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By Electronic Mail and Overnight Mail

David Danner
Executive Director and Secretary,
Washington Utilities and Transportation Commission
1300 S. Evergreen Park Drive SW
P.O. Box 47250
Olympia, WA 98504-7250

RE: AT&T Mobility (f/k/a Cingular) Request for Clarification or in the Alternate an Extension for Compliance with WAC 480-123-070(6) and WAC 480-123-030(1)(g), Docket No. UT-063060

Dear Mr. Danner:

Enclosed for filing please find AT&T Mobility's Request for Clarification or in the Alternate an Extension for Compliance with WAC 480-123-070(6) and WAC 480-123-030(1)(g) ("Petition"). AT&T Mobility's Petition contains certain confidential and proprietary information for which AT&T Mobility seeks confidential treatment pursuant to RCW 80.04.095. Consistent with Commission practice, AT&T Mobility has specifically designated the information that is confidential and provided both the complete responses – printed on yellow paper, marked "CONFIDENTIAL" and enclosed in a separate envelope marked "CONFIDENTIAL pursuant to RCW 80.04.095" – and a public response from which the confidential information has been redacted.

Please contact me if you have any questions about the Report.

Sincerely,


Cindy J. Manheim *by M.H. with permission*

Enclosures

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

Cingular’s Request for Permanent Waiver) Docket No. UT-063060
or in the Alternate a Temporary Waiver of)
WAC 480-123-070(6) Regarding Eligible) Petition
Telecommunications Carrier Requirements)

**REQUEST FOR CLARIFICATION OR IN THE ALTERNATE AN EXTENSION FOR
COMPLIANCE WITH WAC 480-123-070(6) AND WAC 480-123-030(1)(g)**

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”) requests that the Commission clarify that Order 01 in the above referenced docket (“Partial Exemption Order”) did not require AT&T Mobility to take any further action after AT&T Mobility installed four hours of reliable backup power at all its Priority 1 and -98 db (“Backup Power Sites”). In the alternative, AT&T Mobility requests an extension of time to engineer and install permanent backup power at its existing non-Backup Power Sites within the area that it has been designated as an eligible telecommunications carrier (“ETC”).

I. Background:

1. AT&T Mobility was designated by this Commission as an 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. 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 however, the Commission granted AT&T Mobility's request for a partial waiver subject to the condition in Ordering Paragraph 2 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
4. On March 6, 2009, AT&T Mobility filed a Compliance Report and Request for Limited Extension of Partial Exemption demonstrating that all but three of its Priority 1 and -98db ("Backup Power Sites") were engineered and had installed 4-hours of backup power using reliable alternate power sources. For the three cell sites, AT&T Mobility encountered difficulties in installing the batteries required to meet the 4-hour backup power requirement and requested an extension of one year to bring these three cell sites up to the 4-hour backup power requirement.⁵
5. AT&T Mobility believes that the Commission in Order 01 in the above referenced docket found that AT&T Mobility met the backup power requirements set forth in WAC 480-

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)."

³ Partial Exemption Order, Ordering Paragraph 1.

⁴ *Id.*, Ordering Paragraph 2.

⁵ All AT&T Mobility 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.

123(1)(g) and WAC 480-123-070(6) if it installed permanent reliable alternate power at all of its Backup Power Cell Sites within two years of the order.⁶ AT&T Mobility has worked diligently to meet the requirements in Order 01. AT&T Mobility understands that Staff has a different interpretation of Order 01 and that Staff believes that although the Commission provided a specific timeframe for AT&T Mobility to install 4-hours of backup power at all of its Backup Power Sites, that AT&T Mobility is still required to install 4-hours of backup power at its non-Backup Power Sites within its ETC designated area.

6. AT&T Mobility requests that the Commission clarify that Order 01 required AT&T Mobility to engineer and install 4-hours of backup power at all of its Backup Power Sites, but that AT&T Mobility was not required to install any additional backup power at its existing cell sites within its ETC designated area.⁷ It simply does not make sense for the Commission in a single order to specifically state that AT&T Mobility has two years to install 4-hours of reliable backup power at its Backup Power Sites and, although not specifically mentioned, require that it also install 4-hours of backup power at its non-Backup Power Sites in the same time period.
7. Further, installing 4-hours of backup power at the non-Backup Power Sites is simply not necessary. As AT&T Mobility explained previously in this docket, the Backup Power Sites will provide the 4-hours of backup power to coverage cell sites and thus even though the non-Backup Power sites do not have 4-hours of backup power, customers should be able to receive service from adjacent Backup Power Sites throughout AT&T Mobility's designated

⁶ AT&T Mobility would deploy portable resources to the remaining cell sites within its ETC designated area as appropriate.

⁷ All AT&T Mobility 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.

area. In addition, AT&T Mobility will continue, as it does today, to take seriously any major outage caused by loss of commercial power or otherwise. In fact, AT&T Mobility has a comprehensive emergency response plan in place. AT&T Mobility also has a number of portable generators that it can move to most cell sites that lose power and several Cells on Wheels (COWs) which are portable cell sites that can be used on a temporary basis. This continuity plan provides AT&T with the flexibility to respond appropriately to emergency outage situations.

8. If the Commission declines to adopt AT&T Mobility's clarification, AT&T Mobility requests until July 1, 2012 to engineer and install permanent backup power (battery, generator, or other) at its non-Backup Power Sites within its ETC designated area. In support of AT&T Mobility's alternate request for an extension of time to engineer and install 4-hours of permanent backup power at the non-Backup Power Sites, AT&T Mobility has taken the last few months to quantify the backup power resources that would be needed at the non-Backup Power Sites. AT&T Mobility provides **Confidential Exhibit A** with detailed information on the best, worst and probable⁸ cost estimates for engineering and installing the four hours of permanent backup power. Specifically, the exhibit details:

- The estimated number of cell sites that require action to have four hours of backup power;
- An estimate as to the type of backup power that will be installed at the cell site – batteries, permanent generator or a combination⁹;
- An estimate as to whether a major augmentation to the site will be needed (e.g. structural improvements to support the extra weight of the batteries and/or installation of additional

⁸ The best, worst and probable cost estimates are based on AT&T Mobility's recent experience in installing additional equipment at the Backup Power Sites.

⁹ Even at a cell site with a permanent generator batteries are needed when commercial power is lost until the generator is warmed up and can take the full load.

cabinets to house the batteries); a minor augmentation (e.g. cabinets already installed and additional batteries can be installed in those existing cabinets to meet the need); and/or rework of existing batteries (e.g. replacing batteries that no longer hold a full charge); and,

- Some sites will require additional space to house the additional backup power equipment and this will necessitate negotiations with the landlord to amend the lease to include additional space.

9. AT&T Mobility is also providing **Confidential Exhibit B** which details the number of cell sites per year that it estimates it will be able to amend with the requisite amount of backup power. AT&T Mobility will provide a progress report on its efforts regarding these sites as part of the annual certification filing due annually on July 31st.
10. AT&T Mobility is requesting until July 1, 2012 to install the additional backup power at the non-Backup Power Sites as AT&T Mobility estimates that based on its experience in amending the Backup Power Sites it will take 2.5 years to complete this project and AT&T Mobility will not be able to commence the project until January 1, 2010. The reason for the delay in commencing this project is that AT&T Mobility already has its construction plans in place for 2009 and this major effort is not included in those plans. In addition, AT&T Mobility is not receiving any federal high cost support in 2009 and, therefore, AT&T Mobility does not believe that it should be required to expend capital on these upgrades until January 2010 when it estimates that it will start to receive federal high cost support. When this project commences in January 2010, AT&T Mobility will need to take the following steps: draft designs for placement of the additional backup power equipment; engage in lease negotiations to secure additional space to place the additional backup power equipment; order and receive additional materials to expand the cell sites to install the backup power equipment; order and receive additional backup power equipment; construct and/or expand

cabinets to hold additional backup power (this may require digging in the ground); and install the additional back up power equipment.

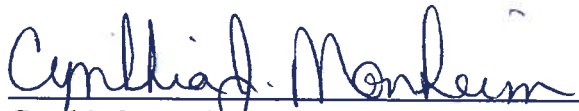
11. During the period of time that will be required for AT&T to engineer and install 4-hours of backup power at all of its non-Backup Power Sites, customers in the ETC area will continue to receive backup power from the Backup Power sites that have already been augmented with 4-hours of reliable backup power.

II. CONCLUSION

AT&T Mobility believes that by complying with Order 01 it has fulfilled the requirements to provide 4-hours of battery backup at cell sites as set forth in WAC 480-123-030(1)(g) and WAC 480-123-070. As such, AT&T Mobility requests a clarification of Order 01. In the alternative, AT&T Mobility requests an extension of time to engineer and install permanent backup power at its existing non-Backup Power Sites within the area that it has been designated as an eligible telecommunications carrier ("ETC").

Respectfully submitted on August 3, 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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****CONFIDENTIAL AND PROPRIETARY****

Exhibit A – Cost Estimates

****CONFIDENTIAL AND PROPRIETARY****

Exhibit B – Benchmarks

Year	Estimated Completion of non-Backup Power Sites
Redacted	Redacted
Redacted	Redacted
Redacted	Redacted

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WAC 480-07-160**