



August 14, 2009

By FedEx

Public Utility Commission of Oregon  
550 Capitol Street NE, Suite 215  
Salem, Oregon 97308-2148

**Re: Public Wireless, Inc.  
Application for Certificate of Authority to provide Telecommunications Service**

Dear Commission Staff:

Enclosed please find one (1) original of Public Wireless, Inc.'s Application for Certificate of Authority as recently filed electronically.

Also enclosed is an additional stamp and return copy of this Application. Please date-stamp these documents and return them to our office in the enclosed self-addressed stamped FedEx envelope.

If you have any questions regarding this filing, please contact me.

Sincerely,

---

J. Gregory Higgins  
General Counsel

20 Danada Square West, Suite 278  
Wheaton, IL 60189  
(630) 453-0102  
(866) 280-0209  
GHiggins@Publicwireless.com

**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. Upon acceptance of this application, the Commission will publish notice pursuant to ORS 759.020(2). After submitting this application electronically, mail one copy with original signature and all attachments.

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: **Public Wireless, Inc.**

Applicant's Assumed Business Name(s) (if any) (e.g., dba, aka)  
Must be registered with the Corporation Division.

**Not applicable.**

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

Business Address:

**1325 McCandless Drive,  
Milpitas, CA 95035**

Phone (408)-263-4600 Fax (408)-716-3212

Email: [Mturqueza@publicwireless.com](mailto:Mturqueza@publicwireless.com)

2. Name and Address of Person to be contacted for Further Information Regarding This Application:

**J. Gregory Higgins, General Counsel.  
20 Danada Square West, #278.  
Wheaton, IL 60189**

Phone (630)-453-0102 Fax (866)-280-0209

Email: [GHiggins@publicwireless.com](mailto:GHiggins@publicwireless.com)

3. Name and Address of Person to be contacted for Regulatory Information. (Commission will send requests for information to this person):

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Wheaton, IL 60189**

Phone (630)-453-0102 Fax (866)-280-0209

Email: [GHiggins@publicwireless.com](mailto:GHiggins@publicwireless.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.

**No. Applicant is not affiliated with any Oregon based telecommunications provider.**

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 include: name of entity, docket number, and order number.

Name of Entity Docket Number Order Number

a. <b>Not Applicable.</b>
b.
c.
d.

**AUTHORITY REQUESTED**

Page 1 of 3

6. Does applicant request 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 I: List every local exchange in which Applicant seeks to provide local exchange (intraexchange) service.

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

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

**Applicant plans to provide Statewide service.**

b. Interexchange Authority:

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

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

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

**Applicant plans to provide Statewide service.**

9. Describe special characteristics, limitations, or restrictions that will be part of Applicant's services:

**Applicant intends to provide transport service primarily for wireless carriers and intends to design and build alternative wireless siting solutions. Applicant deploys such networks by using a combination of its own equipment and services purchased from other telecommunications companies, including cable companies, and reselling them, at least initially, to wireless carriers. Applicant will provide its service using backhaul linked by fiber optic cables or other transport medium with conversion equipment attached to poles, wires, fiber termination equipment, and other structures. Applicant intends to install and operate equipment to support backhaul services, at least initially for wireless carriers. Applicant's customers are wireless carriers, not consumers.**

**Applicant will primarily rely on a technical platform known as a "Distributed Antenna System," or "DAS." A DAS is typically made up of the following:**

- **Base Station Hotel: The Base Station Hotel is the central location where all wireless carrier Base Transceiver Station (BTS) equipment is installed. The Base Station Hotel also contains any necessary Conversion equipment.**
- **Conversion/Combining Equipment: This equipment converts and/or combines the wireless carrier radio frequency (RF) signal from the BTS to match the requirements of the transport medium (i.e. optical signal if the medium is fiber optic cable). This RF signal is then transmitted via the transport medium to specific Remote Node locations.**
- **Remote Nodes: Each Remote Node then converts the signal back to RF. This RF signal is transmitted over an antenna which is typically mounted on a light post, utility pole or other municipal or utility infrastructure. This antenna broadcasts the signal for all wireless carrier technologies.**
- **Access Points: An Access Point can be added to each Remote Node for providing 802.11 "Wi-Fi" unlicensed services.**

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.

**Not Applicable.**

- b. An STS site or location consists of one building, or it consists of 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.

**Not Applicable.**

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 860-032-0001 et seq. (Division 32).

Additional conditions may be specified in the certificate.

- a. Certificate holder shall provide only telecommunications services authorized by the certificate.
- b. Certificate holder shall, at a minimum, meet the standard level of service specified in OAR 860-032-0012. The standard level of service is 99 percent probability that a call will not be blocked during the certificate holder's busy hour of the day.
- c. Certificate holder's books and records shall be open to inspection by the Commission to the extent necessary to verify information required by the Commission's rules.
- d. Certificate holder shall maintain its books and records according to generally accepted accounting principles and the applicable rules of the Commission.
- e. Certificate holder shall pay all access charges and subsidies imposed pursuant to the Commission's rules.
- f. Certificate holder shall 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. The certificate holder shall 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.
- g. The certificate holder shall 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).
- h. Certificate holder shall respond in a timely manner to Commission inquiries.

Pursuant to Residential Service Protection statutes, Chapter 290, Oregon Laws 1987, and Division 22, certificate holder

shall be responsible to ensure that the Residential Service Protection Fund surcharge is remitted 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.

Signature of Person Authorized to Represent Applicant  _____ Typewritten Name <b>J. Gregory Higgins</b>	Title: <b>General Counsel for Public Wireless, Inc.</b>  Date <b>August 13, 2009</b>
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**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).**

<i>Signature of Person Authorized to Represent Applicant</i>	<b>Title</b> General Counsel
_____ Typewritten Name J. Gregory Higgins	<b>Date</b> 8-13-09