

Warm Springs Telecom



WARM SPRINGS TELECOM

PO Box 910 Warm Springs Or. 07761

Filing Center
Oregon Public Utility Commission
PO Box 2148
Salem, OR 97308

September 24, 2015

RE: In the Matter of An Application of The Warm Springs Telecommunications Company,
(dba Warm Springs Telecom) For an Order Allocating Previously Unallocated Territory

Dear Commission:

Please accept this amended application from Warm Springs Telecom to become a telecommunications utility to serve the previously unallocated territory, Wanapine. This amended application is to correct the original application in order to reflect the accurate name of the company, which was incorrectly labeled in the original application.

Thank you for your concern in this matter.

Sincerely,

Marsha Spellman

Marsha Spellman
Regulatory Director, WST

PUBLIC UTILITY COMMISSION OF OREGON
3930 FAIRVIEW INDUSTRIAL DR SE
PO BOX 1088
SALEM, OREGON 97308-1088
(503) 378-8959

**APPLICATION FOR CERTIFICATE OF AUTHORITY
TO PROVIDE TELECOMMUNICATIONS SERVICE IN OREGON**

INSTRUCTIONS: Complete every applicable section of this application. Attach additional documents and/or sheets to complete responses (if needed). You will be notified when the Commission receives your application, and again when it has been processed. After accepting this application, the Commission will publish notice per ORS 759.020(2).

CLASSIFICATION FOR WHICH APPLICATION IS MADE (check one):

- Competitive Telecommunications Provider (local, long-distance, shared telecommunications service)
- Telecommunications Utility

1. EXACT LEGAL NAME OF APPLICANT:

Warm Springs Telecommunications Company

Applicant's Assumed Business Name(s), if any (e.g., dba, aka) (*must be registered with the Corporation Division*):
dba Warm Springs Telecom

Applicant's Type of Legal Entity (e.g., corporation, limited partnership):

Chartered Corporation (Warm Springs Commercial Code) filed with State of Oregon: Foreign Corporation

Business Address:

Box 910, Warm Springs, OR 97761

Phone: 541-615-0555

Email: jose.matanane@warmspringstelecom.com

2. NAME AND ADDRESS OF PERSON TO CONTACT FOR MORE INFORMATION REGARDING THIS APPLICATION:

Marsha Spellman, Regulatory Director, Box 910, Warm Springs, OR 97661

Phone: 503-997-1685

Email: marsha.spellman@warmspringstelecom.com

**3. NAME AND ADDRESS OF PERSON TO CONTACT FOR REGULATORY INFORMATION
(Commission will send requests for information to this person):**

Marsha Spellman, Regulatory Director, Box 910 Warm Springs, OR 97661

Phone: 503-997-1685

Email: marsha.spellman@warmspringstelecom.com

4. AFFILIATED INTERESTS:

Are you now or have you ever been affiliated with any provider of telecommunications service that serves Oregon? If so, who? When? Describe affiliation. Affiliated interest is defined in OAR 860-032-0001.

Warm Springs Telecom is presently a certified CLEC/ETC serving in Oregon, wholly owned by the Confederated Tribes of Warm Springs

5. PREVIOUS CERTIFICATES OF AUTHORITY:

List each certificate of authority previously granted by the Oregon PUC to Applicant and to each affiliated entity, under a legal name, an assumed business name, or any other name. Include all certificates whether or not canceled. For each certificate provide the name of entity, docket number, and order number.

Name of Entity	Docket Number	Order Number
Warm Springs Telecommunications Incorporated, dba Warm Springs Telecom	CP 1470	10-137

AUTHORITY REQUESTED

6. APPLICANT REQUESTS AUTHORITY TO PROVIDE THE FOLLOWING SERVICES:

- a. Shared telecommunications service (STS). STS includes resale of long-distance service to the STS provider's user group, but not to customers outside the user group. If yes, applicant must complete items 10 and 11. Yes No
- b. Local exchange (intraexchange) switched service (i.e., local dial tone). If yes, applicant must complete item 10. Yes No
- c. Local exchange (intraexchange) nonswitched, private line service (i.e., dedicated transmission service). Yes No
- d. Interexchange, switched service (i.e., long-distance toll). If yes, applicant must complete item 10. Yes No
- e. Interexchange, nonswitched, private line service (i.e., dedicated transmission service). Yes No

7. HOW SERVICES WILL INITIALLY BE PROVIDED:

The following is required for public notice and information purposes and does not request authority.

- a. Will Applicant resell finished services of other Oregon certified carriers? (Resell means resale of finished services, not unbundled network elements.) Yes No
- b. Will applicant construct lines, loops, wires, fiber, or other transport facilities? Yes No
- c. Will Applicant have its own switching equipment? Yes No
- d. Will Applicant purchase (lease) unbundled network elements from other Oregon certified carriers? Yes No
- e. Will Applicant purchase or lease network components which are not unbundled network elements? Yes No

8. AREAS FOR WHICH APPLICANT SEEKS AUTHORITY:

a. Intraexchange Authority:

Alternative 1: List every local exchange in which Applicant seeks to provide local exchange (intraexchange) service.

Alternative 2: List every incumbent local exchange carrier in whose exchanges Applicant seeks authority to provide local exchange (intraexchange) service.

Alternative 3: If Applicant seeks authority to provide local exchange (intraexchange) service within every telephone exchange in Oregon, then specify "Statewide."

Wanapine Exchange (NEW)

b. Interexchange Authority:

Alternative 1: List every local exchange in which Applicant seeks to provide interexchange service.

Alternative 2: List every incumbent local exchange carrier in whose exchanges Applicant seeks authority to provide interexchange service.

Alternative 3: If Applicant seeks authority to provide interexchange service in every telephone exchange in Oregon, then specify "Statewide."

Wanapine Exchange (New)

9. DESCRIBE SPECIAL CHARACTERISTICS, LIMITATIONS, OR RESTRICTIONS THAT WILL BE PART OF APPLICANT'S SERVICES:

Incorporate into the Tribes' Emergency network, reverse 911, etc

10. OPERATOR SERVICES:

- a. Operator service includes, but is not limited to, billing or completion of third-party billing calls, person-to-person calls, collect calls, and credit card calls. See OAR 860-032-0001.
Will Applicant directly offer operator services? Yes No
- b. ORS 759.690(1)(d) defines "operator service provider" as a person who furnishes operator service under contract with a call aggregator. ORS 759.690(1)(a) defines a call aggregator as a person who furnishes a telephone for use by the public, i.e., transient use.
Will Applicant be an "operator service provider" as defined in ORS 759.690(1)(d)? Yes No

11. SHARED TELECOMMUNICATIONS SERVICE:

Shared Telecommunications Service (STS) service is defined in OAR 860-032-0001. STS includes resale of long-distance service to the STS provider's user group, but not to customers outside the user group.

- a. Provide the address of the building where shared service will be provided through privately owned customer premises equipment. If Applicant intends to serve a user group located in two or more buildings, include an electronic copy of a map clearly showing the locations to be served by the Applicant. The information on the map must be precise and legible and include street names and the city where the building(s) is(are) located.

- b. An STS site or location consists of one building, or a complex of buildings or a campus on contiguous property. An STS provider may interconnect separate sites in order to aggregate toll traffic. An STS provider may not interconnect separate sites in order to provide local exchange service between those sites.

If serving buildings at separate sites, will applicant interconnect the buildings in order to aggregate toll traffic? Yes No

- c. Describe the user group or association at the STS location.

NOTE: Applicant must apply to PUC for another certificate of authority in order to add subsequent STS sites.

CONDITIONS OF A CERTIFICATE OF AUTHORITY

As a condition of a certificate of authority, applicant must comply with all applicable Commission rules and state law, as well as conditions listed in the certificate. For your convenience, following is a summary of some conditions from OAR 860 Divisions 32 and 33. Additional conditions may be specified in the certificate.

Certificate holder must:

- Provide only the telecommunications service authorized in the certificate.
- Respond in a timely manner to Commission inquiries.
- Notify the Commission of changes to the certificate holder's name, address, email, or telephone number.
- Maintain its books and records according to the applicable rules of the Commission, and keep its books and records open to inspection by the Commission to the extent necessary to verify information required of the certificate holder.
- Meet service standards set forth in applicable Commission rules, including OAR 860-032-0012.
- Submit required reports in a timely manner, and timely pay all Commission taxes, fees, assessments, access charges, and subsidies pursuant to Oregon law or Commission rules, orders, tariffs, or price lists.
- Pay an annual fee to the Commission pursuant to the Commission's rules. This fee will be based on the certificate holder's annual gross retail intrastate revenues and will be no less than \$100 per calendar year. Certificate holder must collect the fee by charging an equitable amount to each retail customer and describe the amount of the apportioned charge on each retail customer's bill, pursuant to the Commission's rules.
- Pay a quarterly amount to the Oregon Universal Service Fund based on a Commission-approved surcharge percentage assessed on all retail telecommunications services sold in Oregon pursuant to ORS 759.425(4).
- Ensure that the Residential Service Protection Fund surcharge is remitted monthly to the Commission. This surcharge is assessed against each paying retail subscriber at a rate that is set annually by the Commission.

Applicant understands that all services provided by Applicant must comply with all applicable Commission rules and state law, and with conditions of the certificate (check box at left).

Electronic Signature of Person Authorized to Represent Applicant /Jose Matanane/	Title General Manager
Typewritten Name Jose Matanane	Date 4/24/15

BEFORE THE PUBLIC UTILITY COMMISSION OF OREGON

DOCKET UA____

In the Matter of)	
An Application of The Warm)	APPLICATION OF WARM SPRINGS
Springs Telecommunication)	TELECOM FOR AN ORDER
Company)	ALLOCATING PREVIOUSLY
(dba Warm Springs Telecom))	UNALLOCATED TERRITORY
For an Order Allocating Previously)	
Unallocated Territory)	

Pursuant to ORS 759.535, ORS 759.560 and OAR 860-034-0470, Warm Springs Telecommunications Company, dba Warm Springs Telecom (“WST”), hereby applies for an order to allocate previously unallocated territory located on the Warm Springs Reservation, home of the Confederated Tribes of Warm Springs, in central Oregon. Presently, there is an Incumbent Local Exchange Carrier (ILEC) authorized to serve a large portion of the reservation, but we have recently become aware that there is a part of the reservation that is not allocated to any ILEC. It is this unallocated area that WST now applies to serve as the Incumbent Local Exchange Company. This area will be called the Wanapine service area.

In support of this application, and pursuant to the requirements of OAR 860-034-0470, Warm Springs Telecom respectfully submits the following information.

I. Introduction

Warm Springs Telecommunications Company, dba Warm Springs Telecom (“WST”) is a tribal telecommunications company, wholly owned by the Confederated Tribes of Warm Springs in Oregon (CTWS). WST received its CLEC authorization in CP 1470, Order NO. 10-137, entered 04/08/10. In the order, WST was granted the ability to provide intra-exchange (local exchange) switched service (i.e., local dial tone) and non-switched, private line service (dedicated transmission service) within the exchanges of all ILECs in the state. In addition, WST also proposed to provide interexchange switched service (toll) and non-switched, private line service (dedicated transmission service) statewide in Oregon and was granted these rights by the Commission, under this order. Furthermore, WST applied and received its ETC designation to serve the Warm Springs wire center. WST presently receives Oregon USF and Federal Tribal Lifeline. (UM 1549, Order No. 11 522, entered Dec. 20, 2011.)

Since receiving funding from the American Recovery and Reinvestment Act, in 2010, WST has built its network throughout as much of the reservation as possible with this funding. It now serves more than 800 local residents living on the Warm Springs Reservation with landline and Broadband Internet. It also serves the Tribal administration, agencies and local businesses with another 500 SIP lines with fiber to the premises connections. It intends to continue to build out its network and provide telecom services to all living on the Reservation and others served by the Warm Springs exchange.

WST is very fortunate that it was created and ready for funding at the exact time that the ARRA funding was released, receiving \$5.6million to engineer and construct tribally owned telephone/broadband company. As WST has now spent its ARRA funding, it is necessary for the company to go through a next round of funding. It is typical that private lenders do not give money to Tribes. As such, WST will need to go to the Rural Utility Service (RUS), a department of USDA, the funding agency for rural telecommunications.

RUS loans money to rural companies with very low interest loans. There is a provision in the Farm Act, which governs RUS, called SUTA (Substantially Underserved Tribal Lands). The SUTA provisions give the RUS new tools to finance improvements in electric, telecommunications, water and sewer infrastructure in underserved tribal communities.

“The statute gives the RUS discretionary authority to offer interest rates as low as 2%; waive non-duplication requirements; waive matching or credit support requirements; extend repayment terms and give eligible applications the highest funding priority when projects serve substantially underserved trust territories.” As an ILEC able to apply for and receive this funding, WST could continue to build out to the entire reservation and serve everyone. This was a promise that WST made to the Tribal Council many years ago. As an ILEC, WST would continue this promise, fulfilling its Carrier of Last Resort obligation.

II. Statement of Purpose of the Allocation

This application will permit WST to provide telecommunications services to this part of the Warm Springs Reservation that presently has no Incumbent telecommunications services. There are approximately 25 houses on the reservation in this area that would be served.

While serving as the competitive provider, Warm Springs Telecom has made great strides serving the CTWS. However, as there is no company serving the unallocated areas of the reservation as the incumbent provider. WST and the CTWS believe this is an oversight that needs to be rectified. At this time, it appears that there are approximately 29 homes in this area. WST is presently serving seven of these homes, and no carrier is serving the remaining homes.

In addition, as WST wants to be the ILEC serving the Tribes, changes to the FCC rules leave many things uncertain at this time. While the requested ILEC certification will only be granted for a relatively small area of the Reservation, WST now serves the reservation with a carrier class telecom company, with POTS service and Broadband Internet. The Tribal government passed a resolution creating this company to serve everyone on the Reservation. As such, and as this is a previously unallocated area, it is reasonable for Warm Springs Telecom to become an ILEC for this unallocated area. In addition, as the

company was configured to become an ILEC at some point, WST installed a soft switch using MACC as its software system. The switch is configured to use Part 32 Accounting for current CLEC operations, although this is not required at this time.

Finally, in order to completely build-out the network to serve everyone on the reservation, which is the commitment WST made to the Tribal Council, more funding is necessary. As an ILEC, WST can become a Title II borrower. WST will be able to apply for RUS funding for this unallocated area and take advantage of the SUTA provisions, which were created to serve tribal telecom companies including WST. In addition, the ILEC will be a critical certification with the Federal changes to CAF, Lifeline and the upcoming auctions.

Required Maps

OAR 860-034-0470 requires the submission of several maps. (1) requires a map, drawn to appropriate scale, showing the general location and boundaries of the applicant's service area. That map is attached as Exhibit A.

OAR 860-034-0470(2) requires a map, drawn to appropriate scale, showing the location of the applicant's customers and facilities in the vicinity of the boundaries of the territory applied for in sufficient detail to enable the Commission to determine the boundaries of that territory served exclusively by the applicant. That map is attached as Exhibit B.

OAR 860-034-0470(3) requires a description by county, section lines, river, highway, road, street, or metes and bounds, of the boundaries of applicant's exclusive service area. Such map and legal description of boundary lines may be drawn and described to eliminate minor irregularities in the boundary. This information is in Exhibit C.

III. Matters Related to the Wanapine Exchange

There have been many discussions with the underlying ILEC, Qwest/dba Century Link over the years regarding improving the telephone service to the Warm Springs Reservation. At that time, we did not realize that this section of the reservation was unallocated, and not within their boundary to serve. However, they had told us that they would only serve the unserved areas by charging a \$1000 line extension charge, per line. Since that was very extravagant for the tribal residents, in this community of relative poverty, Warm Springs Telecom was started to serve all the underserved on the Reservation. We continue to commit to serve all on the Warm Springs reservation, and others that are in the Warm Springs wire center but outside the reservation boundaries.

Attached as Exhibit D is a completed application for a certificate of authority to provide telecommunications services as a utility in the new Wanapine exchange.

IV. Rates to be Charged

Warm Springs Telecom ILEC will assess the same rates for services in the Wanapine Service Area as it does for the Warm Springs Telecom CLEC serving the rest of the Warm Springs Reservation.

Copies of the proposed local exchange service rates are attached in Exhibit E. Required tariffs will be filed following an order granting allocation.

V. Requested Relief

Therefore, with this filing, Warm Springs Telecom respectfully submits this application and requests the Commission to issue an order to 1) allocate the Wanapine service area as indicated in the maps attached and described in this filing, to Warm Springs Telecom; and 2) approve Warm Springs Telecom's application for certificate of authority as a utility in the Wanapine exchange..

Respectfully submitted this day, April 8, 2015.

Marsha Spellman, Regulatory Director
Warm Springs Telecom

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