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By Electronic Mail and Overnight Mail

David W. Danner
Executive Director and Secretary
Washington Utilities and Transportation Commission
1300 S. Evergreen Park Dr. SW
Olympia, WA 98504-7250

RE: AT&T Mobility Petition Docket UT-063060

Dear Mr. Danner:

Enclosed please find AT&T Mobility's Petition for Request for Permanent Waiver for Sixteen (16) Cell Sites or in the Alternate Extension for Compliance with WAC §480-123-070(6) and WAC §480-123-030(1)(g) ("Petition").

A portion of AT&T Mobility's Petition contains certain confidential and proprietary information for which AT&T Mobility seeks confidential treatment pursuant to WAC 480-07-160 and RCW 80.04.095. Consistent with the Commission's rules, AT&T Mobility has specifically designated the information that is confidential and provided both the complete responses and redacted version. Specifically AT&T Mobility is claiming confidential treatment for Exhibits A – D. The unredacted confidential documents have been printed on yellow paper, marked "Confidential per WAC 480-07-160" and enclosed in a separate envelope marked "Confidential per WAC 480-07-160".

AT&T Mobility states as follows the legal basis under which the information is claimed to be confidential. Pursuant to WAC 480-07-160(2)(c) confidential treatment may be afforded to "valuable commercial information, including trade secrets... cost, or financial information, or customer-specific usage and network configuration and design information, as provided in RCW 80.04.095." The documents that AT&T Mobility claims are confidential include: Exhibit A which includes site identification, site name, estimated cost to install power; Exhibit B which reflects in granular detail AT&T Mobility's network in specific areas of the state; Exhibit C contains detailed information about the status of AT&T Mobility's portable generator locations; and, Exhibit D which contains information regarding AT&T Mobility's backup power augmentation project. AT&T Mobility believes that all of these documents contain valuable proprietary information regarding AT&T Mobility's telecommunications network in Washington, the public disclosure of which would cause serious competitive harm to the company. Disclosure of these materials would reveal confidential details pertaining to AT&T Mobility's network infrastructure. Because this information goes to the heart of the

company's business planning and competitive strategy, its public disclosure would be both economically damaging to AT&T Mobility and economically advantageous to its competitors. The company does not generally disclose publicly this type of information.

If there are any questions, please do not hesitate to contact me.

Sincerely,

Sharon Mullin by Doc with permission

Sharon Mullin

Enclosures

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

AT&T Mobility's Request for Permanent Waiver or in the Alternate a Temporary Waiver of WAC 480-123-070(6) Regarding Eligible Telecommunications Carrier Requirements)))))	Docket No. UT-063060 Petition
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REQUEST FOR PERMANENT WAIVER FOR SIXTEEN (16) CELL SITES OR IN THE ALTERNATE EXTENSION FOR COMPLIANCE WITH WAC 480-123-070(6) AND WAC 480-123-030(1)(g)

New Cingular Wireless PCS, LLC¹ and AT&T Mobility Wireless Operations Holdings, Inc.² (collectively "AT&T Mobility") request a permanent waiver for sixteen (16) cells sites or in the alternate a one (1) year extension from the requirement to install four hours of backup power at these sixteen (16) cell sites in accordance with WAC 480-123-070(6) and WAC 480-123-030(1)(g).

I. Background:

1. AT&T Mobility was designated by the Washington Utilities and Transportation Commission ("Commission") as an eligible telecommunications carrier ("ETC") in certain areas in Washington State. As such AT&T Mobility is subject to the Commission's rules governing ETCs, including the requirement in WAC 480-123-030(1)(g)³ and WAC 480-123-070(6)⁴ that a wireless ETC have "at least four hours of back up battery power at each cell site."

¹ Bellingham Cellular Partnership and Bremerton Cellular Telephone Company merged into New Cingular Wireless PCS, LLC.

² Hood River Cellular Telephone Company Olympia Cellular Telephone Company merged into AT&T Mobility Wireless Operations Holdings, Inc.

³ 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) or, in the alternative, partial exemption of these rules.
3. On February 15, 2007, the Commission denied AT&T Mobility's request for a permanent exemption from WAC 480-123-070(6);⁵ however, the Commission granted AT&T Mobility's request for a partial waiver and required that AT&T Mobility within two years of the date of the Order 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).⁶ (*Phase I*)
4. On March 6, 2009, AT&T Mobility filed a Compliance Report and Request for Limited Extension of Partial Exemption demonstrating that it had installed four hours of backup power using reliable alternate power sources at hundreds of cell sites for *Phase I*; however, there were three cell sites that AT&T Mobility encountered difficulties installing the batteries required to meet the four hour backup power requirement and requested an extension of one year to bring these three cell sites into compliance with the four hour backup power requirement.⁷ The Commission granted AT&T Mobility's request on September 10, 2009.
5. On August 3, 2009, AT&T Mobility filed a Request for Clarification or in the Alternate an Extension to bring the remaining cell sites within its ETC designated area into compliance with the requirements set forth in WAC 480-123(1)(g) and WAC 480-123-070(6). In an

⁴ 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)."

⁵ Partial Exemption Order, Ordering Paragraph 1.

⁶ Partial Exemption Order, Ordering Paragraph 2.

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.

order issued on October 8, 2009, the Commission required that by July 1, 2012, AT&T Mobility augment all of its cell sites in its ETC designated area with four hours of alternate backup power. (*Phase II*)

6. AT&T Mobility has worked diligently to augment hundreds of its cell sites to four hours of reliable backup power. This requirement has consumed millions of dollars in federal high cost support.

II. DISCUSSION

7. Installing backup power at the *Phase II* cell sites has proven to be much more difficult and, therefore, costly than *Phase I*. Out of the hundreds of cell sites that have been upgraded to four hours of reliable backup power, there are sixteen (16) cell sites that AT&T Mobility requests a permanent waiver or in the alternate a one-year extension, until July 1, 2013, to comply with the four hour backup power requirement.
8. The remaining sixteen cell sites have proven to be more difficult to obtain permits and/or necessary lease amendments and/or are more expensive to upgrade to four hours of backup power. **Confidential Attachment A** provides the following information for each of the sixteen cell sites covered by this request: 1) the site identification, name and location; 2) estimated cost to install four hours of backup power; and, 3) the reason for the long time to upgrade.
9. Further, installing four hours of backup power at the sixteen covered by this request cell sites is simply not necessary. First, there is one hundred percent (100%) coverage overlap from adjacent cell site(s) that have already been augmented with four hours of reliable backup power. **Confidential Exhibit B** demonstrates that at -95db outdoor coverage the sixteen cell sites do not provide additional coverage and, thus, are purely capacity sites. This means that

even if these sixteen cell sites do not have four hours of backup power and a power outage occurs consumers will be able to utilize adjacent cell sites to make and/or receive a call.

10. In addition, AT&T Mobility takes seriously any major outage caused by loss of commercial power or otherwise. AT&T Mobility has a comprehensive emergency response plan in place. Further, AT&T Mobility also has a number of portable generators which are currently placed at strategic locations throughout the state. **Confidential Exhibit C** provides the locations in which portable generators are currently placed for fast deployment to cell sites. AT&T Mobility also has 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.
11. AT&T Mobility is also providing in **Confidential Exhibit D** details on its Phase II implementation of the four hour backup power requirements. Specifically, the exhibit provides the number of cell sites per year that have been upgraded to four hours of backup power along with costs associated with these upgrades.

III. CHANGES TO HIGH COST SUPPORT

12. The Federal Communications Commission (“FCC”) recently issued the *ICC/USF Reform Order*⁸ which adopts wide-spread changes and reforms the federal universal service high-cost support fund. This order has two immediate impacts on AT&T Mobility’s ETC designation in Washington. First, the order combined with general unpredictability in the amount of support received by CETCs means that AT&T Mobility anticipates receiving approximately

⁸ See In the Matter of Connect America Fund, A National Broadband Plan for Our Future, Establishing Just and Reasonable Rates for Local Exchange Carriers, High-Cost Universal Service Support, Developing an Unified Intercarrier Compensation Regime, Federal-State Joint Board on Universal Service, Lifeline and Link-Up, Universal Service Reform -- Mobility Fund, WC Docket No. 10-90, GN Docket No. 09-51, WC Docket No. 07-135, WC Docket No. 05-337, CC Docket No. 01-92, CC Docket No. 96-45, WC Docket No. 03-109, WT Docket No. 10-208, FCC 11-161, Report and Order and Further Notice of Proposed Rulemaking (rel. Nov. 18, 2011) (“*ICC/USF Reform Order*”).

\$4 million less in federal high cost support in 2012, which results in less ETC support in which to fund the battery backup project.

13. Second, the *USF/ICC Reform Order* provides that if states adopt additional regulations connected with USF, that state must also adopt a mechanism to support such standards without burdening the FUSF.⁹ The Washington requirement to provide four hours of backup power at each and every cell site is not a federal requirement of being an ETC. In 2005, the FCC adopted requirements governing federal ETC designations and encouraged the states to adopt similar requirements which included a requirement for ETCs to demonstrate its ability to remain functional in an emergency, but did not specify a specific amount of backup power for each cell site within an ETC's designated area.¹⁰ In the *ICC/USF Order*, the FCC extended the requirement to report on "the ability to function in emergency situations" to all ETCs, including those designated by states; however, the FCC again did not specify a specific amount of backup power that must be available at each and every cell site.¹¹

⁹ See Para. 574 ("We clarify that the specific reporting and certification requirements adopted below are a floor rather than a ceiling for the states. In section 254(f), Congress expressly permitted states to take action to preserve and advance universal service, so long as not inconsistent with the Commission's universal service rules. The statute permits states to adopt additional regulations to preserve and advance universal service **so long as they also adopt state mechanisms to support those additional substantive requirements.**")(Emphasis added.)

See also n. 948 ("See 47 U.S.C. § 254(f) ("A state may adopt regulations not inconsistent with the Commission's rules to preserve and advance universal service. * * * A state may adopt regulations to provide for additional definitions and standards to preserve and advance universal service within that State only to the extent that such regulations adopt additional specific, predictable, and sufficient mechanisms to support such definitions or standards that do not rely on or burden Federal universal service support mechanisms.")).

¹⁰ See Federal-State Joint Board on Universal Service, CC Docket No. 96-45, Report and Order, (rel. March 17, 2005), para. 1 ("[W]e encourage states that exercise jurisdiction over ETC designations pursuant to section 214(e)(2) of the Act, to adopt these requirements when deciding whether a common carrier should be designated an ETC.") These rules requires ETC's designated by the FCC to "demonstrate its ability to remain functional in an emergency" but do not require ETC's to have a specific amount of backup power at each and every cell site within its ETC designated area.

¹¹*ICC/USF Reform Order*, para. 580.

14. Although AT&T Mobility understands that a rulemaking is required to change the Washington ETC designation rules, AT&T Mobility believes that its request for these sixteen cell sites will be a step in the right direction.

IV. CONCLUSION

AT&T Mobility requests a permanent waiver for sixteen (16) cell sites or in the alternate a one-year extension of time to install permanent backup power at sixteen (16) cell sites within its ETC designated area.

Respectfully submitted on April 12, 2012.

New Cingular Wireless PCS, LLC and AT&T
Mobility Operations Holdings, Inc.

Cynthia J. Manheim by Doc with permission

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Exhibit A – Cost Estimates

Site ID	Site Name	Estimated Cost to Complete	Long Lead Time Item
Redacted	Redacted	Redacted	Redacted
Redacted	Redacted	Redacted	Redacted
Redacted	Redacted	Redacted	Redacted
Redacted	Redacted	Redacted	Redacted
Redacted	Redacted	Redacted	Redacted
Redacted	Redacted	Redacted	Redacted
Redacted	Redacted	Redacted	Redacted
Redacted	Redacted	Redacted	Redacted
Redacted	Redacted	Redacted	Redacted
Redacted	Redacted	Redacted	Redacted
Redacted	Redacted	Redacted	Redacted
Redacted	Redacted	Redacted	Redacted
Redacted	Redacted	Redacted	Redacted
Redacted	Redacted	Redacted	Redacted
Redacted	Redacted	Redacted	Redacted
TOTAL		\$ Redacted	

Exhibit B – Overlap Coverage Maps

Each of the following pages contains two coverage maps for one or more of the sixteen (16) cell sites covered by this request. The first map on each page depicts the coverage in the area of the cell site with the specific cell site on air. The second map on each page depicts the coverage in the area with the specific cell site at issue turned off. Blue is the best signal/coverage level. These maps demonstrate that the coverage does not change when the site at issue is not on air. The specific site identification which corresponds to the table listed in Exhibit A is contained in the white legend on each map; the maps are presented in the following order:

- REDACTED
- REDACTED
- REDACTED
- REDACTED
- REDACTED
- REDACTED
- REDACTED
- REDACTED
- REDACTED
- REDACTED
- REDACTED
- REDACTED
- REDACTED
- REDACTED
- REDACTED

MAPS REDACTED

MAPS REDACTED

MAPS REDACTED

MAPS REDACTED

MAPS REDACTED

MAPS REDACTED

MAPS REDACTED

MAPS REDACTED

MAPS REDACTED

MAPS REDACTED

MAPS REDACTED

MAPS REDACTED

Exhibit C – Portable Generator Storage Locations

Eastern Washington

REDACTED	REDACTED	REDACTED	REDACTED	REDACTED
REDACTED	REDACTED	REDACTED	REDACTED	REDACTED
REDACTED	REDACTED	REDACTED	REDACTED	REDACTED
REDACTED	REDACTED	REDACTED	REDACTED	REDACTED
REDACTED	REDACTED	REDACTED	REDACTED	REDACTED
REDACTED	REDACTED	REDACTED	REDACTED	REDACTED
REDACTED	REDACTED	REDACTED	REDACTED	REDACTED

Western Washington

REDACTED	REDACTED	REDACTED	REDACTED	REDACTED
REDACTED	REDACTED	REDACTED	REDACTED	REDACTED
REDACTED	REDACTED	REDACTED	REDACTED	REDACTED
REDACTED	REDACTED	REDACTED	REDACTED	REDACTED
REDACTED	REDACTED	REDACTED	REDACTED	REDACTED
REDACTED	REDACTED	REDACTED	REDACTED	REDACTED
REDACTED	REDACTED	REDACTED	REDACTED	REDACTED
REDACTED	REDACTED	REDACTED	REDACTED	REDACTED
REDACTED	REDACTED	REDACTED	REDACTED	REDACTED
REDACTED	REDACTED	REDACTED	REDACTED	REDACTED
REDACTED	REDACTED	REDACTED	REDACTED	REDACTED

Exhibit D – Cost Phase II Implementation

Year	Number Cell Sites Added 4 Hours Backup Power	ETC Support Utilized
2010	REDACTED	REDACTED
2011 ¹²	REDACTED	REDACTED
2012 (Estimated in Sept. 2011 filing)	REDACTED	REDACTED
2012 – Current estimate if instant request is not granted.	REDACTED	REDACTED
2012 – (If instant request is granted)	REDACTED	REDACTED

¹² In its September 9, 2011 ETC Certification filing with the Commission, AT&T Mobility estimated that it would complete backup power augmentation on ****REDACTED**** sites in 2011. In fact, AT&T Mobility was able to complete the backup power augmentation on ****REDACTED**** more sites that expected for a total of ****REDACTED**** in 2011.