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BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION
COMMISSION

STATE OF WASH.
UTIL. AND TRANSP.
COMMISSION

In the Matter of

Petition of Sprint Corporation for Designation
as an Eligible Telecommunications Carrier in
Washington

Docket No. UT- _____

**PETITION OF SPRINT FOR DESIGNATION AS AN ELIGIBLE
TELECOMMUNICATIONS CARRIER IN WASHINGTON**

1. Sprint Corporation, on behalf of its Wireless Division (consisting of SprintCom, Inc., Sprint Spectrum, L.P., and WirelessCo, L.P., d/b/a Sprint) (collectively, "Sprint") by and through its undersigned counsel and pursuant to Section 214(e) of the Communications Act of 1934, as amended,¹ submits this Petition for designation as an Eligible Telecommunications Carrier ("ETC") in Washington. Specifically, Sprint seeks ETC status in portions of its licensed service area that are served by Qwest Corporation ("Qwest") and Verizon Northwest, Inc. ("Verizon"), non-rural incumbent local exchange carriers ("ILECs"). As demonstrated below, Sprint satisfies the prerequisites for ETC designation set forth in the Act, and the rules of the Federal Communications Commission ("FCC") and Washington Utilities and Transportation Commission ("Commission") for purposes of receiving federal universal service support in the state of Washington. Further, Sprint's designation will serve the public interest.

¹ 47 U.S.C. § 214(e)(1).

2. The Petitioner, Sprint, has its principal place of business at 6200 Sprint Parkway, Overland Park, Kansas. All correspondence regarding this Petition should be directed to the undersigned counsel for Sprint:

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I. INTRODUCTION AND DESCRIPTION OF SPRINT'S UNIVERSAL SERVICE OFFERING

3. Sprint is authorized to provide broadband personal communications service ("PCS") in Washington pursuant to Part 24 of the FCC's rules. Sprint is a common carrier, as defined in 47 U.S.C. § 153(10) and the consistent with the requirements of 47 U.S.C. § 214(e), and is a commercial mobile radio service ("CMRS") provider as set forth in 47 U.S.C. § 332(c)(1).

4. Sprint intends to obtain universal service support funding in certain high-cost areas served by Qwest and Verizon in Washington. As required, Sprint will use this funding only to support the provision, upgrading, and maintenance of Sprint's all-digital wireless network in Washington. Sprint will also increase geographic coverage of its network. In addition, designation of Sprint as an ETC will speed the deployment of advanced wireless network facilities that support basic wireless services and higher-bandwidth and enhanced services to consumers in Washington.² As an ETC, Sprint will also offer a reduced-rate

² See *Federal-State Joint Board on Universal Service*, Order and Order on Reconsideration, CC Docket No. 96-45, FCC 03-170, ¶ 13 (released July 14, 2003) ("*Definition of Universal Service Order*") ("[w]e continue to support the Commission's prior conclusion that 'our universal service policies should not inadvertently create barriers to the provision or access to advanced services, and. . . that our current

universal service package to subscribers who are eligible for support, in accordance with federal and state requirements.

II. SPRINT MEETS ALL STATUTORY AND REGULATORY REQUIREMENTS FOR DESIGNATION AS AN ETC

5. As demonstrated below and in the attached Affidavit of Dr. Staihr, Sprint meets the requirements for designation as an ETC.

A. Sprint Provides Each of the Services Supported By the Federal High-Cost Universal Service Program.

6. Sprint provides all the services and functionalities supported by the federal universal service program, as set forth in Section 214(e) of the Act and Section 54.101(a) of the FCC's rules, throughout the service area for which it seeks ETC designation in Washington.

7. In order to be designated as an ETC, a carrier must be a common carrier and must offer and advertise the supported services throughout the designated service area.³ The FCC has identified the following services and functionalities as the core services to be offered by an ETC and supported by federal universal service support mechanisms⁴:

1. Voice-grade access to the public switched telephone network;
2. Local usage;
3. Dual-tone, multi-frequency ("DTMF") signaling, or its functional equivalent;
4. Single-party service or its functional equivalent;
5. Access to emergency services;
6. Access to operator services;
7. Access to interexchange service;
8. Access to directory assistance; and
9. Toll limitation for qualifying low-income consumers.

universal service system does not create such barriers.' Thus, even though advanced services are not directly supported by federal universal service, '[Commission] policies do not impede the deployment of modern plant capable of providing access to advanced services.' We recognize that the network is an integrated facility that may be used to provide both supported and non-supported services.").

³ 47 U.S.C. § 214(e)(1).

⁴ 47 C.F.R. § 54.101(a).

8. An ETC applicant must certify that it provides each of the supported services, or where appropriate its functional equivalent, “throughout the service area for which designation is received.”⁵ Sprint satisfies this requirement, as shown below and in the Affidavit attached as Exhibit A:

1. *Voice-grade access to the public switched network.* The FCC has concluded that voice-grade access means the ability to make and receive phone calls, within a specified bandwidth and frequency range.⁶ Sprint meets this requirement by providing voice-grade access to the public switched telephone network. Through its interconnection arrangements with Qwest, Verizon, and other ILECs, all of Sprint’s customers are able to make and receive calls on the public switched telephone network within the specified bandwidth.

2. *Local usage.* ETCs must include local usage beyond providing simple access to the public switched network as part of a universal service offering.⁷ Sprint includes specified quantities of usage in each of its rate plans, at the option of the customer, and thereby complies with the requirement that all ETCs offer local usage.

⁵ 47 C.F.R. § 54.201(d)(1); *Procedures for FCC Designation of Eligible Telecommunications Carriers Pursuant to Section 214(e)(6) of the Communications Act*, Public Notice, 12 FCC Rcd 22947, 22948 & n.5 (1997) (“*Section 214(e)(6) Public Notice*”).

⁶ *Federal-State Joint Board on Universal Service*, First Report and Order, FCC 97-197, 12 FCC Rcd 8776, 8810-12, ¶¶ 63-64 (1997) (“*First Report and Order*”), *subsequent history omitted*.

⁷ The FCC has rejected proposals to require unlimited local usage, and has not quantified any minimum amount of local usage required to be included in a universal service offering. In the *First Report and Order*, the FCC deferred a determination on the amount of local usage that a carrier would be required to provide. *Id.* at 8812-14, ¶¶ 65-69. The FCC later issued a Notice of Proposed Rulemaking seeking comment on how much, *if any*, local usage an ETC should be required to offer, *Federal-State Joint Board on Universal Service*, Memorandum Opinion and Order and Further Notice of Proposed Rulemaking, 13 FCC Rcd 21252, 21279-81, ¶¶ 50-53 (1998), but more recently, the FCC decided to “adopt[] the Joint Board recommendation that unlimited local usage should not be added to the list of supported services.” *Definition of Universal Service Order*, ¶ 14.

3. *Dual-tone multi-frequency (“DTMF”) signaling, or its functional equivalent.*

DTMF is a method of signaling that facilitates the transportation of call set-up and call detail information. Consistent with the principles of competitive and technological neutrality, the FCC permits carriers to provide signaling that is functionally equivalent to DTMF, such as out-of-band digital signaling, to satisfy this requirement.⁸ The DTMF-emulating service offered by Sprint, like that offered by other CMRS providers, satisfies this requirement.

4. *Single-party service or its functional equivalent.* “Single-party service” means

that only one party will be served by a subscriber loop or access line (in contrast to a multi-party line).⁹ The FCC has concluded that a wireless provider offers the equivalent of single-party service when it offers a dedicated message path for the length of a user’s particular transmission.”¹⁰ Sprint meets the requirement of single-party service by providing a dedicated message path for the length of all customer calls.

5. *Access to emergency services.* The ability to reach a public emergency service

provider by dialing 911 is a required service in any universal service offering.¹¹ Sprint currently provides its subscribers with access to 911 emergency services in accordance with this requirement, and consistent with FCC regulations, throughout the service area for which Sprint seeks ETC designation. Sprint also provides Enhanced 911 services, including Phase I and Phase II E-911 services, where requested by local public safety

⁸ 47 C.F.R. § 54.101(a)(3); *First Report and Order*, 12 FCC Rcd at 8814-15, ¶ 71.

⁹ *First Report and Order*, 12 FCC Rcd at 8810, ¶ 62.

¹⁰ *Id.*

¹¹ 47 C.F.R. § 54.101(a)(5).

authorities that are ready to receive the necessary information and where such services are supported by the local exchange carrier.

6. *Access to operator services.* Access to operator services is defined as any automatic or live assistance provided to a consumer to arrange for the billing or completion, or both, of a telephone call.¹² Sprint meets this requirement by providing all of its customers with access to operator services, including customer service and call completion.

7. *Access to interexchange service.* An ETC must offer consumers access to interexchange service to make and receive toll or interexchange calls.¹³ Sprint meets this requirement by providing all of its customers with the ability to make and receive interexchange calls. Most Sprint rate plans include nationwide interexchange calling at the same rate as local calls. In addition, customers are able to reach their IXC of choice by dialing the appropriate access code.

8. *Access to directory assistance.* An ETC must provide to customers the ability to place a call to directory assistance.¹⁴ Sprint meets this requirement by providing all of its customers with access to directory assistance by dialing “411.”

9. *Toll limitation for qualifying low-income consumers.* An ETC must offer either “toll control” or “toll blocking” services to qualifying Lifeline and Link Up

¹² *First Report and Order*, 12 FCC Rcd at 8817-18, ¶ 75.

¹³ Equal access, however, is not required at this time. *Id.* at 8819, ¶ 78. The FCC recently declined to “include equal access to interexchange service among the services supported by universal service mechanisms,” and deferred consideration of the issue stating, “[g]iven the scope of the *Portability Proceeding*, we believe that a determination regarding equal access would be premature at this time . . . Accordingly, we defer consideration of this issue pending resolution of the *Portability Proceeding*.” *Definition of Universal Service Order* at ¶ 33.

¹⁴ *First Report and Order*, 12 FCC Rcd at 8821, ¶ 80.

customers at no additional charge.¹⁵ Once designated as an ETC, Sprint will participate in Lifeline and Link Up as required, and will provide toll control and/or toll blocking capability. Sprint will employ toll limitation technology to satisfy this requirement, and will do so at no additional charge to Lifeline and Link Up customers.

B. Sprint Offers Supported Services Over Its Own Facilities.

9. A carrier requesting designation must certify that it offers the supported services “either using its own facilities or a combination of its own facilities and resale of another carrier’s services.”¹⁶ Sprint provides the supported services using its existing network infrastructure, which includes the antennas, cell-sites, towers, trunking, mobile switching, and interconnection facilities owned or leased by Sprint, which are used to serve PCS customers.

C. Sprint Advertises Its Universal Service Offering.

10. Sprint advertises the availability of the supported services and the corresponding charges in a manner that informs the general public within the designated service area of both the services available and the corresponding charges.¹⁷ Sprint advertises its wireless services through several different media of general distribution throughout the service areas for which designation is requested.

D. Sprint Will Meet Washington’s Lifeline and Link Up Service Requirements.

11. Telecommunications carriers in Washington are required to offer the same Lifeline and Link Up discounts offered by Qwest and Verizon. Sprint will offer Lifeline and

¹⁵ 47 C.F.R. § 54.101(a)(9).

¹⁶ 47 C.F.R. § 54.201(d)(1).

¹⁷ 47 C.F.R. § 54.201(d)(2).

Link Up discounts in accordance with 47 C.F.R. §§ 54.400 through 54.415, RCW 80.36.410 through 80.36.475, and Chapter 480-122 WAC.

III. SPRINT PROVIDES SERVICE THROUGHOUT THE SERVICE AREA IN WASHINGTON FOR WHICH IT REQUESTS DESIGNATION

12. Sprint requests ETC designation for the service area in Washington depicted on the map attached as Exhibit B to this Petition. Specifically, Sprint proposes a service area consisting of each of the Qwest and Verizon wire centers in Washington in which PCS service is available over the Sprint PCS network. To the extent Sprint serves only a portion of the wire center, Sprint requests ETC designation only in that portion of the wire center where it provides service. A map of the proposed service area is attached in Exhibit B, and a list of the full and partial wire centers for which Sprint seeks ETC status is included in Exhibit C.

13. Pursuant to Section 54.207 of the FCC's rules, a "service area" is a "geographic area established by a state commission for the purpose of determining universal service obligations and support mechanisms."¹⁸ For service areas served by non-rural ILECs such as Qwest and Verizon, there are no restrictions on how a state commission defines the "service area" in designating a competitive ETC. Therefore, the Commission may designate Sprint as an ETC for a service area consisting of the Qwest and Verizon wire centers set forth in this Petition.

IV. GRANTING THIS PETITION WILL SERVE THE PUBLIC INTEREST

14. Under 47 U.S.C. 214(e), Sprint is not required to demonstrate that its Petition is in the public interest, because it is seeking designation only in areas served by non-rural ILECs.¹⁹

¹⁸ 47 C.F.R. § 54.207(a).

¹⁹ The FCC has specifically rejected proposals to require a public interest showing from carriers seeking ETC designation for areas served by non-rural ILECs, holding, "designation of an additional ETC based upon a demonstration that the requesting carrier complies with the statutory eligibility obligations of

Nevertheless, granting Sprint's Petition *will* serve the public interest by promoting additional deployment of wireless facilities and services to the high-cost areas served by Qwest and Verizon in Washington, and by bringing consumers in those areas the benefits of additional competitive universal service offerings. As the FCC has recognized, competition may provide "incentives . . . to implement new operating efficiencies, lower prices, and offer better service to customers."²⁰

V. HIGH COST CERTIFICATION

15. Sprint certifies that all high-cost universal service support received in Washington will be used only for the provision, maintenance, and upgrading of services and facilities for which the support is intended. *See Exhibit A, ¶ 20.*

VI. SPRINT'S PETITION IS CONSISTENT WITH THE POLICY GOALS SET FORTH BY THE WASHINGTON LEGISLATURE

16. Granting Sprint's Petition is consistent with RCW 80.36.300, which provides it is the policy of the state to: (1) Preserve affordable universal telecommunications service; (2) maintain and advance the efficiency and availability of telecommunications service; (3) ensure that customers pay only reasonable charges for telecommunications service; (4) ensure that rates for noncompetitive telecommunications services do not subsidize the competitive ventures of regulated telecommunications companies; (5) promote diversity in the supply of

section 214(e)(1) is consistent *per se* with the public interest. The carrier need make no further showing to satisfy this requirement." *Federal-State Joint Board on Universal Service; Cellco Partnership d/b/a Bell Atlantic Mobile Petition for Designation as an Eligible Telecommunications Carrier*, 16 FCC Rcd 39, 45, ¶ 14 (Com. Car. Bur. 2000).

²⁰ *Western Wireless Corporation Petition for Designation as an Eligible Telecommunications Carrier for the Pine Ridge Reservation in South Dakota*, Memorandum Opinion and Order, 16 FCC Rcd 18133, 18138-39, ¶ 15 (2001).

telecommunications services and products in telecommunications markets throughout the state; and (6) permit flexible regulation of competitive telecommunications companies and services.

VII. ANTI-DRUG ABUSE CERTIFICATION

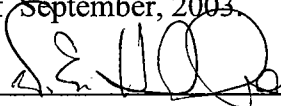
17. Sprint certifies that no party to this petition is the subject of a denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 862, and Sections 1.2001-1.2003 of the FCC's rules, 47 C.F.R. §§ 1.2001-1.2003. *See Exhibit A, ¶ 21.*

VIII. CONCLUSION

18. Sprint respectfully requests that the Commission grant its Petition for designation as an Eligible Telecommunications Carrier for purposes of obtaining federal universal service support in Washington.

Respectfully submitted, this 26th day of September, 2003.

By: _____


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