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Carole J. Washburn
Secretary
Washington Utilities & Transportation Commission
1300 S. Evergreen Park Drive SW
P.O. Box 47250
Olympia WA 98504

Re: Compliance with 47 CFR § 54.314

Dear Ms. Washburn:

This letter is submitted in response to the e-mail sent on May 30, 2001 from Commission staff members Betty Erdahl and Bob Shirley which called for comments on how the State of Washington should file the requisite certification pursuant to 47 CFR § 54.314. United States Cellular Corporation ("USCC") is a wireless carrier not subject to the jurisdiction of the Commission pursuant to RCW 80.36.370(6). USCC agrees however that the Commission has the authority to designate wireless carriers as eligible telecommunications carriers ("ETCs") under 47 USC § 214 (e) by virtue of RCW 80.36.610(1).

USCC recognizes the importance of verifying that ETCs receiving federal universal service support actually apply those funds for their proper purpose. That purpose is for the provision, maintenance and upgrading of facilities and services provided to customers of the ETC in Washington State.

USCC currently provides a certification in the form of a sworn affidavit executed by a USCC corporate officer attesting to the use of federal universal support only for the provision, maintenance and upgrading of facilities. This certification is submitted to USAC in order to be eligible to receive federal high cost support. To date USCC continues to await receipt of funds from USAC in response to USCC's submittals.

USCC recommends that the Commission adopt an approach similar to that advocated by the FCC in its 14th Report and Order, issued in CC Docket No. 96-45, CC Docket No. 00-256, FCC 01-157, Release May 23, 2001. In this Order, the FCC adopted a procedure for carriers which

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may not be subject to the jurisdiction of a state (e.g. certain tribally-owned carriers). In paragraph 189 of this Order, the FCC requires a certification “in the form of a sworn affidavit executed by corporate officer attesting to the use of support only for the provision, maintenance, and upgrading of facilities and services for which the support is intended pursuant to § 254(e) of the 1996 Act.”

If this approach is satisfactory at the federal level, it should be acceptable for usage at the state level. USCC urges this approach which is streamlined and promotes consistency between the state and federal jurisdictions. USCC does not advocate an audit approach which would be time consuming and subject USCC as a wireless carrier to the jurisdiction of the Commission in a manner not contemplated by RCW 80.36.610. USCC as a wireless carrier is not subject to the accounting or finance requirements to which other local exchange companies may be subject. USCC does not track its expenditures according to the FCC’s chart of accounts. USCC will provide the appropriate certification from an officer familiar with the operational expenses of USCC in Washington state. This officer will be in a position to certify that the application of universal service funds will be properly applied to the provision, maintenance, and upgrading of services and facilities in Washington state. Accordingly, we urge the Commission to accept this as the best approach for meeting the requirements of 47 CFR § 54.314. We would request that the Commission adopt an approach by Commission Order which would have general application for ETCs rather than leave compliance issues to the discretion of Commission staff. USCC appreciates the cooperation and assistance of this Commission in allowing it to fulfill its responsibilities as an ETC in Washington state.

Please contact me if you have any further questions or comments.

Very truly yours,

WILLIAMS, KASTNER & GIBBS PLLC

Judith A. Endejan

END:ks