

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

Rulemaking to consider amending rules in)
WAC 480-120, Telephone Companies,) **Docket UT-140680**
WAC 480-121, Registration and)
Competitive Classification of)
Telecommunications Companies, WAC)
480-122, Washington Telephone)
Assistance Program, WAC 480-123,)
Universal Service, WAC 480-140,)
Commission General Budgets, and WAC)
480-143, Commission General Transfers)
of Property, due to competitive changes)
within the telecommunications to meet)
consumer, commission and industry)
requirements no longer applicable under)
the existing WAC rules)

COMMENTS OF T-MOBILE WEST LLC

T-Mobile West LLC (“T-Mobile”) hereby submits the following comments in response to the Notice of Opportunity to File Written Comments and Notice of Workshop filed by the Washington Utilities and Transportation Commission on May 9, 2014.

All pleadings, correspondence, and other communications concerning this docket should be sent to the following addresses:

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I. INTRODUCTION

T-Mobile is a commercial mobile radio service (“CMRS”) provider designated as an eligible telecommunications carrier in the state of Washington for the purposes of receiving support from the federal universal service fund for high-cost, low income, and Mobility Fund purposes. T-Mobile’s comments are limited to Staff’s draft redline of Chapter 480-123 Washington Administrative Code (Universal Service), although it reserves the right to comment on any proposed rules or any other party’s comments that are the subject of this proceeding.

II. CHAPTER 480-123 WAC

WAC 480-123-030(g) – Functionality in Emergency Situations

Staff’s draft redline would amend WAC 480-123-030(g) to require wireless ETCs to provide:

(g) Information that demonstrates its ability to remain functional in emergency situations including a description of how it complies with WAC 480-120-411 or, for a wireless carrier, information that demonstrates that, when commercial power is not available, it has a reasonable amount of backup power (fixed, portable or other backup power source) for its cell sites, and backup power for its switches is as prescribed in WAC 480-120-411(3) for LEC central offices; and cell sites do not include any small cell facility as defined in RCW 80.36.375(2)(d) or any in building wireless installation.

T-Mobile supports Staff’s changes to the rule. The changes allow for a carrier to utilize a variety of options (i.e. fixed, portable or other backup power source) to demonstrate that it has a reasonable amount of backup power for its cell sites. It also excludes small cell facilities and in-building wireless installations from this rule.

These proposed changes appear to be consistent with the FCC’s requirement that ETCs “demonstrate its ability to remain functional in emergency situations, including a demonstration

that it has a reasonable amount of back-up power to ensure functionality without an external power source” 47 C.F.R. § 54.202 (a)(2).

WAC 480-123-060 and Annual Certification of Eligible Telecommunications Carriers

Staff suggests amending the deadline for ETCs to submit their requests for certification of the ETC’s use of federal high cost support to the Commission from July 31 to July 1. T-Mobile supports this change, as it will mirror the July 1st deadline for ETCs to submit their Form 481 reports to the FCC.

WAC 480-123-070 – Annual Certifications and Reports

Staff’s draft redline would amend WAC 480-123-070(1) to require that:

The report must provide a substantive description of investments made and expenses paid with support from the federal high-cost fund. The report must include the Company’s gross capital expenditures and maintenance expense in the preceding calendar year along with a description of major protects and affected exchanges. The rate of return wireline ETCs must also include a copy of its NECA-1 report for the preceding calendar year.

The draft revisions to the rule appear to impose additional reporting requirements upon ETCs. T-Mobile questions if that was Staff’s intent, as the rule appears to require more detailed reporting of expenditures and maintenance expenses than in the prior rule. If so, T-Mobile is unclear as to the problem that staff seeks to address in the rule.

The FCC requires ETCs to submit as part of its Form 481 filing:

A progress report on its five-year service quality improvement plan pursuant to § 54.202(a), including maps detailing its progress towards meeting its plan targets, an explanation of how much universal service support was received and how it was used to improve service quality, coverage, or capacity, and an explanation regarding any network improvement targets that have not been fulfilled in the prior calendar year. The information shall be submitted at the wire center level or census block as appropriate[.]

47 C.F.R. § 54.313(a)(1).

Staff's revisions, if adopted, may require a carrier to prepare two separate progress reports to comply with both the Commission's and FCC's requirements. T-Mobile recommends that the WUTC instead require wireless ETCs to submit a copy of the progress report that it files with its Form 481. T-Mobile also notes that the FCC originally mandated that high-cost support to wireless ETCs be phased out¹ by the end of 2016. Accordingly, the progress reports required pursuant to WAC 480-123-070(1) will soon no longer be required. It would make little sense to complicate this filing process at a time when it will soon become obsolete.

WAC 480-123-070(2) Local Service Outage Report

T-Mobile commends the staff for proposing to more closely conform the WAC outage reporting requirement to the federal reporting requirements for ETCs found in 47 C.F.R. 313(a)(2). However, the draft revised rule could be read to expand the requirement for ETCs to report outages on its annual report to any outage in a carrier's service area, instead of only outages in the carrier's ETC service area. Staff proposes to include a new definition of service area to mean "all of the designated exchanges served by a company in the state." See proposed WAC 480-123-010. The rule also eliminates the requirement that the outage occur in the service area in which the ETC is designated, which is language that is contained in the federal rule.

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¹ The current pause in the phase down of legacy CETC support will continue pending the implementation of Phase II of the Connect America Fund.

