

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

June 23, 2015

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

Dear Commission:

Enclosed for filing please find an application to become a telecommunications utility to serve the previously unallocated territory located on the Warm Springs Reservation. We are calling this area the Wanapine exchange. This filing is on behalf of the Warm Springs Telecommunications Company.

Thank you for your concern in this matter.

Sincerely,

Marsha Spellman

Marsha Spellman
Regulatory Director, WST

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 Inc.)	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 Incorporated, dba Warm Springs Telecom (“WST”), hereby seeks a Commission 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 ExchangeCarrier. This area will be called the Wanapine Exchange.

WST hereby petitions the Commission to approve its certificate of authority to provide services as an ILEC in the new Wanapine exchange. The application for ILEC designation is attached as Exhibit D.

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 of Oregon. 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 for and received its ETC designation to serve the Warm Springs wire center. WST presently receives Oregon USF support (UM 1581, Order No. 12-089, entered March 13, 2012) and Federal Tribal Lifeline. (UM 1549, Order No. 11 522, entered Dec. 20, 2011.) If the Commission approves both requests, WST will operate as an ILEC within the new Wanapine Exchange and as a CLEC outside of the Wanapine Exchange.

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 homes on the Warm Springs Reservation with landline and Broadband Internet. WST also serves the Tribal Administration, agencies and local businesses with another 500 SIP lines. It intends to continue to build out its network and provide telecom services to all residents and businesses on the Reservation.

WST is very fortunate that it was created and ready for funding at the exact time that the ARRA funding was released, receiving \$5.6 million to engineer and construct a tribally owned telecom company. WST has now spent its ARRA funding and it is now necessary for the company to get another round of funding. Typically, private lenders will not loan money to Tribes. As such, WST will need to go to the Rural Utilities Service (RUS), a department of USDA agency that funds rural telecommunications.

RUS loans money to rural companies with favorable interest rates and terms. 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 “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.” This includes funding Title II borrowers, i.e. rural ILECs.

As an ILEC that could apply for and receive this funding, WST could continue to build out its network. WST made a promise to the Tribal Council many years ago to serve everyone on the Reservation. As an ILEC, WST would continue this promise, fulfilling its Carrier of Last Resort obligation. By becoming an ILEC, WST could access funding and support that will help it complete its reservation wide build-out.

II. Statement of Purpose of the Allocation

Granting this application will permit WST to provide telecommunications services to the part of the Warm Springs Reservation that the PUC has identified as presently having no Incumbent Local Exchange Carrier (ILEC) providing service. Tribal maps identify 29 houses in this area, which we are calling the Wanapine Exchange, which would be served by the new ILEC. In addition, any new housing built in this area would be served by the ILEC. Presently, WST provides CLEC service to 7 of these homes and there is no ILEC or other CLEC serving the remaining homes.

As the competitive provider, Warm Springs Telecom has made great strides serving the people and businesses on the Warm Springs Reservation. However, there is a large area of the reservation that is presently unallocated and there is no ILEC certified to provide service to this area. WST and the Confederated Tribes of Warm Springs tribal government believe that this is an oversight that needs to be rectified. As such, WST has requested ILEC certification for an area of the Reservation that presently has no identified ILEC serving the homes located within the mapped boundaries. This filing is not requesting to serve homes presently served by an assigned ILEC.

However, WST now serves the entire reservation as a CLEC with POTS service and Broadband Internet with its carrier class telecom network. When WST was first planned, the Confederated Tribes of Warm Springs Tribal Council passed a resolution creating this company with a mandate to serve everyone on the Reservation. In addition, as the company was designed to become an ILEC at some point, WST installed a softswitch and is using MACC as its OSS/BSS operating system. We did this to be able to easily transition to Part 32 Accounting once we started providing ILEC service.

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 assist tribal telecom companies like WST. In addition, WST has made the strategic decision to become an ILEC in anticipation of Federal changes to CAF, Lifeline and the upcoming auctions.

Required Maps

OAR 860-034-0470 requires the submission of several maps that are attached to this filing. Attached as Exhibits A, B, C are the three maps required for this application. Each map shows the required information as identified by the OAR. The Wanapine exchange area is

identified on the maps as the “proposed exchange area.” There are no ILECs presently identified on these maps as serving this area. With this filing, WST will only serve the identified area with ILEC services, and no WST ILEC services will be provided to homes within the allocated territory of other ILECs presently serving customers within the reservation. WST will assume all COLR obligations for this area.

MAPS

Exhibit A: OAR 860-034-0470 (1) requires a map, drawn to appropriate scale, showing the general location and boundaries of the applicant’s service area.

Exhibit B: OAR 860-034-0470(2) requires a map, drawn to appropriate scale, showing the location of the applicant’s customers and facilities¹ 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.

Exhibit C: 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.

III. Matters Related to the Wanapine Exchange

Warm Springs Telecom requests a waiver of the requirement in OAR 860-034-0470(4), since WST is not currently providing ILEC service in the unserved territory it cannot provide facts showing that the applicant is lawfully and in good faith providing exclusive utility service within the area described in the application. To the best of our knowledge and belief no other entity is providing a similar utility service within the unallocated territory being requested.

¹ Applicant requests a waiver from showing facilities on the map in compliance with OAR 860-034-0470(2) because as yet there are no facilities in what would be the Wanapine Exchange.

Over the years, there had been many discussions with the underlying ILEC, Qwest/dba Century Link, regarding improving the telephone service to the Warm Springs Reservation. However, Qwest/dba Century Link told us that they would only provide serve to any unserved homes by charging a \$1000 line extension charge. For a community of relative poverty, this amount was extravagant for these tribal residents. In order to meet the needs and demands for telephone and new Broadband services, Warm Springs Telecom was created to bring affordable services to the residents living on the Warm Springs Reservation. WST is still committed to serve all those who live and work on the reservation. It believes that it will bring even better services as it becomes the ILEC in the Wanapine Exchange. As a CLEC, WST also agreed to serve any customers off the reservation, who are served by the Warm Springs Exchange wire center.

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.

No telecommunications traffic routing changes will be needed by other telecommunication service providers to send communications to new customers in the Wanapine Exchange as all customers will be served out of the WST Central Office.

IV. Rates to be Charged

Warm Springs Telecom ILEC will assess the same rates for services in the Wanapine Exchange 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, June 23, 2015.

Marsha Spellman

Marsha Spellman, Regulatory Director
Warm Springs Telecom

PO Box 910
Warm Springs, OR 97761
marsha.spellman@warmspringstelecom.com
Mobile: 503-997-1685
WST: 541-460-1363

EXHIBITS

Exhibit A

(Labeled Map A)

OAR 860-034-0470 (1) requires a map, drawn to appropriate scale, showing the general location and boundaries of the applicant's service area.

Exhibit B

(Labeled Map B)

OAR 860-034-0470(2) requires a map, drawn to appropriate scale, showing the location of the applicant's customers and facilities² 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.

² Applicant requests a waiver from showing facilities on the map in compliance with OAR 860-034-0470(2) because as yet there are no facilities in what would be the Wanapine Exchange.

Exhibit C

(Labeled Map C)

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

Exhibit D

Application for Certification of Authority to Provide Telecommunications Service in Oregon

Exhibit E

Proposed local exchange service rates.

(Tariffs will be filed after order granted)

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 Incorporated

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

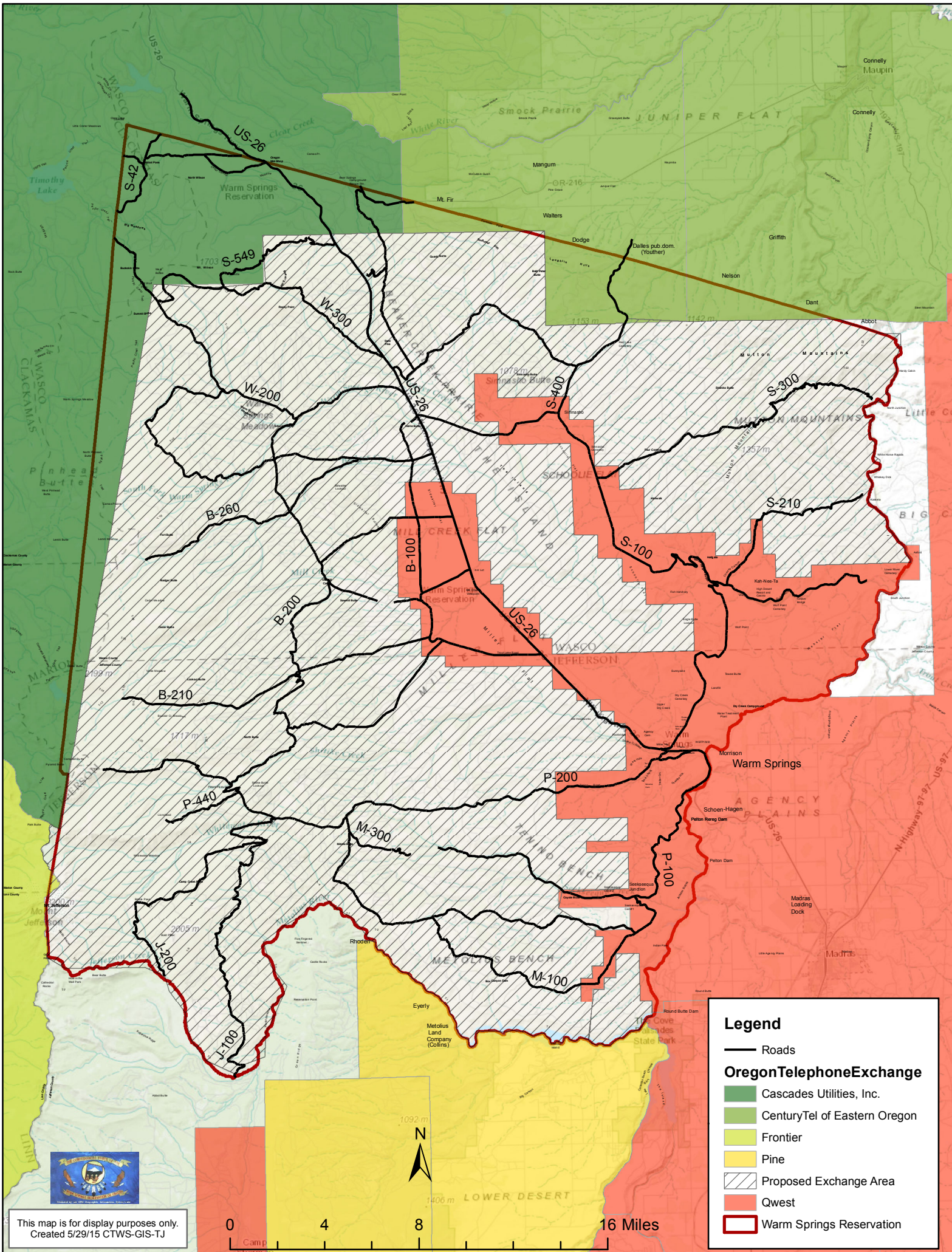
As a condition of a certificate of authority, applicant must comply with all applicable Commission rules and state law, as well as conditions listed in the certificate. For your convenience, following is a summary of some conditions from OAR 860 Divisions 32 and 33. Additional conditions may be specified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

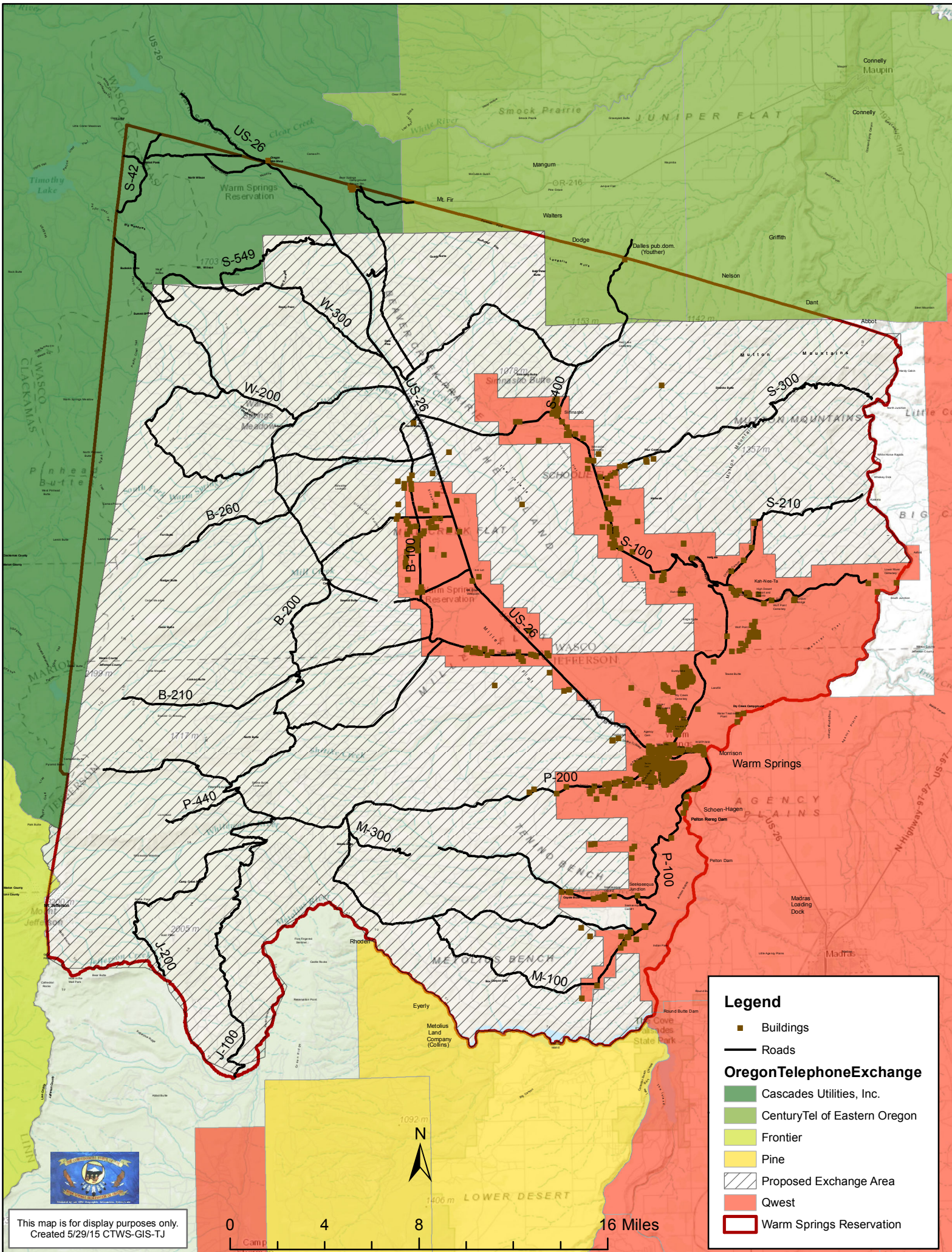
Electronic Signature of Person Authorized to Represent Applicant /Jose Matanane/	Title General Manager
Typewritten Name Jose Matanane	Date 4/24/15



Legend

-  Roads
- OregonTelephoneExchange**
-  Cascades Utilities, Inc.
-  CenturyTel of Eastern Oregon
-  Frontier
-  Pine
-  Proposed Exchange Area
-  Qwest
-  Warm Springs Reservation

This map is for display purposes only.
Created 5/29/15 CTWS-GIS-TJ



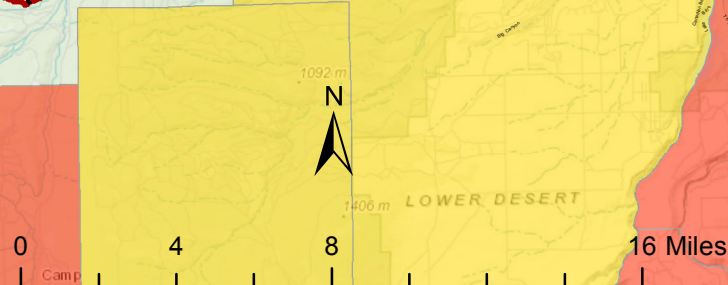
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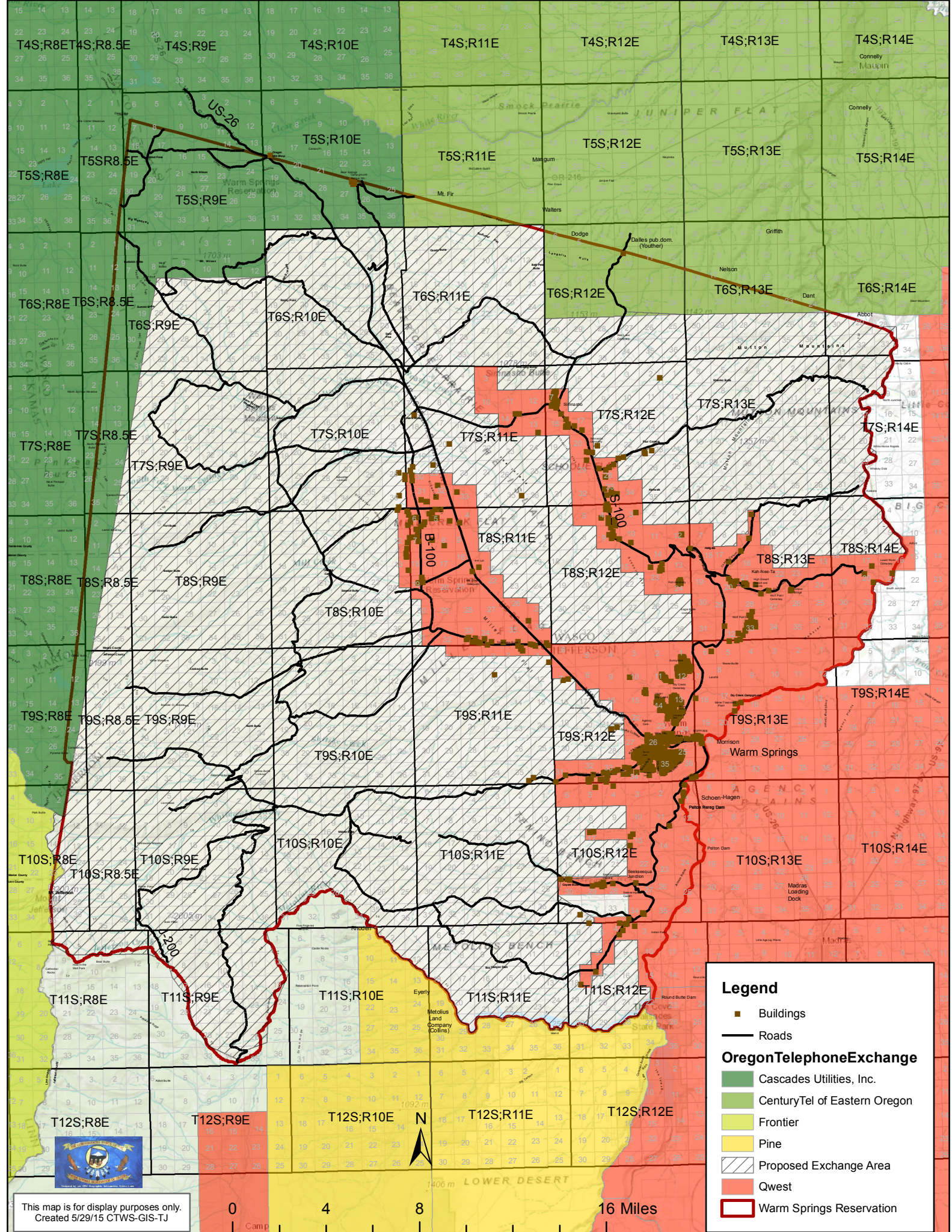
- Buildings
- Roads

OregonTelephoneExchange

- Cascades Utilities, Inc.
- CenturyTel of Eastern Oregon
- Frontier
- Pine
- Proposed Exchange Area
- Qwest
- Warm Springs Reservation

This map is for display purposes only.
Created 5/29/15 CTWS-GIS-TJ





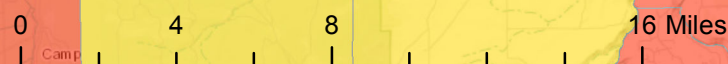
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- Warm Springs Reservation

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Created 5/29/15 CTWS-GIS-TJ





WARM SPRINGS TELECOM

Residential Rates Quote



PHONES

TIER 1	\$16.15
No CF/No Long Distance Included	
TIER 2	\$36.15
with 10 calling features & 60 minutes free long distance	
TIER 3	\$44.95
with 10 calling features & unlimited long distance	

BUNDLING

BASIC BUNDLE 1.5	\$36.99
Tier 1 phone & basic internet	
PREMIUM BUNDLE 2.0	\$54.99
with 10 calling features & unlimited long distance/Premium Internet	
ULTIMATE BUNDLE 4.0	\$79.99
with 10 calling features & unlimited long distance/ Ultimate Internet	

LONG DISTANCE

100 minutes	12 Cents/min	\$12.00
300 minute	5.6 Cents/min	\$17.00
unlimited minutes		\$25.65
Once you reached your limits it defaults back to 15 cents/min.		

TRIBAL CONNECT

Tribal connect assistance	-\$15.15
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PROMOTIONS

6 month Basic Internet promo	-\$11.00
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BOLDED Calling Features(CF) are included in Tiers 2 and 3; Bundling Premium and Ultimate.

CALLING FEATURES

VOICE MAIL	\$8.00
Allows callers to leave message on your phone line.	
AUTOMATIC CALL BACK	\$2.00
Notifies you when a busy line becomes free by calling you back	

CALLING FEATURES CONTINUED

CALL WAITING	\$2.00
Allows you to answer an incoming call while you are on the phone	
CALL WAITING RING BACK	\$2.00
Call waiting informs you of a second call so you may hang up the phone and receive an immediate ringback with the second call.	
CALL WAITING/CALLER ID	\$2.00
Allows you to answer an incoming call while you are on the phone and will display caller number	
CALLER ID	\$2.00
Phone number of caller is shown on telephone display	
CALLER ID BLOCKING	\$2.00
Your number will not be visible to who you are calling	
DO NOT DISTURB	\$2.00
To temporarily block incoming calls, out going calls will still be allowed.	
FIND ME FOLLOW ME	\$2.00
Find Me refers to the ability to receive incoming calls at any location. Follow Me refers to the ability to receive calls at any number of designated phones, whether ringing all at once, or in sequence.	
THREE WAY CALLING	\$2.00
Allows you to talk to two people at once	
ANONYMOUS CALL REJECTION	\$2.00
Rejects all numbers that have per line blocking	
BUSY CALL FORWARDING	\$2.00
Forwards incoming calls to a different number when the dialed number is busy	
CALL HOLD	\$2.00
Allows to put one call on hold so you may dial another number	
SELECTIVE CALL ACCEPTANCE	\$2.00
Only the numbers you choose will be accepted	
SELECTIVE CALL FORWARDING	\$2.00
Special calls can be forwarded to another	
SELECTIVE CALL REJECTION	\$2.00
Rejects calls from specified numbers	
TOLL RESTRICTION	\$0.00
Disallows long distance calls from a subscriber line	

^This quote doesn't include surcharges and fees

^All RATES AND CHARGES ARE SUBJECT TO CHANGE

^TRIBAL CONNECT CREDITS will be applied once application and verification are completed- **FCC/Federal Funded Program**

^**YOUR SERVICE IS BILLED IN ADVANCE:** YOUR FIRST BILL WILL INCLUDE THE PRORATED AMOUNT OF YOUR PLAN WITH ADDITIONAL SURCHARGES, PLUS THE MONTH IN ADVANCE AND ANY APPLICABLE INSTALLATION FEES.