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October 30, 2006

# VIA ELECTRONIC MAIL & UPS OVERNIGHT DELIVERY

Public Utility Commission of Oregon Attn: Filing Center 550 Capitol Street NE #215 Salem, OR 97308-2148

> Re: UM

> > RIO COMMUNICATIONS APPLICATION FOR DESIGNATION AS AN

ELIGIBLE TELECOMMUNICATIONS CARRIER

# Dear Sir/Madam:

Enclosed for filing in the above-referenced docket are an original and one copy of Rio Communications' Application for Designation as an Eligible Telecommunications Carrier ("Application").

Rio Communications will be submitting its Five Year Plan and additional proprietary and confidential information in this docket. Public disclosure of this information could result in financial harm to Rio Communications. Accordingly, Rio Communications is submitting a Motion for Issuance of Standard Protective Order along with its Application.

Please contact me with any questions.

Sincerely,

Amie L. Jamieson

# **Enclosures**

cc:

Brad Schaffer, General Manager & President, Rio Communications (w/encls.-via

Electronic Mail & UPS Overnight Delivery) Lisa Rackner, Ater Wynne LLP (w/encls.)

# BEFORE THE PUBLIC UTILITY COMMISSION **OF OREGON**

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**APPLICATION** 

Umpqua Indian Development Corporation Telecommunications Division d/b/a Rio Communications ("Rio Communications") respectfully submits this Application for Designation as an Eligible Telecommunications Carrier ("ETC") pursuant to Sections 214(e)(1)-(2) of the Telecommunications Act of 1934, as amended ("Act"), and Section 54.201 of the Federal Communications Commission's ("FCC") rules.<sup>2</sup> Rio Communications plans to build and operate a state-of-the-art data and voice network in the Canyonville and Myrtle Creek wire centers in order to offer customers located in those areas access to broadband telecommunications and data services.

Because Canyonville and Myrtle Creek are currently designated as "high cost areas," Rio Communications requests that it be designated as an ETC in the Canyonville and Myrtle Creek wire centers, and that it be designated as eligible to receive all available support from the federal Universal Service Fund ("USF") including, but not limited to, interstate access support for high cost areas and support for low-income customers. Rio Communications is requesting ETC status primarily to allow customers in the Canyonville and Myrtle Creek areas to be eligible to receive

<sup>1</sup> 47 U.S.C. § 214(e)(1)-(2). <sup>2</sup> 47 C.F.R. § 54.201.

APPLICATION OF Umpqua Indian Development

PURSUANT TO THE TELECOMMUNICATIONS

Corporation Telecommunications Division, d/b/a

FOR DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER

ACT OF 1996 - NON-RURAL AREAS

**Rio Communications** 

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pursuant to Order No. 05-815.

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designation as a federal ETC is effectively a prerequisite for participating in the Oregon

### I. APPLICANT

Oregon Telephone Assistance Program ("OTAP") and Lifeline/Link-Up assistance, and because

Rio Communications is a competitive local exchange company ("CLEC") and obtained its competitive certification from the Public Utility Commission of Oregon ("OPUC" or "Commission") on April 9, 1997 and June 22, 1998 under Order No. 97-132 and Order No. 98-248.<sup>3</sup> Rio Communications provides various telephone and internet services in Portland, Eugene, Springfield, Bend, Roseburg, Coos Bay, Grants Pass, Medford, Klamath Falls, Canyonville, and Myrtle Creek.

### II. **ALLEGATIONS OF FACTS**

### Eligibility and Identification of the Service Area. A.

Universal Service Fund ("OUSF").

Section 214(e)(2) of the Act provides that state commissions have the primary responsibility for designating ETCs. Under Sections 214(e) and 254 of the Act, the Commission is authorized to designate Rio Communications as an ETC.

Rio Communications submits a map of the general geographic area of its service territory as Exhibit A. Rio Communications' service area will mirror that of Citizens Telecommunications Company of Oregon d/b/a Frontier Communications of Oregon ("Frontier"), the incumbent local exchange carrier ("ILEC") for Canyonville and Myrtle Creek. In addition, Rio Communications attaches Exhibit B, which identifies the wire centers that constitutes the proposed service area with the following information: wire center name, wire center CLLI code, and the corresponding ILEC study area name. Rio Communications proposes

<sup>3</sup> The Commission transferred the authority granted in these orders from Rio Communications, Inc. to Umpqua Indian Development Corporation Telecommunications Division d/b/a Rio Communications on June 27, 2005

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<sup>4</sup> Id. § 54.202(a)(1).

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<sup>5</sup> Id. § 54.202(a)(1)(ii).

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to include the entire Canyonville and Myrtle Creek wire centers in its service area.

# B. Facilities Used to Offer Supported Services.

Rio Communications currently uses OC-3 SONET technology with a DS-3 backbone for interstate and intrastate routing. The interconnection agreement relevant to the Canyonville and Myrtle Creek wire centers is the Interconnection Agreement between Rio Communications and Frontier that was approved by the Commission in Order No. 06-406 in Docket ARB 749 on July 12, 2006. Rio Communications will submit a map showing its current network coverage once the Commission issues a protective order in this docket.

# C. The Legal Standard for Granting ETC Status.

In order to obtain ETC designation, an applicant must demonstrate the following: (1) a commitment and ability to provide the services to all customers in the area proposed to be served; (2) emergency back-up functionality; (3) that it meets applicable consumer protection standards and service quality standards; (4) that local usage offered is comparable to that offered by the ILEC; and (5) that the applicant understands that it may be required to provide equal access if all other ETCs in the designated service area relinquish their designations.<sup>4</sup>

As part of the commitment to provide services to all customers in the proposed area to be served, the applicant must submit a five-year plan describing with specificity, on a wire center-by-wire center basis, proposed improvements and upgrades to the applicant's network.<sup>5</sup>

# III. SERVICES PROVIDED BY PETITIONER

In order to be designated an ETC, a common carrier must demonstrate pursuant to Section 214(e)(2) that it offers services and agrees to offer and advertise the supported services throughout the proposed ETC service area. In addition, the common carrier must meet the public interest standard.

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Rio Communications proposes to build and operate a state-of-the-art voice and data network in the Cities of Canyonville and Myrtle Creek through which it will provide advanced telecommunications and data services to its customers. Rio Communications' network may not initially reach every customer within the Canyonville and Myrtle Creek wire centers. Thus, in order to provide services to customers within the wire center boundaries who are not reached by its data and voice network, Rio Communications will resell other carriers' (including Frontier's) retail services. Rio Communications currently offers and will continue to offer the federally-designated services required by 47 C.F.R. Section 54.101(a): (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.

# A. Voice Grade Access to the Public Switched Telephone Network.

An ETC must offer voice grade access to the public switched telephone network.<sup>6</sup> Rio Communications will provide voice grade access to the public switched telephone network in accordance with the FCC's definition.

# B. Local Usage.

<sup>6</sup> *Id.* § 54.101(a)(1).

<sup>7</sup> Id. § 54.101(a)(2).

FCC regulations require ETCs to provide unlimited local usage. Rio Communications provides unlimited local usage. Rio Communications' basic local usage plans are comparable to those of the ILEC, Frontier. Attached is Exhibit C, which shows Rio Communications' residential and business basic local service prices, as well as the prices for basic feature packages and other service prices. Comparison with Frontier's basic service prices demonstrates that Rio Communications' prices are comparable.

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Dual-Tone, Multi-Frequency Signaling or Its Functional Equivalent.

An ETC must provide dual tone multi-frequency signaling ("DTMF") to facilitate the transportation of signaling throughout its network.<sup>8</sup> Rio Communications provides DTMF signaling or its functional equivalent throughout its network, consistent with FCC rules.

### D. Single-Party Service or Its Functional Equivalent.

FCC regulations also require ETCs to provide single-party service or its functional equivalent.9 "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. 10 Rio Communications will provide single party service.

### E. Access to Emergency Services.

The ability to reach a public emergency service provided by dialing 911 is a required service in any universal service offering.<sup>11</sup> Rio Communications will provide all of its customers with access to emergency service by dialing 911. Rio Communications will offer E-911 throughout its calling area.

### F. Access to Operator Services.

Access to operator services is a required service for ETCs and 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. 12 Rio Communications will provide customer access to operator services on 24/7 basis.

### G. Access to Interexchange Service.

An ETC must offer consumers access to interexchange service to make and receive toll or

<sup>&</sup>lt;sup>8</sup> *Id.* § 54.101(a)(3).

Id. § 54.101(a)(4).

<sup>&</sup>lt;sup>11</sup> Id. § 54.101(a)(5). <sup>12</sup> Id. § 54.101(a)(6).

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<sup>15</sup> Id. § 54.101(a)(9). 25 <sup>16</sup> *Id.* § 54.101(b).

<sup>13</sup> *Id.* § 54.101(a)(7).

<sup>14</sup> Id. § 54.101(a)(8).

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interexchange calls.<sup>13</sup> Rio Communications will meet this requirement by providing all of its customers with the ability to make and receive interexchange or toll calls through interconnection arrangements it has with several interexchange carriers ("IXCs").

### H. Access to Directory Assistance.

The ability to place a call to directory assistance is a required ETC service offering.<sup>14</sup> Rio Communications customers will be able to obtain directory assistance from live operators.

### I. Toll Limitation for Qualifying Low Income Consumers.

An ETC must offer either "toll control" or "toll blocking" services to qualifying Lifeline customers at no charge.<sup>15</sup> In particular, an ETC must provide toll blocking, which allows customers to block the completion of outgoing calls.<sup>16</sup> Rio Communications will provide this service.

### J. Link-Up and Lifeline Services.

Rio Communications will offer Link-Up and Lifeline services throughout the Canyonville and Myrtle Creek wire centers. These services will be made available in accordance with the guidelines as published and amended from time to time by the federal agency or agencies that administer such programs.

### IV. FIVE-YEAR PLAN

Rio Communications commits to use the support funds only for their intended purposes. Attached as Exhibit D to Rio Communications' application is a copy of an executed letter from Rio Communications certifying that all federal universal service support it receives will be used only for the provision, maintenance, and upgrading of facilities and services for which such support is intended.

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Rio Communications has developed and will file a Five-Year Plan ("Plan") for the Canyonville and Myrtle Creek wire centers after a protective order has been signed in this docket. The Plan will demonstrate in detail how Interstate Access Support ("IAS") and OUSF support will be used for service improvements that would not occur absent receipt of such support. Rio Communications will use the OUS funds to pay for the build out and improvements required to serve the Canyonville and Myrtle Creek areas.

As noted above, Rio Communications' main objective is to become a state ETC in order to receive OUS support. To achieve this objective, Rio Communications must first obtain federal ETC status. As demonstrated in this application, Rio Communications is willing to meet ETC requirements. Rio Communication's plan outlines its planned use of OUSF funds, demonstrating Rio Communications' commitment to being an ETC.

In order for Rio Communications to complete the projects identified in the Plan, it is necessary to obtain both IAS and OUS funds. Because obtaining federal ETC status is effectively a condition precedent to qualifying as an ETC for purposes of the OUSF, the IAS funds that would be available as a result of becoming a federal ETC are essential for the identified projects, notwithstanding the fact that the dollar amounts are relatively small.

# V. ADVERTISING AVAILABILITY OF UNIVERSAL SERVICE

As required by 47 C.F.R. Section 54.201, Rio Communications plans to advertise the availability of each of the supported services detailed above throughout its licensed service area by media of general distribution. The methods of advertising utilized may include newspaper, magazine, radio, direct mailings, public exhibits and displays, bill inserts, and telephone directory advertising. This information is currently advertised by Rio Communications in its service area. Rio Communications will distribute literature offering Lifeline and Link-Up services to senior services, hospitals, clinics, hospices, senior centers, welfare offices, and other

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locations where those likely to be eligible for the program(s) would encounter the brochures.

# VI. PUBLIC INTEREST FACTORS

Granting Rio Communications' application to become an ETC in the Canyonville and Myrtle Creek area is in the public's interest. Rio Communications' long-term plan is to build out its network and use its own plant to provide service in lieu of using the facilities or reselling the services of the incumbent, Frontier.

Rio Communications is committed to provide service throughout its designated service area to all customers who make a reasonable request for services. Further, Rio Communications agrees to provide service to requesting customers where its facilities already exist, as well as to those in its service area but outside its existing network coverage within a reasonable period of time and at a reasonable cost. Rio Communications seeks to use the high cost support prudently, in a manner that will extend the provision of its services to customers in the high cost area.

Rio Communications will offer Canyonville and Myrtle Creek customers all of the same services that are currently offered by Frontier. Specifically, Rio Communications will provide Canyonville and Myrtle Creek customers with a minimum of the following services:

- 1 Basic telephone service including
- 2. EAS
- 3. E-911 (included in all areas)
- 4. Caller ID
- 5. Call Waiting w/Caller ID
- 6. Call Forward
- 7. Call Forward No Answer
- 8. Call Rejection
- 9. Call Transfer
- 10. Caller ID Block/Unblock
- 11. Continuous Redial
- 12. Call Forward Remote Access w/ Pin#
- 13. Last Call Return
- 14. Priority Call
- 15. Selective Call Forwarding

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16.	Selective	Call	Acceptance

- 17. Speed call 8 and 30
- 18. Three Way Calling
- 19. Anonymous Call Rejection
- 20. Voice Mail, basic, expanded and premium
- 21. Custom Ring
- 22. Dial-up Internet
- 23. High Speed internet access
- 24. Broadband access up to 3MB
- 25. Rio Fast Dial-up with Accelerator
- 26. Open Access to long distance 1 + dialing and choice of any PIC/LPIC

In addition, through the deployment of its voice and data network, Rio Communications will be able to provide improved basic and advanced services to its customers, including those in traditional high cost areas. These improvements include high speed data services, as well as facilities that will allow the provision of voice and high speed data services. Rio Communications will also provide access to several different ISPs in the area. Rio Communications' plan to extend its voice and data network infrastructure in its service area will be in the public interest, as it will then be able to offer advanced services and increased reliability and capacity to its customers. This infrastructure will allow customers to obtain advanced services that were previously unavailable in high cost areas. By extending these advanced services, customers will be provided with increased choices as well. Granting ETC status to Rio Communications will further serve to achieve the national policy of extending these advanced services to all regions of the nation.

Rio Communications will be extending high speed broadband service to these customers. Providing these services to customers in high cost areas meets the public interest goals for an ETC provider. Service quality will increase for customers of Rio Communications in high cost areas. A review of the Plan shows how the network upgrades (including those funded by the company) will extend Rio Communications' voice and data network further into the high cost

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PAGE 10 UM 1255: RIO COMMUNICATIONS' APPLICATION FOR DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER

area. By doing so, this new infrastructure will increase call and service quality in these areas. The result will be improved local access via new facilities with wireless loops into the neighborhood enabling more customer connections, more reliable service, and a broader choice of features and benefits. Improved service quality will result from the wireless infrastructure, fiber-optic transport, SONET ring topology, and newer state of the art equipment in the field, customer premises, and wire centers. Improved service quality will also result from local involvement by consumers in the service area, enabled by Rio Communications' walk-in offices located in the service area where customers can interact with Rio Communications' employees on a person-to-person basis, as well as having Rio Communications' core technical staff on hand locally for response to technical problems.

There will also be reliable emergency services due to diverse traffic routing and SONET ring technologies, as well as battery back-up distributed throughout Rio Communications' network as required. In addition, designation of Rio Communications as an ETC is in the public interest because it will promote competition. Competition promotes consumer benefits in the form of lower prices, increased service quality, and innovation. As a competitor to the incumbent, Rio Communications must offer prices that equal or are less than the incumbent's. It must also offer good service quality or it will lose customers. Also, by designating Rio Communications as an ETC it will make available Lifeline and Link-Up, including OTAP, services to customers of Rio Communications in the Canyonville and Myrtle Creek areas. For these reasons, designation of Rio Communications as an ETC is in the public interest.

# VII. COMMITMENT TO SERVE REQUESTING CUSTOMERS

Rio Communications agrees to provide its services to all customers for a reasonable cost within a reasonable time frame.

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# VIII. EQUAL ACCESS

Rio Communications acknowledges that it must provide equal access in its service area. It further acknowledges that should all other ETCs in its service area relinquish their designations, it must continue to provide equal access.

# IX. ABILITY TO REMAIN FUNCTIONAL IN EMERGENCY SITUATIONS

In order to be designated an ETC, the applicant must be able to demonstrate a reasonable ability to remain functional in an emergency situation. There are three areas for demonstration:

- (i) back-up power to ensure a functioning network; (ii) network redundancy for re-routing; and
- (iii) how traffic spikes are addressed.

# A. Back-up power.

Rio Communications has battery back-up and or back-up power generation, or has its core network equipment co-located in facilities that provide both battery and power generation at each location where its equipment requires power.

# **B.** Network redundancy.

Rio Communications has its own fiber routes in certain areas and leases fiber from others to obtain redundancy in its network. Rio Communications operates diverse interconnect trunking on physically redundant paths to multiple diverse switches in the Qwest and Verizon networks. Rio Communications' SS7 network is dual-homed to Portland 13 and Portland 69, and also terminates in physically diverse paths over the company's network.

# C. Traffic spikes.

Rio Communications has excess capacity on all its routes. As an example, Rio Communications has an DS-3 trunk to the Eugene Access Tandem, as well as two more FG-D trunks.

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With respect to standard interconnect trunking to the ILEC, Rio Communications meets or exceeds all required grades of service and reviews traffic distribution on these facilities on a monthly basis, with changes occurring as needed.

Rio Communications currently has five Voice-VOIP tandem switches in its network, connected to both Lata switches serving the Eugene and Portland Lata offices via OC-3 Sonet with Rio Communications' other switch facilities in Medford, Bend, and Roseburg.

Rio Communications' networks and two interconnect trunks have greater than two DS-3 capacity, serving traffic between Canyonville and Myrtle Creek and the Rio Communications Access Tandem in Roseburg.

Extension to nodal presences using GR-303 type subscriber concentration is maintained to meet or exceed 4:1, with concentration currently better than 4:1 (e.g. 3.8:1) being achieved. This is also monitored on a monthly basis and additional GR-303 and/or SIP trunks provisioned as needed to ensure a consistent level of service.

# D. Status of E-911.

Rio Communications has achieved full deployment of E-911 in its service area and is in full compliance with E-911 requirements.

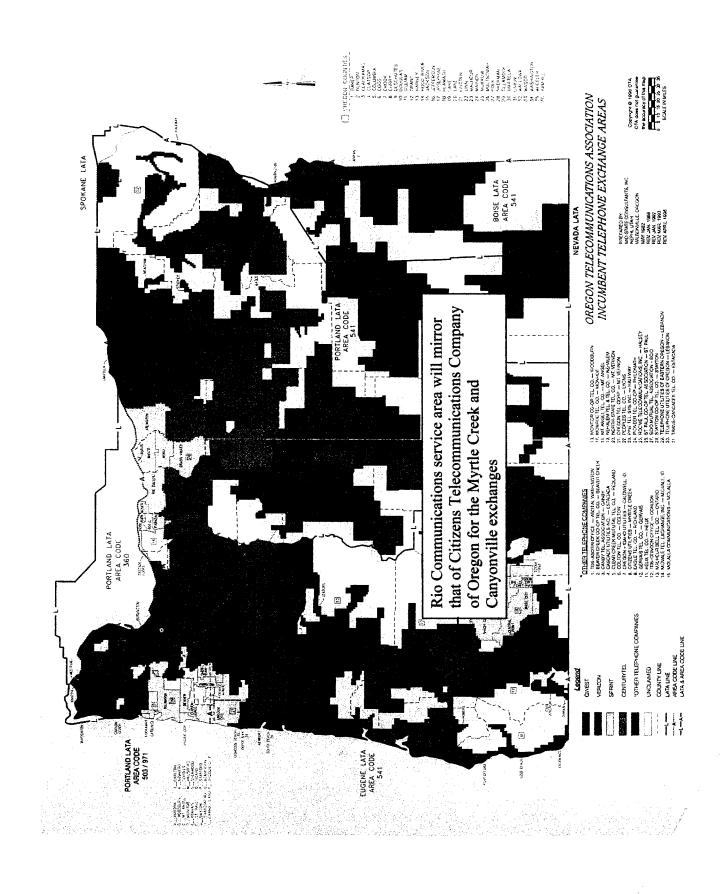
# X. CONSUMER PROTECTION

Rio Communications is subject to the Oregon consumer protection laws. It also submits service quality reports to the Commission. Each of the standards set by the Commission have been met or surpassed by Rio Communications. Rio Communications has a commitment to resolve complaints made by consumers to the Commission and has designated Brad Schaffer as the contact person who will work with the Commission's Consumer Services Complaint Division for complaint resolution.

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1	Respectfully submitted this 30 <sup>th</sup> day of October, 2006.	
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3	ATER WYNNE LLP	
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7	By:	
8	Lisa F. Rackner, OSB 87384 Amie Jamieson, OSB 05439	
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16	520 SE Spruce Roseburg, OR 97470-3134	
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# MAP OF SERVICE TERRITORY



# WIRE CENTERS IN PROPOSED SERVICE AREA

Wire Center Name	Wire Center CLLI Code	ILEC Study Area Name
Canyonville	CNVLORXADS0	CITIZENS TELECOMMUNICATIONS
		CO OF OREGON dba FRONTIER
		COMMUNICATIONS OF OREGON
Myrtle Creek	MYCKORXADS0	CITIZENS TELECOMMUNICATIONS
		CO OF OREGON dba FRONTIER
		COMMUNICATIONS OF OREGON



# STANDARD RIO SERVICES PRICING

Residential	
POTS (includes 3 free features)	\$32.50
Voice Messaging	\$9.00
POTS Line Features	\$3.50
POTS Installation (month to month contracts)	\$25.00
Long Distance	0.045/min
DSL	\$39.95
Static lps	\$10.00
DSL Installation (month to month contracts)	\$100.00
Move of POTS Line or DSL	\$25.00
Dialup (includes 3 free email accounts)	\$12.95
Email Account	\$3.00
Email Defense	\$1.00
Business	
Business POTS (includes 3 free features)	\$28.95
	\$28.95 \$9.00
POTS (includes 3 free features)	
POTS (includes 3 free features) Voice Messaging	\$9.00
POTS (includes 3 free features) Voice Messaging POTS Line Features POTS Installation (month to month contracts) Long Distance	\$9.00 \$1.00
POTS (includes 3 free features) Voice Messaging POTS Line Features POTS Installation (month to month contracts) Long Distance DSL	\$9.00 \$1.00 \$25.00
POTS (includes 3 free features) Voice Messaging POTS Line Features POTS Installation (month to month contracts) Long Distance DSL Static Ips	\$9.00 \$1.00 \$25.00 0.045/min
POTS (includes 3 free features) Voice Messaging POTS Line Features POTS Installation (month to month contracts) Long Distance DSL Static Ips DSL Installation (month to month contracts)	\$9.00 \$1.00 \$25.00 0.045/min \$13.05
POTS (includes 3 free features) Voice Messaging POTS Line Features POTS Installation (month to month contracts) Long Distance DSL Static Ips DSL Installation (month to month contracts) Move of POTS Line or DSL	\$9.00 \$1.00 \$25.00 0.045/min \$13.05 \$5.00
POTS (includes 3 free features) Voice Messaging POTS Line Features POTS Installation (month to month contracts) Long Distance DSL Static Ips DSL Installation (month to month contracts) Move of POTS Line or DSL Dialup (includes 3 free email accounts)	\$9.00 \$1.00 \$25.00 0.045/min \$13.05 \$5.00 \$100.00
POTS (includes 3 free features) Voice Messaging POTS Line Features POTS Installation (month to month contracts) Long Distance DSL Static Ips DSL Installation (month to month contracts) Move of POTS Line or DSL	\$9.00 \$1.00 \$25.00 0.045/min \$13.05 \$5.00 \$100.00 \$25.00

# Interstate Access Support (IAS) 2006/2007

October 30, 2006

To: Marlene H. Dortch

Office of the Secretary

Federal Communications Commission

445 - 12th Street, SW Washington, D.C. 20554

Karen Majcher

Vice President, High Cost and Low Income Division

Universal Service Administrative Company

2000 L Street, N.W.

Suite 200

Washington, D.C. 20036

Re:

CC Docket No. 96-45

Interstate Access Support - IAS

Annual Certification Filing

This is to certify that UIDC Telecom. d/b/a Rio Communications, will use its Universal Service INTERSTATE ACCESS SUPPORT - IAS only for the provision, maintenance and upgrading of facilities and services for which the support is intended.

I am authorized to make this certification on behalf of the company named above. This certification is for the study area(s) listed below.

Company Name	State	Study Area Code
UIDC Telecom d/b/a Rio Communications	OR	Not Available

Signed, Brand Solf

Printed Name: Brad Schaffer

Title: President

Carrier's Name: Umpqua Indian Development Corporation Telecommunications Division d/b/a

**Rio Communications** 

Carrier's Address: 520 SE Spruce

Roseburg, OR 97470-3134

Carrier's Telephone Number: (541) 673-3772

Date: 10 30 2006