

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

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 No. UT-063060 Petition
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**COMPLIANCE REPORT AND REQUEST FOR LIMITED EXTENSION
OF PARTIAL EXEMPTION**

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" f/k/a "Cingular") submit this report detailing its compliance with Ordering Paragraph 2 of the Washington Utility and Transportation Commission ("Commission") Order 01 in Docket UT-063060 ("Partial Exemption Order"). AT&T Mobility also requests a limited extension of the partial exemption granted in Order 01 in Docket UT-063060 for three cell sites.

I. Background:

1. AT&T Mobility has been designated by this Commission as an eligible telecommunications carrier ("ETC") in certain areas in Washington State. As such AT&T Mobility is subject to the Commission's rules for ETCs, including the requirement in WAC 480-123-030(1)(g)¹ and WAC 480-123-070(6)² that a wireless ETC have "at least four hours of back up battery power at each cell site."

¹ WAC 480-123-030(1)(g) provides, in relevant part, "...for a wireless carrier, information that demonstrates it has at least four hours of back up battery power at each cell site".

² WAC 480-123-070(6) provides that an ETC must, "[c]ertify that it had the ability to function in emergency situations based on continued adherence to the standards found in WAC 480-123-030 (1)(g)."

2. On July 31, 2006, AT&T Mobility submitted a Petition to the Commission requesting a permanent waiver of WAC 480-123-070(6) and WAC 480-123-030(1)(g). In the alternative AT&T Mobility requested a partial exemption of these rules and it later clarified this partial exemption request with the Commission.
3. On February 15, 2007, the Commission denied AT&T Mobility's request for a permanent exemption from WAC 480-123-070(6).³ The Commission, however, granted AT&T Mobility's request for a partial waiver subject to the condition that,

Within two years of the date of this Order, the Company must provide four hours of back-up at all Priority 1 and -98db cell sites using reliable alternative power sources (battery, fixed generator or fuel cells).⁴

II. Report on Compliance with Partial Waiver of WAC 480-123-070(6):

4. In compliance with Ordering Paragraph 2 of the Partial Exemption Order, AT&T Mobility has worked diligently over the last two years to engineer its Priority 1 and -98 db cell sites to 4-hours of backup power using reliable alternate power sources (battery, fixed generator or fuel cells).⁵ This involved the following steps:
 - Surveying all 576 of its Priority 1 and -98 db ("Backup Power Sites") previously identified to the Commission as Backup Power Sites to determine the steps necessary to engineer and construct the site to 4-hours of reliable alternative power sources;
 - Designing all Backup Power Sites with less than 4-hours backup power to meet the requirement of reliable alternate power sources;
 - Performing a structural analysis of the Backup Power Sites, when needed, to determine whether structural improvements were required to support the additional battery load (this issue generally arises when the cell site is located on a building or rooftop);

³ Partial Exemption Order, Ordering Paragraph 1.

⁴ *Id.*, Ordering Paragraph 2.

⁵ All AT&T cell sites within the ETC designated area built in AT&T Mobility's ETC designated area *after* the effective date of WAC 480-123-070(6) and WAC 480-123-030(1)(g), July 29, 2006, have been engineered for 4-hours of backup power.

- Amending the lease agreements, when needed, to allow for additional space to install backup batteries or a permanent generator; and,
 - Ordering and installing backup power equipment for the 525 Backup Power Sites that required additional backup power, so that 573 out of the 576 identified Backup Power Sites had the required reliable alternate power installed.⁶
5. As set forth in the attached affidavit of Don Houghton, Regional Vice-President – Mobility Network Services, by February 15, 2009, AT&T Mobility had completed the required work so that all but 3 of the Backup Power Sites were engineered and had installed 4-hours of backup power using a reliable alternate power source. AT&T Mobility discusses in more detail below its request for good cause for an extension of time of the partial exemption for three of the Backup Power Sites.

III. Request for One-Year Extension of Partial Exemption for Three Cell Sites

6. AT&T Mobility requests a one year extension of time for three cell sites that were identified as Backup Power Sites requiring 4-hours of backup power and which AT&T Mobility encountered difficulties in installing the batteries required to meet the 4-hour backup power requirements.
7. AT&T Mobility notes that although the Federal Communications Commission (“FCC”) does not currently have a backup power requirement for wireless carriers,⁷ it did investigate

⁶ In addition to the 576 Backup Power Sites previously identified in conjunction with the Partial Exemption Order, AT&T Mobility added 4-hours of a reliable alternate power source to an additional 22 cell sites. After surveying the cell sites, AT&T Mobility determined that 70 cell sites already had 4-hours of reliable alternate backup power and, thus, it needed to make improvements to a total of 528 cell sites of which AT&T Mobility completed 525 by February 15, 2009.

⁷ See *In the Matter of Recommendation of the Independent Panel Reviewing the Impact of Hurricane Katrina on Communications Networks*, Order on Reconsideration, EB Dkt No. 06-119, WC Dkt. No. 06-63, FCC 07-177 (rel. Oct. 4, 2007) (“*Katrina Recon Order*”). The FCC’s backup power rule was not to become effective until “the date of Federal Register notice announcing OMB [Office of Management and Budget] approval of the information collection now contained in that rule.” *Katrina Recon Order*, ¶ 46. The Office of Management Budget (“OMB”)

the issue and recognized the difficulties in requiring a certain amount of backup power at cell sites due to issues concerning leasing, permitting, and so forth for installing the additional backup power.⁸

8. AT&T Mobility provides the following detailed information on the circumstances necessitating it to request a one year extension of the partial waiver for these three cell sites:

- Spokane: The cell site is located on a rooftop. AT&T Mobility leases space from the landlord for its equipment, including backup power. AT&T Mobility had difficulty obtaining the structural analysis for the location to determine whether additional batteries could be placed without performing a structural upgrade. AT&T Mobility has now obtained this information and is in the process of completing the structural analysis for the location. Further, due to the requirements of the city, as AT&T Mobility is “upgrading” this site it is required to install screening of its equipment. AT&T Mobility notes that 65% of the coverage area of this cell site is covered by a nearby cell site that has approximately 3.75 hours of back up power.⁹
- Puyallup: This cell site is located in a hospital that is undergoing extensive construction. AT&T Mobility has attempted to contact the landlord to request additional space to install a cabinet with additional backup power. The landlord has been non-responsive. AT&T Mobility will continue to try to work with the landlord

disapproved the information collection in the *Katrina Recon Order*. The FCC subsequently announced that it would not override OMB’s disapproval. As such, there is currently not a backup power requirement at the federal level.

⁸*Katrina Recon Order*, ¶25. “We find that Petitioners’ arguments regarding legal impediments and threat to public health and safety to be compelling and modify Section 12.2 to state that LECs and CMRS providers are not required to meet the backup power requirement if they demonstrate, through the reporting requirement described below, that such compliance is precluded by: (1) federal, state, tribal or local law; (2) risk to safety of life or health; or (3) private legal obligation or agreement.”

⁹ The nearby cell site is not a Backup Power site, but instead is an overlapping capacity cell site.

to secure the additional space requirement to install a cabinet with the engineered 4-hours of backup power.

- Bellingham: This cell site and its equipment are located on a rooftop. The only viable option to meet the 4-hour backup power requirement at this location is the installation of batteries as it is not possible to place a generator on the rooftop. Prior to installing the additional backup batteries, AT&T Mobility was required to get permission from the landlord for the additional space required. AT&T Mobility proposed a design to the landlord for approval of the location of an additional cabinet that would need to be installed for the additional batteries as required to engineer the site to have 4-hours of backup power. The landlord rejected the proposal stating that it would interfere with the restaurant's exhaust fan and stated that the entire cell site would need to be relocated to a different location on the property. AT&T Mobility will continue to work with the landlord to secure the additional space requirement to install a cabinet with the engineered 4-hours of backup power. Coverage from an adjacent cell site that has the requisite 4 hours of backup power provides coverage to about 60% of the area covered by this cell site.¹⁰

9. AT&T Mobility commits to providing a progress report to the Commission for these three cell sites as part of the ETC Recertification filing that is due on July 31, 2009.

IV. CONCLUSION

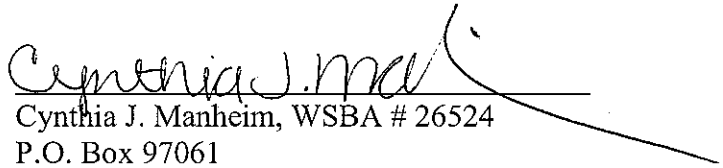
As discussed above, AT&T Mobility has completed engineering and installing 4-hours of backup power in all but three of its Backup Power Sites. For the reasons discussed above,

¹⁰ The nearby cell site is not a Backup Power site, but instead is an overlapping capacity cell site.

AT&T Mobility respectfully requests a one year extension of the partial exemption for the three cell sites where AT&T Mobility encountered difficulties in installing the required backup power.

Respectfully submitted on March 6, 2009.

Bellingham Cellular Partnership; Bremerton Cellular Telephone Company, Hood River Cellular Telephone Company; New Cingular Wireless PCS, LLC; and, Olympia Cellular Telephone Company


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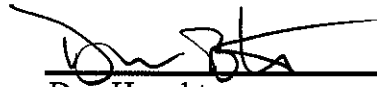
AFFIDAVIT OF DON HOUGHTON

STATE OF WASHINGTON)
)
COUNTY OF KING)

Before me, the undersigned authority, a notary public in and for the State of Washington, appeared Don Houghton, who after being duly sworn, did state as follows:

1. I am Regional Vice President – Mobility Network Services for AT&T Mobility and am authorized to make these statements on behalf of its subsidiaries and wireless affiliates operating in the State of Washington -- 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”). I am over eighteen years of age and am competent to make this affidavit.
2. The statements contained in the preceding Compliance Report and Request for Limited Extension of Partial Exemption and this Affidavit are true and correct to the best of my knowledge, information, and belief.
3. In accordance with Ordering Paragraph No. 2 of Order 01 in Docket No. 063060 (“Partial Exemption Order”) by February 15, 2009, AT&T Mobility took measures to ensure that 573 out of the 576 cell sites that had been identified as Priority 1 and -98 db cell sites in conjunction with the Partial Exemption Order had 4-hours of reliable backup power (battery, fixed generation or fuel cells).
4. Despite considerable effort and for the reasons set forth in the preceding Compliance Report and Request for Limited Extension of Partial Exemption, there were three cell sites that AT&T Mobility did not complete installing the 4-hours of reliable backup power by the compliance deadline of February 15, 2009. For the reason discussed in the preceding Compliance Report and Request for Limited Extension of Partial Exemption, AT&T Mobility requests an additional one year extension.

FURTHER AFFIANT SAYETH NOT.

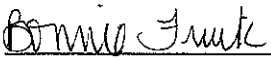


Don Houghton

(Notary Seal)

Subscribed and sworn to before me

this 5th day of March, 2009.



Notary Public

