

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

In the Matter of the Petition of)	
)	
UNITED STATES CELLULAR)	Docket No. UT-_____
CORPORATION)	
)	
For Conditional Designation as an)	United States Cellular Corporation
Eligible Telecommunications Carrier for)	Petition for Designation and Request
Purposes of Participating in the Tribal)	for Expedited Consideration
Mobility Fund Phase I Auction)	

**PETITION OF UNITED STATES CELLULAR
FOR EXPANDED CONDITIONAL DESIGNATION
AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER**

Pursuant to Section 214(e)(2) of the Communications Act of 1934, as amended (the “Act”),¹ United States Cellular Corporation (on behalf of itself and its subsidiaries and affiliates operating in Washington state, collectively hereafter, “U.S. Cellular”) hereby requests expanded conditional designation as an eligible telecommunications carrier (“ETC”) to serve all census blocks on tribal lands designated by the Federal Communications Commission (“FCC”) for the upcoming Tribal Mobility Fund Phase I Auction (“Auction 902”) that are in U.S. Cellular’s FCC licensed service areas² within the State of Washington. Grant of this Application on or before October 9, 2013 will, among other things, enable U.S. Cellular to participate in Auction 902. As set forth below, U.S. Cellular has previously been designated as an ETC by the Washington Utilities and Transportation Commission (“WUTC”).

¹ 47 U.S.C. §214(e)(6).

² A map showing U.S. Cellular’s licensed areas is attached as Exhibit A.

For the reasons set forth below, and in accordance with the requirements set forth in the Act,³ the FCC's rules,⁴ the rules of the WUTC,⁵ the FCC's *CAF Order*,⁶ and the FCC's Public Notice in the Tribal Mobility Fund Phase I docket,⁷ U.S. Cellular meets the requirements to be designated as an ETC in additional areas in the state by the WUTC to be eligible to bid in Auction 902 and future FCC auctions, and U.S. Cellular's designation as an ETC for this purpose will serve the public interest.

I. BACKGROUND.

U.S. Cellular is a facilities-based wireless ETC serving customers in Washington, Oregon, and a number of other states throughout the country. U.S. Cellular provides commercial mobile wireless service to several Native American lands, in Washington and other states. U.S. Cellular has previously been designated to serve Tribal lands in Washington. *See, e.g.*, orders in Docket UT-970345.

By this Application, U.S. Cellular seeks to extend the availability of its mobile voice and data services, and to extend the reach of its mobile broadband capabilities, into certain unserved and underserved Tribal lands in Washington identified by the FCC as areas eligible for Auction 902 funding (the "Eligible Washington Tribal Lands"). Being designated as an ETC and eligible to participate in Auction 902 and future FCC auctions will serve the public interest. If U.S.

³ 47 U.S.C. §214(e).

⁴ 47 C.F.R. §§ 54.202, 54.1003.

⁵ WAC Ch. 480-123

⁶ *Connect America Fund*, WC Docket No. 10-90, *A National Broadband Plan for Our Future*, GN Docket No. 09-51, *Establishing Just and Reasonable Rates for Local Exchange Carriers*, WC Docket No. 07-135, *High-Cost Universal Service Support*, WC Docket No. 05-337, *Developing an Unified Intercarrier Compensation Regime*, CC Docket No. 01-92, *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, *Lifeline and Link-Up*, WC Docket No. 03-109, *Universal Service Reform – Mobility Fund*, WT Docket No. 10-208, Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd 17663, at ¶ 295 (2011) ("*CAF Order*"), *pets. for review pending sub nom. In re: FCC 11-161*, No. 11-9900 (10th Cir. filed Dec. 18, 2011) (and consolidated cases).

⁷ *Tribal Mobility Fund Phase I Auction Rescheduled for December 9, 2013; Notice and Filing Requirements and Other Procedures for Auction 902*, FCC Public Notice in AU 13-35, DA 13-1672 (rel. Aug. 7, 2013) (the "*Auction 902 PN*").

Cellular is successful in upcoming FCC auctions, it will be able to use federal high-cost support to assist it in extending and improving its mobile voice and broadband coverage in Washington.⁸

II. EXPEDITED PROCESSING IS REQUESTED

U.S. Cellular respectfully requests that the WUTC expeditiously process and grant this Application on or before October 9, 2013. The FCC has announced that Auction 902 will commence on December 19, 2013.⁹ To be eligible to participate in Auction 902, and ultimately to receive Tribal Mobility Fund Phase I support for any area, U.S. Cellular must be designated as an ETC in that area on or before the October 9, 2013 deadline for filing short-form auction applications.¹⁰

In connection with its request for expedited processing, U.S. Cellular urges the WUTC to implement a rapid processing cycle and take all necessary steps to place this Application on the Commission's agenda for consideration at the earliest possible date, for consideration at an open meeting in advance of October 9. As noted above, the WUTC has found on more than one occasion that U.S. Cellular is qualified to serve as an ETC in Washington, and that designating U.S. Cellular as an ETC serves the public interest.¹¹ Further, in its present Application, U.S. Cellular seeks only conditional ETC designation to participate in Auction 902 and future auctions – conditional on U.S. Cellular bidding and being a winning bidder at one or more upcoming FCC auctions covering Washington.

⁸ See *CAF Order* at ¶ 322.

⁹ *Auction 902 PN* at ¶ 1.

¹⁰ *Id.* at ¶ 43; 47 C.F.R. §54.1003(a) (applicant must be an ETC to receive Mobility Fund Phase I support).

¹¹ See WUTC Docket 970345.

III. U.S. CELLULAR’S PETITION SATISFIES ALL REQUIREMENTS FOR DESIGNATION AS AN ETC.

a. SATISFACTION OF THE REQUIREMENTS OF SECTION 54.202(A) OF THE FCC’S RULES.

• U.S. Cellular hereby certifies that it will comply with the service requirements applicable to the support that it receives.¹² U.S. Cellular will use auction support to expand and improve its network in the Eligible Washington Tribal Lands, in compliance with the construction requirements established by the FCC. U.S. Cellular is unable in the context of the Auction to provide a specific investment plan for the area to be designated.¹³ In general, service improvement projects would be designed using industry standard computer modeling techniques to provide 3G or better mobile voice and broadband services at the required minimum throughputs of 200 kbps downlink and 50 kbps uplink, to 75% or more of the population of the awarded eligible census blocks. These service improvement criteria are consistent with the *CAF Order* at ¶¶ 361 - 365 and the *Auction 902 PN* at ¶¶ 37 – 38. U.S. Cellular would provide coverage of the Eligible Tribal Lands using a combination of additional cell sites and existing towers where possible. Backhaul connection of these new cell sites/towers to the existing network would be achieved using a series of point to point microwave links or landline facilities, if feasible. In remote locations such as these, U.S. Cellular uses microwave links to connect cell sites back to key locations where fiber optic cable is available.

If it wins support in the Auction, U.S. Cellular will submit the requisite annual reports on its progress of deployment in supported areas to the WUTC, and to the tribal governments of the tribe(s) in the supported areas.

¹² 47 C.F.R. §54.202(a)(1)(i).

¹³ U.S. Cellular will provide a Service Improvement Plan (“SIP”) describing the expansion and/or improvements that it plans to make in the Eligible Washington Tribal Lands if it wins Auction 902 funding to reflect whatever census blocks it may win at the upcoming auction.

U.S. Cellular has the ability to remain functional in emergency situations, including an battery power to ensure functionality without any external power source for at least four hours at cell sites, back-up generators at each microwave hub, and at least five hours back up battery power and back-up generators at each switch; the ability to reroute traffic around damaged facilities, and the ability to manage traffic spikes resulting from emergency situations.¹⁴ In particular, the following capabilities enable U.S. Cellular to remain functional in emergency situations:

- Fixed and portable back-up power generators at various network locations throughout U.S. Cellular’s network that can be deployed in emergency situations;
- Battery back-up systems installed at the majority of sites not equipped with fixed generators, to maintain service in the event of a widespread power outage;
- Redundant facilities and capability for dynamic rerouting of traffic over alternate facilities, which can be employed as needed to enable U.S. Cellular to reroute traffic around damaged or out-of-service facilities;
- A network control center that monitors network traffic, anticipates traffic spikes, and can deploy network facilities to accommodate capacity needs.

U.S. Cellular hereby certifies that it will satisfy applicable consumer protection and service quality standards.¹⁵ U.S. Cellular will abide by the CTIA – The Wireless Association’s Consumer Code for Wireless Service (“Consumer Code”).

b. SATISFACTION OF THE REQUIREMENTS OF SECTION 54.1003 OF THE FCC’S RULES AND SECTION 214 OF THE COMMUNICATIONS ACT.

U.S. Cellular hereby certifies that it is a telecommunications carrier, as required by the Act.¹⁶ U.S. Cellular hereby certifies that it is financially and technically qualified to provide, and intends to offer, all of the services designated by the FCC for support through Tribal Mobility

¹⁴ 47 C.F.R. §54.202(a)(2).

¹⁵ 47 C.F.R. §54.202(a)(3).

¹⁶ 47 U.S.C. §214(e)(1). The NMPRC has previously found U.S. Cellular to be a “common carrier” in its order designating U.S. Cellular as an ETC, and in its two subsequent orders expanding U.S. Cellular’s ETC designation.

Fund Phase I, as well as future FCC auctions, including voice telephony services meeting the FCC's requirements. U.S. Cellular will provide:

- Voice-grade access to the public switched telephone network, through U.S. Cellular's interconnected mobile voice telecommunications service;
- Minutes of free local usage for end-users in each universal service rate plan;
- Access to emergency services, including access to 911 and E911 services to the extent that the local government has implemented such services; and
- Toll limitation at no charge for qualifying low-income customers.¹⁷
- Stand-alone voice service.¹⁸
- Lifeline service.

In addition, U.S. Cellular certifies that it is financially and technically qualified to provide, and intends to offer, broadband services meeting the FCC's requirements, either 3G service in the supported areas within two years or 4G service within three years of the date it is authorized to receive support.¹⁹ As noted above, U.S. Cellular is a facilities-based provider of wireless voice, messaging, and data services and currently provides mobile wireless services to millions of customers. U.S. Cellular has deployed an advanced telecommunications network that, with the additional Tribal Mobility Fund Phase I support, will be capable of delivering the supported services throughout the service areas for which support is won.

If successful at auction, U.S. Cellular intends to offer the designated supported services throughout the service areas for which it wins support using its own facilities, in accordance with the Act.²⁰ U.S. Cellular certifies that it owns spectrum in the Eligible Washington Tribal Lands

¹⁷ 47 C.F.R. §§54.101.

¹⁸ *Auction 902 PN* at ¶ 15.

¹⁹ 47 C.F.R. §§54.101, 54.1003(c), 54.1006. *See generally* 47 U.S.C. §254(c).

²⁰ 47 U.S.C. §214(e)(1)(A).

within which it intends to seek support, and that it will retain such ownership for at least five years after the date on which it is authorized to receive Tribal Mobility Fund Phase I support.²¹

If successful at auction, U.S. Cellular will advertise the availability of, and charges for, the supported services using media of general distribution.²² U.S. Cellular certifies that it will continue to use the appropriate means to advertise the supported services, and the charges associated with them, in a manner consistent with applicable requirements. U.S. Cellular is willing to be the sole ETC in the designated service territory, if so ordered.²³ U.S. Cellular will comply with all reporting requirements set forth in the WUTC's Rules.

IV. EXPEDITIOUS GRANT OF U.S. CELLULAR'S APPLICATION WILL SERVE THE PUBLIC INTEREST.

Expeditious grant of U.S. Cellular's Application will serve the public interest by enabling U.S. Cellular to participate in Auction 902 and future auctions. If U.S. Cellular is successful at auction, it will extend and improve its mobile voice and broadband coverage in the areas in which it bids – all of which the FCC has found to be unserved or underserved – and residents of these areas will enjoy the benefits of mobile broadband and more choice among facilities-based providers.

CONCLUSION.

For the reasons stated herein, and based on the certifications made and qualifications demonstrated in the Application, U.S. Cellular satisfies the requirements of the Communications Act, the rules of the WUTC, and the FCC's rules, orders, and policies for ETC designation. Grant of the requested ETC designations will serve the public interest. Accordingly, U.S.

²¹ 47 C.F.R. §54.1003(b).

²² 47 U.S.C. §214(e)(1)(B).

²³ See 47 C.F.R. § 54.203.

Cellular respectfully requests that the WUTC expeditiously grant the Application for conditional ETC designation.

Respectfully submitted, this 23rd day of September, 2013.

United States Cellular Corporation



By: _____

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