

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

In the Matter of the Petition of)	DOCKET NO. UT-043030
)	
)	ORDER NO. 01
QWEST CORPORATION,)	
)	
)	ORDER GRANTING PETITION FOR
For Designation as an Eligible)	DESIGNATION AS AN ELIGIBLE
Telecommunications Carrier)	TELECOMMUNICATIONS CARRIER
.....)	

BACKGROUND

- 1 The Telecommunications Act of 1996 (Act)¹ requires state utility commissions to make a number of decisions related to opening local telecommunications markets to competition and preserving and advancing universal service. One of those decisions is the designation of qualified common carriers as eligible telecommunications carriers (ETCs). In order to be eligible for federal universal service support, a common carrier must be designated by the state commission as an ETC. *47 U.S.C. § 214(e)(1)*. Once designated as an ETC, a carrier must advertise the availability of service and offer service in the geographic area in which it is designated. *Id.*

- 2 At the request of Qwest² in 1997 and 1998, the Commission designated it as an ETC in 22 of its urban and suburban exchanges.

¹ Public Law 104-104, 110 Stat. 154 (1996), codified in scattered sections of Title 47 U.S.C.

² Qwest was formerly known as US WEST, and the designations made in 1997 and 1998 were made in filings under that name. *See* Docket Nos. UT-970354 and UT-980332.

3 In the nearly six years since the Commission last made a designation of Qwest as
an ETC, many other companies have sought, and been granted, designation in
exchanges where Qwest now petitions for designation.

STATUTORY REQUIREMENTS

4 When a state commission considers additional designations for a geographic
service area, it must designate a non-rural carrier if the designation is consistent
with the public interest, convenience, and necessity. 47 U.S.C. § 214(e)(2). The
only inquiry required is whether designation of Qwest is in the public interest.
The Commission must designate Qwest as an ETC if designation is in the public
interest. *Id.*

QWEST'S PETITION

5 Qwest petition on May 12, 2004, for ETC designation in its remaining 49
exchanges. Those exchanges are: Aberdeen-Hoquiam, Bainbridge Island, Battle
Ground, Belfair, Black Diamond, Buckley, Castle Rock, Centralia, Chehalis, Cle
Elum, Colfax, Colville, Copalis, Coulee Dam, Crystal Mountain, Dayton, Deer
Park, Easton, Elk, Ephrata, Graham, Green Bluff, Hoodspport, Liberty Lake, Loon
Lake, Moses Lake, Newman Lake, Northport, Omak - Okanogan, Oroville,
Othello, Pasco, Pateros, Pomeroy, Port Angeles, Port Ludlow, Port Orchard, Port
Townsend, Ridgefield, Rochester, Roy, Sequim, Shelton, Silverdale, Springdale,
Sumner, Waitsburg, Warden, and Winlock. *Petition*, ¶ 2.

6 Qwest represents that it provides the services required by 47 C.F.R. § 54.101(a)(1)
through (9). *Id.*, ¶ 7. It also represents that it advertises the availability of
services through media of general distribution. *Id.*, ¶ 8. Qwest also represents
that it participates in the federal Lifeline and Link Up programs, as well as the
Washington Telephone Assistance Program. *Id.*, ¶ 9.

- 7 Qwest asserts that granting the petition and making the requested designations is in the public interest because designation will support continued service to customers in those areas. *Id.*, ¶ 10. Because Qwest seeks designation in exchanges where one or more carriers have been designated (including designations only for parts of Qwest exchanges in some instances), the Commission must make a public interest determination.³
- 8 In previous decisions, the Commission has determined that the benefits of competition, among other reasons, support a determination that designation of additional carriers is in the public interest. The Commission has also determined that increasing customer choice, as well as not favoring one carrier or one technology over another, is in the public interest. The benefits of competition are not limited to residential service, but include business service as well.
- 9 Support for low-income customers is also in the public interest, and Qwest will receive Lifeline and Link Up funds to support service in exchanges where it is designated an ETC.
- 10 Our decisions in previous orders designating ETCs have relied in part on our substantial knowledge of the telecommunications industry and experience with those petitioners. As with those decisions, the Commission has substantial knowledge of Qwest's operations as a result of nearly a century of active regulation of the company.
- 11 Designation of Qwest is in the public interest because it will continue the benefits of competition for consumers, increase customer choice, promote competitive and technological neutrality, and secure benefits for low-income consumers.

³ All the Qwest exchanges listed in the petition are the subject of one or more previous designations. *See* Docket Nos. UT-023033, UT-023040, UT-033014, UT-031558, and UT-043011.

12 In ETC designations made since 2002, the Commission has required newly
designated ETCs to provide electronic maps of their service areas. The maps we
have required are beneficial in determining the accuracy of requests for per-line
support from the federal high-cost fund. Because Qwest does not receive federal
high-cost support, and because no other ETC can obtain federal high-cost
support in a Qwest exchange, it is not necessary to require Qwest to provide
electronic maps at this time. Qwest is actively seeking federal high-cost support.

FINDINGS AND CONCLUSIONS

13 Having considered the petition of Qwest Corporation and our relevant decisions
concerning designation of ETCs, the Commission now makes the following
summary findings of fact.

- 14 (1) Qwest Corporation is a telecommunications company doing business in
the state of Washington.
- 15 (2) Qwest Corporation currently provides service in all of the exchanges listed
in Appendix A.
- 16 (3) Qwest Corporation offers the services that are to be supported by the
federal universal service support mechanisms set forth in 47 C.F.R. §
54.101(a).
- 17 (4) Qwest Corporation competes with carriers in the exchanges where it
serves.
- 18 (5) The Commission has jurisdiction over the subject matter of this petition
and over Qwest Corporation with respect to its designation as an ETC.
- 19 (6) The Commission is not required by the Act or by any provision of state
law to hold an adjudicative proceeding or other hearing prior to
designating a telecommunications carrier an ETC.

- 20 (7) Granting Qwest Corporation's petition for designation as an ETC for the
exchanges listed in Appendix A is consistent with the public interest, and
is consistent with applicable state and federal law.
- 21 (8) Requiring Qwest Corporation to create electronic maps of its licensed
service areas is in the public interest.
- 22 (9) The Commission has authority to modify, suspend, or revoke the
designations granted in this order at a future date.

ORDER

- 23 This Order decides issues raised in a non-adjudicative proceeding. Based on the
foregoing, the Commission orders:
- 24 (1) The amended petition of Qwest Corporation is granted, as modified by
this Order. Each of the requested designations set forth in Appendix A is
granted.
- 25 (2) Qwest Corporation must provide service consistent with 47 C.F.R. § 54.405
and 411.
- 26 (3) Qwest Corporation must, within six months of a congressional or FCC
decision that will result in receipt by Qwest of any form of federal high-
cost support, prepare electronic maps of each geographic service area (i.e.,
exchange), including maps for service areas designated under Docket Nos.
UT-970354 and UT-980332, with standards and attributes as described in
the Commission's Order in Docket Nos. UT-013058 and UT-023020,
entered August 2, 2002.
- 27 (4) The Commission has authority to modify, suspend, or revoke these
designations, including the service areas accompanying those designations,
at a future date.

28 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 this 26th day of May, 2004.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN, Secretary

Appendix A

Aberdeen-Hoquiam	Moses Lake
Bainbridge Island	Newman Lake
Battle Ground	Northport
Belfair	Omak - Okanogan
Black Diamond	Oroville
Buckley	Othello
Castle Rock	Pasco
Centralia	Pateros
Chehalis	Pomeroy
Cle Elum	Port Angeles
Colfax	Port Ludlow
Colville	Port Orchard
Copalis	Port Townsend
Coulee Dam	Ridgefield
Crystal Mountain	Rochester
Dayton	Roy
Deer Park	Sequim
Easton	Shelton
Elk	Silverdale
Ephrata	Springdale
Graham	Sumner
Green Bluff	Waitsburg
Hoodspport	Warden
Liberty Lake	Winlock
Loon Lake	