

**Before the
Washington Utilities and Transportation Commission**

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

Inland Cellular Telephone Company ("ICTC"), as general partner of and 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 Cellular¹ 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

¹ 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"."

("USF") including, but not limited to, support for rural, insular and high-cost areas and 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") wire centers 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).² 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 ILEC exchange areas, *Inland Cellular Order* at ¶ 71. This directive was repeated in the ordering clause, *Id.* at ¶ 90.

2. On September 19, 2005, Inland Cellular submitted a petition to the Commission requesting modification of Docket No. UT-023040 ("*Inland Cellular Order*"). In its petition,

² 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*").

Inland Cellular requested that the Commission modify its order by eliminating the paragraphs that direct Inland Cellular to make a filing with the FCC. The Commission granted Inland Cellular's petition in an order with a service date of October 12, 2005, *In the Matter of the Petition of INLAND CELLULAR TELEPHONE COMPANY (Eastern Sub-RSA Limited Partnership and Washington RSA No. 8 Limited Partnership, For Designation as an Eligible Telecommunications Carrier*, Docket No. UT-023040, Order No. 02, *ORDER GRANTING MODIFICATION*.

3. Inland Cellular requests that the Commission issue an erratum to the original *Inland Cellular Order* in order to correct errors contained in Exhibit B and Exhibit C within the July 10, 2002 petition and subsequent August 30, 2002 Order and adopt the attached Exhibit B and Exhibit C to the original *Inland Cellular Order*.

II. Asotin Telephone Company & the Anatone Wire Center

4. In Exhibit C of Inland Cellular's July 10, 2002 petition, Asotin Telephone Company (study area code ("SAC") 522404), Anatone Wire Center was errantly marked as partial. The Anatone Wire Center is clearly within the CGSA of Inland Cellular and Inland Cellular believed that this error would be corrected in Docket No. UT-023040, Order No. 02, *ORDER GRANTING MODIFICATION*.

5. Inland Cellular noticed that USF support³ that it received had not changed and attempted to contact the Universal Service Administration Company ("USAC") through several phone calls (undocumented) and through correspondence dated March 1, 2007 and May 24, 2007

³ Information from USAC website, www.usac.org, High Cost, USAC FCC Filings, Appendices, HC04-Disaggregated Per Line Support by Zone..

(documented), asking why the Commissions' Order had apparently not taken affect. Inland Cellular did not receive a response from USAC.

6. Inland Cellular attempted again through correspondence dated August 5, 2011 to contact USAC. On August 29, 2011, Inland Cellular received a written response from USAC dated August 26, 2011. Regarding the Asotin Telephone Company and the Anatone Wire Center, USAC states:

Before USAC recognizes eligibility in the Anatone wire center, the WUTC must confirm that the partial wire center designation was an error and issue an erratum to the original August 2002 Order stating that ICTC [Washington RSA No. 8 Limited Partnership] is an ETC in the entirety of the Anatone exchange. Upon the WUTC's eligibility clarification, USAC will grant ICTC [Washington RSA No. 8 Limited Partnership] eligibility in the Anatone exchange.

III. All Other Wire Centers marked as Partial

7. With the exception of the Asotin Telephone Company and the Anatone Wire Center, Exhibit B and Exhibit C of Inland Cellular's July 10, 2002 petition were marked as "partial" because those wire centers are not completely within the CGSA of Inland Cellular. Upon further review, Inland Cellular believes that these wire centers were marked as "partial" in error since these wire centers are no less than 75 percent within the CGSA of Inland Cellular and/or the portion that is outside the CGSA of Inland Cellular is covered by Inland Cellular contours or covered by wholesale agreements (roaming agreements) with competing wireless providers.

IV. Public Interest and Cream Skimming

8. The public interest and cream skimming have previously been addressed by the Commission and should therefore be a non-issue. In Docket No. UT-023040, Order No. 02,

ORDER GRANTING MODIFICATION, Commission Staff Analysis within the Order at ¶ 6

states:

Commission [S]taff notes that in previous instances when carriers sought designation for service areas that overlapped parts of wireline exchanges concerns were raised that designation of a wireless company for a service area that overlaps part of an incumbent's exchange might result in cream skimming. Commission Staff contends that many precedents of the Commission support conclusion that cream skimming is not a concern when federal support is disaggregated. Commission Staff asserts that accepting geographic boundaries as they are recognizes the technological differences that exist between carriers, and takes into account the variations in the statutory and regulatory requirements placed on wireline and wireless carriers.

Further, in Docket No. UT-023040, Order No. 02, *ORDER GRANTING MODIFICATION*, the Commission Discussion and Decision, the Commission at ¶ 8 states:

We have already determined that it is in the public interest to designate wireless companies as additional ETCs for the locations served by rural telephone companies; 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; and that disaggregation eliminates concerns about cream skimming.

V. Conclusion


3. The Commission has determined that the public interest is served by designating Washington RSA No. 8 Limited Partnership and Eastern Sub-RSA Limited Partnership (both *d/b/a* Inland Cellular) as ETC's throughout Inland Cellular's licensed service areas, which overlaps many ILEC service areas throughout eastern Washington. The Commission has not required Inland Cellular to serve only those locations where it can completely overlap an ILEC service area, and the Act does not require the Commission to limit its designations to locations where additional ETC boundaries are identical to ILEC service area boundaries. 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:



James K. Brooks
Treasurer/Controller

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CERTIFICATE OF SERVICE

I, James K. Brooks, hereby certify that I have, on this 7th day of September, 2011, 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, State Government Affairs
Post Office Box 1566
Oregon City, Oregon 97045

Frontier Communications Northwest, Inc.
Helen Hall, Director-State Gov. Relations
1800 41st Street
WA0105RA
Everett, Washington 98206

CenturyLink
Mark Reynolds
1600 7th Avenue
Room 3206
Seattle, Washington 98191-0001

Washington Independent Telephone Assoc.
Betty Buckley, Exec Vice President
2405 Evergreen Park Drive SW
Suite B-4
Olympia, Washington 98502-6053

CenturyLink
Tim Grigar, VP & GM
8102 Skansie Avenue
Gig Harbor, Washington 98332-8415

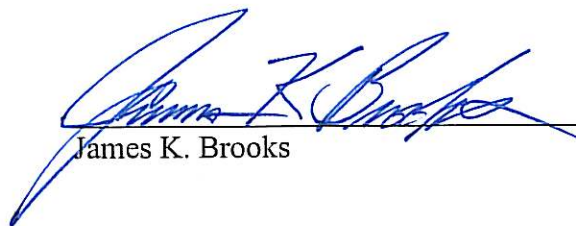

James K. Brooks

Exhibit B

NON-RURAL LEC WIRE CENTERS

LEC: Verizon Northwest, Inc. - WA

Wire Center : Farmingdale
Garfield
Garrison
Latah
Palouse
Pullman
Oakesdale
Rosalia
Soap Lake
Tekoa
Thornton

LEC: Qwest Corp. - WA

Wire Centers: Colfax
Clarkston
Coulee Dam
Dayton
Ephrata
Moses Lake
Othello
Pasco
Pomeroy
Walla Walla
Warden
Waitsburg

Exhibit C

RURAL LEC WIRE CENTERS

LEC: CenturyTel of Washington, Inc.

Wire Centers: Almira
Creston
Coulee City
Davenport
Edwall
Eltopia
Eureka
Harrington
Lind
Odessa
Rearden
Ritzville
Royal City
Sprague
Starbuck
Washtucna
Wilbur
Wilson Creek

LEC: St. John Tel. Co.

Wire Center(s): Saint John

LEC: Pioneer Tel. Co.

Wire Center(s): Lacrosse
Endicott

LEC: Inland Tel. Co.

Wire Centers: Uniontown
Prescot

LEC: Asotin Tel. Co.

Wire Centers: Asotin
Anatone