

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of)	DOCKET UT-101060
)	
T-MOBILE WEST LLC)	ORDER 04
)	
Petition for Extension of Temporary)	ORDER GRANTING EXTENSION
Partial Exemption from the back-up)	OF TEMPORARY PARTIAL
power requirement in WAC 480-)	EXEMPTION FROM THE
123-030(1)(g) and WAC 480-123-)	REQUIREMENT OF FOUR
070(6).)	HOURS OF BACK-UP POWER
)	AT EACH CELL SITE UNTIL
)	DECEMBER 31, 2015.
.....)	

BACKGROUND

- 1 On July 25, 2014, T-Mobile West LLC (T-Mobile or Company) filed a petition with the Washington Utilities and Transportation Commission (Commission) requesting that the Commission extend the previously granted exemption in Docket UT-101060, until six months following the adoption of rules as a result of the recently initiated rulemaking in Docket UT-140680 (rulemaking).
- 2 On October 14, 2010, the Commission granted the initial petition for exemption as part of Order 01 until December 31, 2014. Therefore, the initial exemption will expire later this year and the Company is requesting the exemption from the current rules be extended. The Commission’s current rulemaking proposes a change to the battery backup rules and is not scheduled to be completed until February, 2015.
- 3 T-Mobile also posits that the cell sites that are subject to the temporary exemption will no longer require exemption based on an amended version of the rules. Accordingly, the Company suggests that it would serve the public interest, and reduce costs to T-Mobile and its customers, to extend the temporary extension until the rules review is completed.

DISCUSSION

- 4 Staff reviewed T-Mobile’s petition and finds it reasonable but the exemption should be date specific. Therefore, Staff recommends that an extension of one additional year be granted at this time extending the waiver until December 31, 2015.

- 5 WAC 480-123-030(g) requires a wireless ETC applicant to demonstrate that the company has at least four hours of back-up battery power at each cell site, back-up generators at each microwave hub, and at least five hours of back-up battery power and back-up generators at each switch. WAC 480-123-070(6) requires each wireless ETC to certify that it meets the above-mentioned back-up power requirement on an annual basis as part of its annual filing requirements.
- 6 T-Mobile states that it meets the back-up power requirement at each microwave hub and each switch. Also, the majority of its cell sites have at least four hours of back-up battery power at each cell site. However, 18 cell sites currently do not satisfy the four-hour back-up battery power requirement for a number of reasons, e.g., there is not enough space to add the batteries, the structural issues at the cell site, etc. T-Mobile also indicates that many of the cell sites without sufficient back-up battery power are “micro” cells used to enhance coverage within a building. The coverage provided by such sites is largely duplicative of existing outdoor coverage. These sites are located in constrained spaces that limit the Company’s ability to install standard back-up power.
- 7 The Commission previously has granted other wireless ETCs temporary exemption from the cell site back-up power rule. The Commission granted AT&T Mobility an exemption for five years¹ and Sprint Nextel Corporation an exemption for four years.² The same rationale for exemption applies here.
- 8 Staff recommends the Commission grant an extension to the temporary exemption. T-Mobile should also continue to be allowed to use reliable power sources other than battery, such as fixed generators or fuel cells to meet the four-hour back-up power standard. Staff recommends the following conditions continue to apply for the duration of the extension of the temporary exemption:
- a. The Company must continue to provide four hours of back-up power at all new cell sites constructed in the service area where it is designated as an ETC during this period (unless amended rules no longer require), subject to its right to seek exemption from the requirement if warranted.
 - b. The Company must continue to include a compliance status report on back-up power upgrades in its annual ETC certification filing with the Commission as long as the exemption remains in place.

¹ *In the Matter of the Request of Bellingham Cellular Partnership et al. for a Permanent Exemption from the Requirements of WAC 480-123-070(6)*, UT-063060, Order Nos. 01, 02 and 03.

² *In the Matter of the Petition of Sprint Nextel Corporation to Amend its Designation as an Eligible Telecommunications Carrier and Request for and Exemption from WAC 480-123-070(6) and WAC 480-123-030(1)(g)*, UT-073023, Order Nos. 01 and 02.

FINDINGS AND CONCLUSIONS

- 9 (1) The Commission has jurisdiction over eligible telecommunications carriers in Washington and the subject matter of this Order pursuant to 47 U.S. C. § 214(e)(2), 47 C.F.R. §§ 54.201(b)-(c) and WAC 480-123-040.
- 10 (2) The Commission agrees with Staff and finds that granting the Company's petition for an extension of the temporary exemption from the cell site back up power requirement in WAC 480-123-030(1)(g) and WAC 480-123-070(6), subject to certain conditions, is consistent with the public interest, the purposes underlying regulation, and applicable statutes.

ORDER

THE COMMISSION ORDERS:

- 11 (1) The Commission grants T-Mobile West LLC's petition for an extension of the temporary exemption from WAC 480-123-030(1)(g) and WAC 480-123-070(6) which require at least four hours of back-up power at each cell site, until December 31, 2015. The Company must use reliable power sources (battery, fixed generator or fuel cells) to meet the four-hour back-up power standard. The exemption is subject to the following conditions:
- a. The Company must continue to provide four hours of back-up power at all new cell sites constructed during this period (unless amended rules no longer require), subject to its right to seek exemption from the requirement if warranted.
 - b. The Company must continue to include a compliance status report on back-up power upgrades in its annual ETC certification filing with the Commission as long as the exemption remains in place.
- 12 (2) The Commission continues to have authority to modify, suspend, or revoke T-Mobile West LLC's ETC designation at a future date.

The Commissioners, having determined this Order to be consistent with the public interest, directed the Secretary to enter this Order.

DATED at Olympia, Washington, and effective September 24, 2014.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

STEVEN V. KING, Executive Director and Secretary