the number of requests for service within its designated area that were unfulfilled for calendar year 2009 is included in **Confidential Exhibit D**. The Exhibit also describes in detail how AT&T Mobility attempted to provide service to those applicants. The standard that AT&T Mobility is employing for this requirements is the same as that adopted by the Federal Communication Commission ("FCC") in 47 C.F.R. §54.202(a)(1)(B).

4. Report on complaints per 1,000 handset/lines (WAC 480-123-070(4))

AT&T Mobility's report with the separate totals for the numbers of complaints from customers in Washington made to the FCC or the consumer protection division of the office of the attorney general of Washington is attached hereto as **Confidential Exhibit E**. This exhibit also generally describes the nature of the complaint and AT&T Mobility's efforts to resolve the matter.

It should be noted that due to system limitations the information provided in this report is for the entire state of Washington and not just the areas in which AT&T Mobility is designated as an ETC.

5. Compliance with applicable service quality standards (WAC 480-123-070(5))

For wireless carriers these rules require a commitment to comply with the Cellular Telecommunications and Internet Association's ("CTIA") Consumer Code for Wireless Service ("Code"). On an annual basis AT&T Mobility completes a certification process with CTIA. For 2009, AT&T certified to CTIA that it had adopted the principals, disclosures and practices set forth in the CTIA Code. Included in **Exhibit A** is AT&T Mobility's certification of substantial compliance with this requirement.

6. Certification of the ability to function in emergency situations (WAC 480-123-070(6))

To comply with this requirement an ETC must certify that it has adhered to the requirements in WAC 480-123-030(1)(g). WAC 480-123-030(1)(g) requires wireless providers that are ETCs to have "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."

AT&T Mobility complies with the backup power requirement for its switches and microwave hubs within its ETC designated area. With respect to the requirement regarding four hours of battery backup at all cell sites, on February 15, 2007, the Commission issued Order 01 (Docket UT-063060) which required AT&T Mobility to within two years of the Order to have four hours of backup power at its priority and coverage cell sites within its ETC designated area using a reliable alternate power sources (battery, fixed generators or fuel cells). On March 6, 2009, AT&T Mobility submitted a Compliance Report and Request for Limited Extension of Partial Exemption ("Back-up Power Report")⁵ which showed that all but three of its priority and

⁵ See *Cingular's Request for Permanent Waiver or in the Alternate a Temporary Waiver of WAC 480-123-070(6) Regarding Eligible Telecommunications Carrier Requirements*, Docket UT-063060; Compliance Report and

coverage cell sites had been augmented to comply with the 4-hour backup power requirement. In that same filing, AT&T Mobility requested a one year extension for the three priority and coverage cell sites that due to various reasons were not able to be upgraded by February 15, 2009. In Order 02, Ordering Paragraph 4, the Commission granted AT&T Mobility a one-year extension for these three cell sites.⁶ AT&T Mobility is filing concurrently a letter in Docket UT-063060 reporting that the back-up power upgrades to the 3 previously identified priority and coverage cell sites have been completed.

On August 3, 2009, AT&T Mobility filed with the Commission a Request for Clarification or in the Alternate an Extension for Compliance with the 4-hour back-up power requirement for its non-priority sites. The Commission in Order 02 (Docket UT-063060) decided that all of AT&T Mobility's cell sites within its ETC designated area must meet the 4-hour back-up power requirement; however, the Commission granted AT&T Mobility until July 1, 2012 to meet this requirement for its non-priority sites, subject to certain conditions. One condition was that AT&T Mobility must include a compliance status report on back-up power upgrades in its annual ETC filing with the Commission. **Confidential Exhibit F** contains AT&T Mobility's status report on the back-up power upgrades to its non-priority sites.

7. Advertising certification, including advertisements on Indian reservations (WAC 480-123-070(7)).

The certification for this section is included in **Exhibit A**.

AT&T Mobility is committed to publicizing the availability of its Lifeline Service in a manner that is reasonably designed to reach those likely to qualify for the service. In that regard, AT&T Mobility engaged in the activities listed below in 2009 to support its Lifeline Service program. AT&T Mobility continues to look for methods to improve its outreach activities and to partner with government agencies to increase the effectiveness of its outreach activities.

- Maintained a dedicated, bi-lingual Lifeline Customer Care team supporting Lifeline Service activations, customer service, and other Lifeline customers support needs through the following toll free number, 800-377-9450;
- Produced Lifeline brochures in English and Spanish with information about the company's Lifeline and Link Up offering, including pricing information and eligibility criteria. Enclosed as **Exhibit G** is an example of AT&T Mobility's Lifeline brochure that was in circulation in 2009;
- Maintained a dedicated Lifeline Web site (www.wireless.att.com/about/community-support/index.jsp), which provides information about the offer and includes applications available for downloading;

Request for Limited Extension of Partial Exemption.

⁶ The Commission subsequently issued Order 03 in this docket to clarify paragraph 15 of Order 02.

- Continued advertising in newspapers across the state to publicize the availability of the Lifeline offering, a copy of AT&T Mobility's Lifeline advertisement in 2009 is attached as **Exhibit H**. A schedule for when the Lifeline ad was placed and in which newspaper is attached as **Exhibit I**.
- Printed and distributed to various agencies in the state its Lifeline self-mailer/outreach packets in Spanish and English, which included a Lifeline brochure, application and self-addressed return envelope. A list of the various agencies that packets were distributed to is attached as **Exhibit J**.
- Continued its monthly direct mail campaign in its ETC designated area to publicize the availability of the offering to targeted households below the poverty line or on government assistance based on census info obtained by AT&T Mobility. Attached as **Exhibit K** is the postcard that was created for Washington; and,
- Contacted federally recognized Indian tribes across the state asking for their support with publicizing the availability of its Lifeline Service. Attached as **Exhibit L** is a list of the Indian tribes to which AT&T Mobility contacted.

II. Annual Plan for Universal Service Support Expenditures as Required by WAC 480-123-080 for October 1, 2010 through September 30, 2011

Attached as **Confidential Exhibit M** is AT&T Mobility's projected receipt of ETC funds and use of those funds for January 1, 2011 through December 30, 2011.⁷

As the Commission is aware, the amount of funding AT&T Mobility receives is dependent on a number of variables, including the per line support amount of the underlying ILEC and the number of AT&T subscribers that have service in a particular wire center. In addition, there are a number of matters currently pending before the Federal Communications Commission ("FCC") that, if adopted, could greatly impact the amount of funding available for Competitive ETCs ("CETCs"). If the federal high cost support that AT&T Mobility receives is less than it currently anticipates, AT&T Mobility may reduce or eliminate some projects included in its plan for 2011.

AT&T Mobility is committed to spending the federal high cost support that it receives for the provision, maintenance and upgrading of services and facilities for which the support is intended. As there is often a long lead time for capital projects, if for some reason AT&T Mobility receives more federal high cost support in 2011 than is currently anticipated, AT&T Mobility will spend this support in the following calendar year.

In addition to the variability in federal high cost support received, AT&T Mobility further notes that there may be factors outside of its control that cause a delay to a project listed in the plan for 2011, such as zoning/permitting issues, lease negotiations, back-order of equipment and so forth. Unfortunately, these delays may cause a project to be moved to a subsequent calendar year for completion.

⁷ As AT&T Mobility plans its capital expenditures on a calendar year basis, it has reported in this manner its expected receipt and use of ETC funds for calendar year 2011.