

**BEFORE THE PUBLIC UTILITY COMMISSION OF OREGON**

**In the Matter of**

**OREGON PUBLIC UTILITY  
COMMISSION**

**Staff Investigation to Establish Requirements  
for Initial Designation and Recertification of  
Telecommunications Carriers Eligible to  
Receive Federal Universal Service Support**

**Docket No. UM 1217**

**REPLY BRIEF OF  
CINGULAR WIRELESS**

Cingular Wireless, LLC (“Cingular”), on behalf of itself and its affiliated entities in Oregon, New Cingular Wireless PCS, LLC; Hood River Cellular Telephone Company, Inc., Medford Cellular Telephone Company, Inc., and Salem Cellular Telephone Company, (collectively “Cingular”), respectfully submits these reply comments on a few issues.

**II. INITIAL DESIGNATIONS OF ETCS**

**A. WHAT SPECIFIC BASIC ELIGIBILITY REQUIREMENTS SHOULD THE COMMISSION ADOPT FOR THE INTIAL CERTIFICATION OF ETCS?**

1. Should the Commission adopt any, or all, of the requirements proposed by the FCC in Order No. 05-46?

*Five Year Build Plan:* Cingular supports Staff's recommendation that ETC Applicants be required to file a plan covering the first two years of designation and then an overview plan for years three to five with a general description of how the ETC Applicant intends to use the federal universal service support to expand or improve services. Staff/4. Cingular also supports the recommendation made by RCC/USCC and agreed to by Staff, to eliminate the requirement to identify network planning investment at the individual ILEC wire center. Staff/4.

*Equal Access:* There is no need to impose equal access on wireless carriers. In addition, for the reasons set forth in Cingular's Opening Brief, Cingular does not believe that the Oregon Commission can require wireless carriers, including wireless ETCs, to provide equal access to long distance providers. Cingular/3.

*Local Usage Plan Comparable to the ILEC:* Instead of just adopting the ILEC requirements for local usage, RCC/USCC argue that this analysis should be done on a case-by-case basis with due consideration given to the differences in geographic scope of local calling offered by various carriers and other fundamental difference in service offerings. RCC-USCC/1, Wood/19-20. Staff now concurs with the case-by-case analysis. Staff/5.

Cingular concurs with analyzing on a case specific basis whether the CETC's calling plan is comparable to the ILEC. As discussed in its opening comments, Cingular has national calling plans with no additional charges for roaming or long-distance service within the United States. Thus, in essence the entire country is included in the "local" calling plan. This is a tremendous benefit to the consumer and should be used in evaluating whether or not the local usage plan is comparable to the ILEC.

**B. WHAT SPECIFIC CRITERIA SHOULD THE COMMISSION ADOPT TO DETERMINE WHETHER DESIGNATION OF A COMPETITIVE ETC IS IN THE PUBLIC INTEREST, AS REQUIRED BY SECTION 214(e)(2) OF THE COMMUNICATIONS ACT?**

5. Should the Commission Adopt An Upper Limit on the Number of ETCs in an Area?

Since Verizon has withdrawn its advocacy on this point, all parties except for OTA agree that the Commission should not adopt an upper limit on the number of ETCs in an area.

Consistent with the FCC's decision on this issue, Cingular believes that the Commission should not arbitrarily set a limit to the number of ETCs in an area, but instead should evaluate whether the Applicant has met the criteria that have been set forth as a result of this rulemaking.

**III. ANNUAL CERTIFICATION REQUIREMENT**

**A. WHAT SPECIFIC REQUIREMENTS SHOULD THE COMMISSION ADOPT FOR THE ANNUAL RECERTIFICATION OF ETCs?**

1. Should the Commission adopt any, or all, of the FCC reporting requirements proposed in Order 05-46?

*Five (5) year build plan:* For the reasons discussed above, Cingular concurs with Staff's recommendation for reporting. On an annual basis ETCs should delineate the support received in the prior year and the manner in which the support was utilized. In addition, on an annual basis an ETC should file an "updated" two year plan. This is consistent with Staff's recommendation and is supported by USCC, RCC and OTA, and not opposed by Qwest or Verizon.

*Complaint Reporting:* Cingular is concerned with the requirement 6.2.1 listed in Staff Attachment A, which would require that wireless ETCs report annually by wireless switch the number of troubles experienced by customers divided into four (4) categories. While Cingular

appreciates that Staff has expanded the requirement so that if the ETC cannot report by the four categories listed, it can obtain Staff's approval for filing with different categorization, Cingular remains concerned overall about this reporting requirement. Cingular believes that this provision continues to lack clarity. As discussed in Cingular's Opening Brief, as Cingular does not have the ability to run a report detailing the nature of every call received from a customer who calls Cingular, Cingular proposes to report complaints reported to the Commission, to the FCC, and to the Oregon Department of Justice.

2. Should the Commission adopt other reporting requirements?

*Advertising Documentation:* Staff has recommended detailed reports to demonstrate that the ETC has advertised the supported service offerings throughout the area in which it has been designated as an ETC. Wireless carriers, such as Cingular, heavily advertise the supported services in the normal course of business. This is readily apparent to anyone who reads a newspaper, watches television, listens to the radio or reads information on the Internet. Thus, insofar as wireless carriers are concerned, the purpose behind this requirement is not clear; however, it does impose an additional unnecessary regulatory burden on ETCs. Cingular recommends that the Commission refrain from adopting this requirement.

*Reporting on Lifeline:* Staff's recommended Rule 4.1 in Attachment A requires ETCs to report the number of Lifeline subscribers by ILEC study area. Cingular believes that this level of reporting is too granular. This requirement will add additional regulatory burdens without any clear reason as to why the information is needed at this level of granularity. In reporting their Lifeline subscriber counts to USAC, ETCs are not even required to break out the number of Lifeline subscribers by state, let alone by ILEC study area. Hence, reporting of Lifeline subscriber rates should be for the entire ETC designated area in Oregon, not by study area. Like

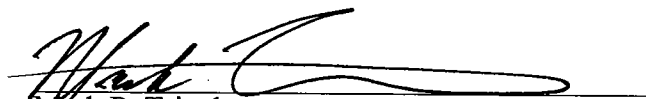
Verizon, Cingular is also looking forward to the FCC's recommendations regarding Lifeline marketing practices. Cingular supports the adoption of requirements that provide a consistent nationwide standard.

#### IV. CONCLUSION

Cingular urges the Commission to adopt by order non-discriminatory ETC certification and annual reporting requirements consistent with the foregoing discussion.

DATED this 1<sup>st</sup> day of May, 2006.

DAVIS WRIGHT TREMAINE

  
Mark P. Trincherro  
OSB No. 88322  
1300 SW Fifth Avenue, Suite 2300  
Portland, Oregon 97201  
(503) 778-5318

Of Attorneys for Cingular Wireless, LLC.

CINGULAR WIRELESS, LLC  
Cindy Manheim, Senior Counsel Regulatory  
PO Box 97061  
Redmond, WA 98073-9761  
(425) 580-8112

CERTIFICATE OF SERVICE

UM 1217

I hereby certify on this 1<sup>st</sup> day of May, 2006, the Reply Brief of Cingular Wireless was sent via UPS overnight mail to the Oregon Public Utility Commission.

Also, a copy of the filing was sent electronically to the service list which is attached.

DAVIS WRIGHT TREMAINE LLP

By: Barbara Lasswell  
Barbara Lasswell



[Text-Only Site](#)

[State Directory](#)

[Agencies A-Z](#)

[Accessibility](#)

[SEARCH](#)



[Business](#)

[Education](#)

[Human Services](#)

[Natural Resources](#)

[Public Safety](#)

[Recreation](#)

# Public Utility Commission

## eDockets

### Docket Summary

**Docket No:** UM 1217

**Docket Name:** TELCO CARRIERS ELIGIBLE FOR FEDERAL UNIVERSAL SERVICE SUPPORT

[Print Summary](#)

In the Matter of PUBLIC UTILITY COMMISSION OF OREGON Staff Investigation to Establish Requirements for Initial De and Recertification of Telecommunications Carriers Eligible to Receive Federal Universal Service Support. (Staff report

**Filing Date:** 8/16/2005

**Case Manager:** KAY MARINOS

**Phone:** (503) 378-6730

**Email:** [kay.marinos@state.or.us](mailto:kay.marinos@state.or.us)

**Law Judge:** MICHAEL GRANT

**Phone:** (503) 378-6102

[Email Service List \(semi-colon delimited\)](#)

[Email Service List \(comma de](#)

<u>ACTIONS</u>		<u>SERVICE LIST (Parties)</u>		<u>SCHEDULE</u>	
<b>W=Waive Paper service</b>	<b>Q=Confidential</b>		<u>Sort by Last Name</u>	<u>Sort by Company Name</u>	
		<b>AT&amp;T WIRELESS SERVICES</b>			
		CINDY MANHEIM	16331 NE 72ND WAY RTC1 REDMOND WA 98052 <a href="mailto:cindy.manheim@cingular.com">cindy.manheim@cingular.com</a>		
		<b>CITIZENS' UTILITY BOARD OF OREGON</b>			
		JEFF BISSONNETTE	610 SW BROADWAY STE 308 PORTLAND OR 97205-3404 <a href="mailto:jeff@oregoncub.org">jeff@oregoncub.org</a>		
		JASON EISDORFER ENERGY PROGRAM DIRECTOR	610 SW BROADWAY STE 308 PORTLAND OR 97205 <a href="mailto:jason@oregoncub.org">jason@oregoncub.org</a>		
		<b>DAVIS WRIGHT TREMAINE</b>			
		SARAH K WALLACE (Q) ATTORNEY AT LAW	1300 SW FIFTH AVENUE SUITE 2300 PORTLAND OR 97201 <a href="mailto:sarahwallace@dwt.com">sarahwallace@dwt.com</a>		
		<b>DAVIS WRIGHT TREMAINE LLP</b>			
		MARK P TRINCHERO (Q)	1300 SW FIFTH AVE STE 2300 PORTLAND OR 97201-5682 <a href="mailto:marktrinchero@dwt.com">marktrinchero@dwt.com</a>		
		<b>DEPARTMENT OF JUSTICE</b>			
		MICHAEL T WEIRICH (Q) ASSISTANT ATTORNEY GENERAL	REGULATED UTILITY & BUSINESS SECTION 1162 COURT ST NE SALEM OR 97301-4096 <a href="mailto:michael.weirich@state.or.us">michael.weirich@state.or.us</a>		

**EDGE WIRELESS, LLC**

KEVIN KEILLOR

650 SW COLUMBIA - STE 7200  
BEND OR 97702  
kjkellor@edgewireless.com

**ELECTRIC LIGHTWAVE LLC**

CHARLES L BEST  
ATTORNEY AT LAW

PO BOX 8905  
VANCOUVER WA 98668-8905  
charles\_best@eli.net

**FRONTIER COMMUNICATIONS OF AMERICA INC**

INGO HENNINGSSEN

3 TRIAD CTR STE 160  
SALT LAKE CITY UT 84180  
ingo.henningsen@czn.com

**GVNW CONSULTING INC**

JEFFRY H SMITH (Q)  
CONSULTING MANAGER

PO BOX 2330  
TUALATIN OR 97062  
jsmith@gvnw.com

**LAW OFFICE OF RICHARD A FINNIGAN**

RICHARD A FINNIGAN (Q)  
ATTORNEY AT LAW

2112 BLACK LAKE BLVD SW  
OLYMPIA WA 98512  
rickfinn@localaccess.com

**MALHEUR HOME TELEPHONE CO**

JAMES TODD (Q)  
CORPORATE PRESIDENT

PO BOX 249  
ONTARIO OR 97914  
jimmy.todd@qwest.com

**MILLER NASH LLP**

BROOKS HARLOW (Q)  
ATTORNEY

601 UNION ST STE 4400  
SEATTLE WA 98101-2352  
brooks.harlow@millernash.com

**OREGON TELECOMMUNICATIONS ASSN**

BRANT WOLF (Q)  
EXECUTIVE VICE PRESIDENT

707 13TH ST SE STE 280  
SALEM OR 97301-4036  
bwolf@ota-telecom.org

**PUBLIC UTILITY COMMISSION OF OREGON**

KAY MARINOS

PO BOX 2148  
SALEM OR 97308-2148  
kay.marinosa@state.or.us

**QWEST CORPORATION**

ALEX M DUARTE (Q)  
CORPORATE COUNSEL

421 SW OAK ST STE 810  
PORTLAND OR 97204  
alex.duarte@qwest.com

**SPRINT COMMUNICATIONS CO LP**

BARBARA YOUNG  
GOVERNMENT AFFAIRS MANAGER

902 WASCO ST - ORHDRA0412  
HOOD RIVER OR 97031-3105  
barbara.c.young@mail.sprint.com

**SPRINT/UNITED TELEPHONE CO OF THE NORTHWEST**

WILLIAM E HENDRICKS (Q)  
ATTORNEY

902 WASCO ST A0412  
HOOD RIVER OR 97031



tre.e.hendricks.iii@sprint.com

**STOEL RIVES LLP**

TIMOTHY J O'CONNELL (Q)

ONE UNION SQUARE  
600 UNIVERSITY ST STE 3600  
SEATTLE WA 98101-3197  
tjoconnell@stoel.com

**VCI COMPANY**

STACEY A KLINZMAN  
DIRECTOR - REGULATORY  
COMPLIANCE

3875 STEILACOOM BLVD SW #A  
LAKEWOOD WA 98499  
staceyk@vcicompany.com

**VERIZON NORTHWEST INC**

SHELLY JENSEN (Q)  
MANAGER REGULATORY & GOVT  
AFFAIRS

20575 NW VON NEUMANN DR MC OR030156  
HILLSBORO OR 97006  
schelly.jensen@verizon.com

**WANTEL INC**

MARTY PATROVSKY (Q)  
CONSULTANT - LIAISON OFFICER

1016 SE OAK AVE  
ROSEBURG OR 97470  
marty.patrovsky@comspanusa.net

[Text Only](#) | [State Directory](#) | [A-Z Listing](#) | [About Oregon.gov](#) |  
[Site Map](#) | [File Formats](#) | [OAR](#) | [ORS](#) | [Privacy Policy](#) | [Website Feedback](#)