

March 17, 2005

VIA FACSMIMILE (503)378-6163 AND FEDEX NEXT DAY MAIL

Ms. Francis Nichols, Administrative Specialist
Administrative Hearings Division
Public Utility Commission of Oregon
550 Capitol Street N.E., Suite 215
Salem, OR 97301-2551

Re: In the Matter of APPLICATION OF ATL COMMUNICATIONS FOR
DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER
PURSUANT TO THE TELECOMMUNICATION ACT OF 1996 (Non-Rural)

Dear Ms. Nichols:

Enclosed for filing is a facsimile copy of the "APPLICATION OF ATL
COMMUNICATIONS FOR DESIGNATION AS AN ELIGIBLE
TELECOMMUNICATIONS CARRIER PURSUANT TO THE
TELECOMMUNICATION ACT OF 1996" in the above-referenced proceeding. The
original and five (5) copies of the document are being delivered via FedEx next day mail.

Thank you for your assistance.

Sincerely

Aelea Christofferson
President
ATL Communications

Enclosures

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

**APPLICATION OF ATL COMMUNICATIONS)
FOR DESIGNATION AS AN ELIGIBLE)
TELECOMMUNICATIONS CARRIER) Docket No. _____
PURSUANT TO THE)
TELECOMMUNICATIONS ACT OF 1996)
(NON-RURAL AREAS))**

**APPLICATION OF ATL COMMUNICATIONS
FOR DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER
(NON-RURAL AREAS)**

ATL Communications (“ATL”) hereby submits this Application for Designation as an eligible Telecommunications Carrier (“ETC”) in the Qwest Corporation (“Qwest”) wire centers specified in this Application pursuant to Section 214(e)(2) of the Telecommunications Act of 1934, as amended (“Act”), 47 U.S.C. § 214(e)(2), and Section 54.201 of the Federal Communications Commission’s (“FCC”) rules, 47 C.F.R. § 54.201. ATL requests that it be designated as eligible to receive all available support from the federal Universal Service Fund (“USF”) including, but not limited to, support for rural, insular and high cost areas and low income customers in the geographic areas specified in this Application. In support of this Application, the following is respectfully shown:

I. APPLICANT

ATL is a CLEC providing local service as defined in 47 U.S.C. § 153(27). ATL provides interstate services as defined in 47 U.S.C. § 254(d) and 47 C.F.R. § 54.703 (a).

Through its CLEC authorization, ATL is licensed to serve all communities in Oregon. Pursuant to this authorization, ATL currently provides service in the following counties in Oregon: Deschutes, Crook, Jefferson, Clatsop, Marion, Washington, Clackamas and Umatilla.

II. ALLEGATION OF FACTS

A. Eligibility and Identification of the Service Area

Under Sections 214(e) and 254 of The Act, The Public Utility Commission of Oregon (“OPUC”) is authorized to designate ATL as an ETC. Section 214(e)(2) of the Act requires state commissions to designate as an ETC, throughout the service area for which ETC status is sought, any common carrier that: (i) offers services that are supported by federal USF support mechanisms; and (ii) advertises the availability of such services. In its First Report and Order implementing Sections 214(e) and 254, the FCC designated the specific features a carrier must provide or agree to provide to be designated as an ETC.¹

ATL is a telecommunications carrier as defined in 47 U.S.C. § 153(44) and 47 C.F.R. § 51.5(a), and is a telecommunications carrier for the purposes of Part 54 of the FCC’s rules. 47 U.S.C. § 54.1 *et seq.* ATL is, therefore considered a common carrier under the Act.

Section 214(e)(2) of the Act provides that ETC designations shall be made for a “service area” designated by the state commission. Section 214(e)(5) of the Act provides the “service area” shall be a geographic area established by the state commission. Attached hereto as Exhibit A is a list of the Qwest wire centers in Deschutes, Crook, and Jefferson counties within which ATL requests designation as an ETC.

1. Legal Standard for Granting ETC Status in Non-Rural Areas

For non-rural service areas, there are no restrictions on how a state commission defines the “service area” for purposes of designating a competitive ETC. ATL’s authorized service area covers portions of the non-rural telephone company service areas of Qwest Communications, Inc. Exhibit A attached hereto is a list of specific wire centers in the non-rural study areas of Qwest where ECT status is requested by

¹ *Federal-State Joint Board on Universal Service, First Report and Order*, 12 FCC Rcd 8776, 8809-25 (1997) “First Report and Order”).

ATL. The OPUC may designate ATL as an ETC in areas it serves, without redefining the service areas of the non-rural telephone companies set forth above.²

In areas served by non-rural ILEC's, the OPUC can designate ATL as an ETC immediately upon finding that the company meets the nine-point checklist and that it agrees to offer and advertise the supported services throughout the proposed ETC service area, without addressing whether such designation otherwise serves the public interest. Though the Commission need not make a public interest finding, designation of ATL as an ETC is in the public interest. Such designation will promote competition and, in particular, make available Lifeline and Link Up, including OTAP, services available to customers of ATL in the designated counties. ATL's entry into specific wire centers has brought the provision of voice mail and DSL to residents through ATL's deployment of equipment in those areas.

2. Services Provided By Applicant

ATL will offer the federally designated services listed at 47 C.F.R. § 54.101(a). The services which are supported by the federal USF program are (1) voice grade access to the public switched network, (2) local usage, (3) dual tone multi-frequency signaling or its functional equivalent, (4) single-party service or its functional equivalent, (5) access to emergency services, (6) access to operator services, (7) access to interexchange service, (8) access to directory assistance, and (9) toll limitation for qualifying low-income consumers.³ ATL is a full service carrier that offers all of these services, as described in detail below. Currently ATL offers these services through a resale agreement with Qwest, however upon approval of the Application the services will be moved to UNE services through Qwest. Switching will be provided under a combination of ATL's QPP contract with Qwest, a contract with another CLEC, and a switch to be installed. Therefore, ATL satisfies the requirements of Section 254(c) of the Act.

² See e.g., *Washington Utilities and Transportation Commission, Order Designating Eligible Telecommunications Carriers, United States Cellular Corporation, et.al.*, Docket No. UT-970345 (December 23, 1997), pg 2, para 3; *Corr Wireless, Communications, LLC*, DA 02-2855 (October 31, 2002), at para. 13.

³ 47 C.F.R. § 54.101(a)

(a) **Voice-grade access to the public switched telephone network.**

FCC Rule Section 54.101(a)(1) requires voice grade access to the public switched telephone network. ATL provides voice grade access to the public switched network through an interconnection arrangement with Qwest.

(b) **Local Usage.**

ATL's rate plans provide local usage consistent with Section 54.101(a)(2) of the FCC's Rules. In the First Report and Order, the FCC deferred a determination on the amount of local usage that a carrier would be required to provide.⁴ Any minimum local usage requirement established by the FCC will be applicable to all designed ETCs. ATL meets the local usage requirement by including unlimited local usage in its rate plans and ATL will comply with any and all minimum local usage requirements adopted by the FCC.

(c) **Dual-tone, multifrequency signaling or its functional equivalent.**

Pursuant to Section 54.101(a)(3) of the FCC's Rules, an ETC must provide dual tone multi-frequency ("DTMF") signaling to facilitate the transportation of signaling. Through ATL's interconnection agreement with Qwest ATL currently provides DTMF signaling consistent with the FCC's rules.

(d) **Single-party service or its functional equivalent.**

"Single-party service" means that only one party will be served by a subscriber loop or access line in contrast to a multi-party line.⁵ ATL provides single party service, as required by 47 C.F.R. § 54.101(a)(4).

(e) **Access to emergency services.**

The ability to reach a public emergency service provider by dialing 911 is required service in any universal service offering. ATL currently provides all of its customers with access to emergency services by dialing 911 in satisfaction of this requirement. This is provided to ATL through its interconnection agreement with Qwest.

(f) **Access to Operator Services**

Access to operator services is defined as any automatic or live assistance provided to a consumer to arrange for the billing or completion, or both, of a telephone call.⁵ ATL provides customer access to operator services in the traditional manner by

⁴ *Id.* at 8814

⁵ *Id.* At 8814.

dialing “0”, in compliance with section 54.101(a)(6) of the Federal Rules. Operator services is provided to ATL through our interconnection agreement with Qwest.

(g) **Access to interexchange service**

A universal service provider must offer consumers access to interexchange service to make and receive toll or interexchange calls. ATL presently meets this requirement by providing all customers with the ability to make and receive interexchange or toll call through an IXC contract.

(h) **Access to directory assistance**

The ability to place a call to directory assistance is a required service offering.⁶ ATL’s customers are able to dial “411” or “555-1212” to reach directory assistance through ATL’s interconnection agreement with Qwest.

(i) **Toll limitation for qualifying low-income consumers.**

An ETC must offer either “toll control” or “toll blocking” service to qualifying Lifeline Customers at no charge. ATL currently provides the same blocking services available to Qwest customers.

3. Pursuant to Section 54.201 of the FCC’s rules, 47 C.F.R. Section 54.201, ATL currently advertises the availability of services throughout its proposed ETC service area. The methods of advertising currently used include telephone directory advertising, public exhibits, newspaper, participation in local Chambers of Commerce, donations to local non-profits, and participation in local events.

4. **High-Cost certification**

Under FCC Rule Sections 54.313 and 54.314 carriers wishing to obtain high-cost support must be certified by the appropriate state commission. ATL respectfully requests that the OPUC issue a finding that ATL has met the high-cost support as of the date it receives a grant of ETC status. By issuing such a finding promptly at the time of designating ATL as an ETC, the OPUC will obviate the need for a waiver request from the FCC.⁷

III. LEGAL AUTHORITY

The OPUC has the legal authority to grant the relief requested by the Applicant pursuant to 47 U.S.C. § 214(e)(2); 47 C.F.R. § 54.201; see also, *In the Matter of*

⁶ Id., At 8821.

⁷ See, e.g. *RFB Cellular, Inc. Petitions for Waiver of Sections 54.314(d) and 54.314(d) and 54.307© of the Commission’s Rules and Regulations*, CC Docket No. 96-45, DA 02-3316 (December 4, 2002)

Applications to be Designated Eligible Telecommunications Carriers in the State of Oregon, OPUC Order No. 97-481, Docket UM 873, entered December 16, 1997.

IV. RELIEF REQUESTED

For the reasons set forth above, and pursuant to Section 214(e)(2) of the Act, ATL requests that the Commission enter an Order designating ATL as an ETC for the areas described herein and that the Commission enter its Order at the earliest possible date.

Respectfully submitted this 17th day of March 2005.

Aelea Christofferson

By: _____
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EXHIBIT A

ATL PROPOSED ETC AREAS (NON-RURAL)

Qwest Corporation Wire Centers in Deschutes, Jefferson and Crook Counties:

BLBT	(Camp Sherman)
CLVR	(Culver)
LAPI	(La Pine)
MDRS	(Madras)
PRVL	(Prineville)
SPRV	(Springriver)
SSTR	(Sisters)
WRSP	(Madras)