

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Communications Division
Carrier Oversight and Programs Branch

RESOLUTION T-17292
September 23, 2010

RESOLUTION

RESOLUTION T-17292. To grant the request of WWC License LLC (U-3025-C) to relinquish its designation status as an Eligible Telecommunications Carrier.

SUMMARY

By this Resolution, the California Public Utilities Commission (CPUC or Commission) grants the request of WWC License LLC (U-3025-C) (Western Wireless) to relinquish its designation status as an Eligible Telecommunications Carrier (ETC). Because Western Wireless' request is consistent with the requirements of 47 U.S.C section 214(e)(4) and 47 C.F.R. section 54.205 (a) and (b) regarding relinquishment of universal service, the CPUC finds that the request is reasonable and should be granted.

BACKGROUND

In Resolution T-17002, the Commission adopted the Comprehensive Procedures and Guidelines for ETC Designation and Requirements for ETC. This Resolution is consistent with the Federal Communications Commission (FCC) Orders 97-157 and 05-46 regarding designation of a telephone carrier as a qualified ETC. In addition, all carriers seeking ETC designation are required to comply with the applicable requirements for a CPUC certificated or registered carrier.

ETCs are telephone carriers designated by state commissions and authorized by the FCC to receive federal Universal Service Fund (USF) support for providing local telephone service in high cost areas and to low income customers. Section 214(e)(4) of the Telecommunications Act of 1996 reserves to the states the authority to act upon an eligible carrier's request to relinquish its designation as an eligible carrier.¹

¹ See 47 U.S.C. § 214(e).

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The FCC established the ETC program to satisfy this statutory requirement of the Telecommunications Act of 1996.² The federal USF support creates an incentive for the telephone carriers to provide quality residential telephone services at an affordable rate to low income consumers and/or those living in designated high cost areas, e.g., rural areas.

Western Wireless is a CPUC registered commercial mobile radio service carrier in California.

In Resolution T-16436 (June 20, 2000), the Commission granted Western Wireless ETC designation in Inyo and Mono Counties in California. Subsequently, in Resolution T-16824 (May 6, 2004), the Commission granted Western Wireless ETC designation in Imperial County in California. Western Wireless only receives federal High Cost Fund support and not the federal Lifeline and Link Up subsidy for its California ETC designation in the counties of Inyo, Mono and Imperial.

In Resolution T-17188 (July 9, 2009), the Commission granted Western Wireless its request to relinquish its designation as an ETC in Imperial County.

SUBJECT OF ADVICE LETTER

On August 2, 2010, Western Wireless filed Advice Letter no. 55 (the Advice Letter). In the Advice Letter, Western Wireless requested to relinquish its designation status as an ETC in Inyo and Mono counties as granted by Resolution T-16436.

NOTICE/PROTEST

In compliance with Commission General Order (G.O.) 96-B, a copy of the Advice Letter was posted on the CPUC Daily Calendar on August 6, 2010.

The Commission's Communications Division received no protests.

² *Id.*

DISCUSSION

In order for the Commission to grant Western Wireless' request to relinquish its designation as an ETC, Western Wireless has to satisfy the requirements for relinquishment of universal service pursuant to 47 U.S.C. § 214(e)(4)³ and 47 C.F.R § 54.205 (a) and (b). Western Wireless is permitted to relinquish its designation status as an ETC if it satisfies the following requirements: a) the service area is served by another existing ETC; b) Western Wireless provides advance notice to the State commission; c) Western Wireless ensures that all the customers it serves in the relevant service area will continue to be served; and d) if applicable, Western Wireless provides sufficient notice to permit the purchase or construction of adequate facilities by any remaining ETC.

a. The service area is served by another existing ETC.

Western Wireless was providing wireless federal High Cost Fund support in the counties of Inyo and Mono counties. Currently, there are no other wireless carriers designated as an ETC in California. However, Inyo and Mono counties are currently being served by AT&T California and Verizon California, currently designated as ETCs in California. Therefore, the requirement that the service area is served by another existing ETC is satisfied.

³ 47 U.S.C. § 214(e)(4) states as follows:

A State commission (or the Commission in the case of a common carrier designated under paragraph (6)) shall permit an eligible telecommunications carrier to relinquish its designation as such a carrier in any area served by more than one eligible telecommunications carrier. An eligible telecommunications carrier that seeks to relinquish its eligible telecommunications carrier designation for an area served by more than one eligible telecommunications carrier shall give advance notice to the State commission (or the Commission in the case of a common carrier designated under paragraph (6)) of such relinquishment. Prior to permitting a telecommunications carrier designated as an eligible telecommunications carrier to cease providing universal service in an area served by more than one eligible telecommunications carrier, the State commission (or the Commission in the case of a common carrier designated under paragraph (6)) shall require the remaining eligible telecommunications carrier or carriers to ensure that all customers served by the relinquishing carrier will continue to be served, and shall require sufficient notice to permit the purchase or construction of adequate facilities by any remaining eligible telecommunications carrier. The State commission (or the Commission in the case of a common carrier designated under paragraph (6)) shall establish a time, not to exceed one year after the State commission (or the Commission in the case of a common carrier designated under paragraph (6)) approves such relinquishment under this paragraph, within which such purchase or construction shall be completed.

b. Advance notice to the State commission.

The Advice Letter provides the CPUC the required advanced notice of Western Wireless' intention to relinquish its designation as an ETC in the Inyo and Mono counties.

c. All the customers served by the relinquishing carrier will continue to be served.

In 2005, Western Wireless was acquired by and became a subsidiary of Alltel Corporation (Alltel). On January 9, 2009, Alltel and its subsidiaries, including Western Wireless, were acquired by and became subsidiaries of Cellco Partnership, d/b/a Verizon Wireless (Verizon). Therefore, Western Wireless is now a subsidiary of Verizon.⁴

FCC Order 08-258 granted Verizon's acquisition of Alltel and also required that Verizon divest itself of all customers, networks serving those customers, and certain other assets of Western Wireless in the service areas it was designated as an ETC.⁵ On June 22, 2010, Verizon transferred Western Wireless' customers, networks serving those customers, and other assets in Inyo and Mono counties to AT&T Mobility, LLC (AT&T).

Thus, after divestiture, Western Wireless does not serve any customers within the designated service area and does not have any federal LifeLine and High Cost customers. Therefore, there will be no Western Wireless customers affected as a result of the relinquishment.

d. Sufficient notice to permit the purchase or construction of adequate facilities by any remaining ETC, if applicable.

Because Western Wireless does not have any customers in the designated service areas, the remaining ETCs will not need to purchase or construct facilities in order to serve any additional customers. Therefore, this specific requirement to provide notice is not applicable to Western Wireless' request to relinquish its designation as an ETC.

Thus, CD staff believes that Western Wireless has satisfied all the requirements necessary to relinquish their remaining status as a designated ETC in the California counties of Inyo and Mono. CD staff recommends that the Commission grant the request of Western Wireless. The Commission agrees with CD staff's recommendation and grants Western Wireless' request.

Upon approval, Western Wireless shall notify the Universal Service Administrative Company (USAC) in writing that Western Wireless' request to the Commission to

⁴ Advice Letter at p.1.

⁵ Advice Letter at p. 1, Footnote 1 citing FCC Order 08-258.

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relinquish its designation as an ETC in California has been completed. Western Wireless shall provide a copy of this letter to the CPUC Communications Division Director.

COMMENTS

Public Utilities Code Section 311(g)(1) requires that the Commission (1) serve a draft Resolution on all parties, and (2) make that draft Resolution available for public review and comment for a period of 30 days or more, prior to a vote of the Commission on the draft Resolution. On August 24, 2010, the Commission distributed a draft of this Resolution for comments to the utilities and other interested parties. See Attachment A for the Draft Resolution T-17292 Service List (August 24, 2010).

FINDINGS

1. On August 2, 2010, WWC License LLC (U-3025-C) (Western Wireless) filed Advice Letter no. 55 requesting to relinquish its designation as an ETC as granted by Resolution T-16436.
2. Western Wireless is a CPUC registered commercial mobile radio service carrier in California.
3. No protests were received for Western Wireless Advice Letter no. 55.
4. On June 20, 2000, Resolution T-16436 granted Western Wireless designation as an ETC in the California counties of Inyo and Mono.
5. On May 6, 2004, Resolution T-16824 granted Western Wireless ETC designation in Imperial County, California.
6. Western Wireless only received federal High Cost Fund support and not the Lifeline subsidy from the FCC for its ETC designation in the California counties of Inyo, Mono and Imperial.
7. On July 9, 2009, Resolution T-17188 granted Western Wireless its request to relinquish its designation as an ETC in Imperial County, California.
8. Western Wireless is a subsidiary of Verizon.

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9. On June 22, 2010, Western Wireless' parent company Verizon transferred Western Wireless customers, networks serving those customers, and other assets in Inyo and Mono counties to AT&T Mobility, LLC (AT&T).
10. Western Wireless satisfied the requirements to relinquish its ETC designation pursuant to 47 U.S.C. § 214(e) (4) and 47 C.F.R § 54.205 (a) and (b).
11. On August 24, 2010, in compliance with P.U. Code Section 311(g), the Commission e-mailed a notice letter to the utilities and parties interested (see Attachment A of this draft Resolution) informing these parties that Draft Resolution T-17292 was available for public comments.
12. Western Wireless' request to relinquish its remaining designation as an ETC in Inyo and Mono counties should be granted.
13. Western Wireless shall notify the USAC in writing that the Commission has granted Western Wireless' request to relinquish its designation as an ETC in California. Western Wireless shall provide a copy of this letter to the CPUC Communications Division Director.

THEREFORE, IT IS ORDERED that:

1. The request of WWC License LLC (U-3025-C) (Western Wireless) to relinquish its designation as an ETC is granted.
2. Western Wireless shall notify the USAC that the Commission has granted Western Wireless' request to relinquish its designation as an ETC in California. Western Wireless shall provide a copy of this letter to the CPUC Communications Division Director.

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This resolution is effective today.

I certify that the foregoing resolution was duly introduced, passed, and adopted at a conference of the Public Utilities Commission of the State of California held on September 23, 2010, the following Commissioners voting favorably thereon:

PAUL CLANON
Executive Director

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ATTACHMENT A

Draft Resolution T-17292 Service List (August 24, 2010)

UTILITY NAME	EMAIL	Additional Email
CTC OF CALIFORNIA	charlie.born@frontiercorp.com	
CTC OF THE GOLDEN STATE	charlie.born@frontiercorp.com	
CTC OF TUOLUMNE	charlie.born@frontiercorp.com	
THE SISKIYOU TELEPHONE CO.	jtlowers@sisqtel.net	
HAPPY VALLEY TELEPHONE CO.	gail.long@tdstelecom.com	karen.fehrman@tdstelecom.com
HORNITOS TELEPHONE CO.	gail.long@tdstelecom.com	karen.fehrman@tdstelecom.com
WINTERHAVEN TELEPHONE CO.	gail.long@tdstelecom.com	karen.fehrman@tdstelecom.com
VERIZON WEST COAST, INC.	linda.fogg@verizon.com	Kimberly.a.douglass@verizon.com
SIERRA TELEPHONE CO.	lindab@stcg.net	
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CAL-ORE TELEPHONE CO.	waihun@cot.net	lorrie.bernstein@mossadams.com
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FORESTHILL TELEPHONE CO.	dclark@kermantelephone.com	lorrie.bernstein@mossadams.com
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