

January 29, 2007

VIA EMAIL AND US MAIL


Filing Center  
Oregon Public Utility Commission  
550 Capitol Street NE #215  
PO Box 2148  
Salem, OR 97308-2148

Re: Wantel, Inc.'s Application For Approval of Eligibility to Participate in the Oregon  
Universal Service Fund

Dear Sir or Madam:

Enclosed for filing in the above-referenced docket is an original and three copies of  
Wantel Inc.'s Application For Approval of Eligibility to Participate in the Oregon Universal  
Service Fund. The final signed and notarized copy of Exhibit A will be filed as soon as possible.  
Please contact me with any questions.

Very truly yours,

  
Wendy Martin

Enclosures

**CERTIFICATE OF SERVICE  
WANTEL INC. d/b/a COMSPANUSA**

I hereby certify that a true and correct copy of **APPLICATION FOR APPROVAL OF ELIGIBILITY TO PARTICIPATE IN THE OREGON UNIVERSAL SERVICE FUND** was served via U.S. Mail on the following parties on January 29, 2007:

Marty Patrovsky  
Wantel, Inc.  
1016 SE Oak Avenue  
Roseburg OR 97470-4917

Renee Willer  
Verizon  
Renee.willer@verzion.com

ATER WYNNE LLP

  
\_\_\_\_\_  
Wendy Martin

1 **BEFORE THE PUBLIC UTILITY COMMISSION**

2 **OF OREGON**

3 **UM \_\_\_\_\_**

4 APPLICATION OF WANTEL, INC. d/b/a  
5 COMSPANUSA FOR APPROVAL OF  
6 ELIGIBILITY TO PARTICIPATE IN  
7 THE OREGON UNIVERSAL SERVICE  
8 FUND

APPLICATION

9 **I. INTRODUCTION**

10 Wantel, Inc. d/b/a ComspanUSA (“Wantel”) respectfully submits this Application for  
11 Approval of Eligibility to Participate in the Oregon Universal Service Fund (“OUSF”) in the  
12 Bandon wire center (“Application”). The Public Utility Commission of Oregon (the  
13 “Commission”) has already granted Wantel’s federal Application for Designation as an Eligible  
14 Telecommunications Carrier for the Bandon wire center (“Federal ETC Application”)<sup>1</sup> finding  
15 that it has satisfied all of the requirements for federal ETC status.<sup>2</sup> A copy of Wantel’s Federal  
16 ETC Application is appended hereto as Exhibit 1, and incorporated by reference. In addition, the  
17 Commission has submitted its Application for Eligibility to receive OTAP funds in the Bandon  
18 Wire Center, and expects to receive approval of that Application prior to a decision on this  
19 Application.<sup>3</sup>

20 Wantel seeks eligibility for participation in the OUSF to assist it in financing, operating  
21 and maintaining a state-of-the-art fiber optic network in the City of Bandon. When the network  
22 is completed, Wantel will offer customers located throughout the wire center access to voice,  
23 broadband data, and video services. *No other carrier has built a fiber to home network*  
24 *providing these services to Bandon’s citizens, and to date, no other carrier has announced an*

25 <sup>1</sup> The Federal ETC Application was filed pursuant to the federal Telecommunications Act of 1996, 47 U.S.C. §  
26 214(e)(1)-(2)

<sup>2</sup> See Order No. 06-681, issued Dec. 21, 2006 in UM 1255

<sup>3</sup> Wantel submitted its OTAP Application on Jan. 17, 2007.

1 *intention to do so.*<sup>4</sup> .

2 In 2005 the Commission granted Wantel federal ETC status in the Winston, Sutherlin and  
3 Roseburg wire centers,<sup>5</sup> and state ETC status in those same wire centers in 2006. <sup>6</sup> Since that  
4 time the Commission has invested monies received from OUSF funds to provide customers in  
5 Winston, Sutherlin and Roseburg with its state-of-the-art fiber-based services. In making this  
6 Application, Wantel requests the opportunity to make similar investments in Bandon and thus to  
7 extend its cutting edge services throughout the wire center. <sup>7</sup>

8 Because it has satisfied all of the requirements for participation in the OUSF, and because  
9 the evidence shows that ~~the~~ Wantel's investments will continue to serve the public interest, this  
10 Commission should grant Wantel's Application.

## 11 **II. BACKGROUND**

### 12 **A. Applicant**

13 Wantel is a competitive local exchange company ("CLEC") and obtained its certificate of  
14 authority to offer telecommunications services as a competitive provider from the Commission  
15 on August 20, 1999 under Order No. 99-507. Wantel provides various of telephone services,  
16 including, for example, dial tone (POTS), long distance, OS/DA, E911, EAS, OTAP, Link-Up,  
17 and Lifeline.

### 18 **B. Eligibility and Identification of the Service Area.**

19 Wantel submitted a map of the Bandon service area with its service area boundary  
20 highlighted in yellow as Exhibit A to the federal ETC Application. Wantel's service area will  
21 mirror that of the incumbent local exchange carrier ("ILEC") for Bandon, Verizon Northwest  
22 Inc. ("Verizon"). In addition, Wantel attached Exhibit B to its Federal ETC Application, which  
23 identifies the wire center that constitutes the proposed service area with the following

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24 <sup>4</sup> It is true that Wantel may use the OUSF monies it receives for basic local exchange services only, and Wantel has  
25 pledged to use the OUSF monies only to support basic local exchange services. See Coons Affidavit. However, the  
availability of Wantel's advanced services will result in additional consumer benefits.

26 <sup>5</sup> Order No. 5-856, entered July 14, 2005 in UM 1202.

<sup>6</sup> Order No. 06-081, entered February 23, 2006 in UM 1190.

<sup>7</sup> See Five Year Network Improvement Plan, filed in UM 1255 on Oct. 27, 2006.

1 information: wire center name, wire center CLLI code, and the corresponding ILEC study area  
2 name. Wantel proposes to include the entire Bandon wire center in its service area.

3  
4 **C. Facilities Used to Offer Supported Services**

5 Wantel currently uses fiber to the home with a switch in Bandon linked to its long  
6 distance access tandem in Roseburg and uses the latest Hitachi GPON to provide federally-  
7 designated services. Wantel's interconnection agreement relevant to the Bandon wire center is  
8 the Interconnection Agreement between AT&T Communications of the Pacific Northwest, LLC  
9 and Verizon Northwest, Inc. that was approved by the Commission in Order No. 99-028, Docket  
10 No. ARB 5. Wantel adopted the Interconnection Agreement in Docket ARB 490 on May 27,  
11 2003.

12 **III. CRITERIA FOR ELIGIBILITY**

13 In UM 731 the Commission first considered the eligibility requirements for participation  
14 in the OUSF. The Commission found that in order to participate in the Oregon fund, a carrier  
15 would be required to demonstrate that it satisfied all of the criteria established for participation in  
16 the federal Universal Service Fund ("USF"), as well as two additional criteria proposed by the  
17 Commission Staff.<sup>8</sup> Through its application for federal ETC status, and this Application, Wantel  
18 clearly satisfies all fourteen requirements. A discussion of each requirement, and the evidence  
19 produced by Wantel in satisfaction of each requirement, follows:

20  
21 **Requirement No. 1 Wantel must offer, throughout the designated service area, services**  
22 **we have defined to be basic local exchange services, using the carrier's**  
23 **own facilities, leased UNE facilities, or a combination of its own or**  
24 **leased facilities and resale of another carrier's retail services.**

25 In its Federal ETC Application, Wantel established its commitment to provide basic local  
26 exchange services in a timely fashion to all customers in the Bandon wire center. In that  
application Wantel explained that, eventually, it plans to serve all customers in the wire center

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<sup>8</sup> Order No. 00-312

1 using its own facilities. However, its facilities are not yet built out to every household in the  
2 wire center. Thus, in the event Wantel receives a request for service from a customer whom it  
3 cannot immediately serve using its own facilities, Wantel will initially serve the customer using  
4 facilities leased or resold from Verizon.<sup>9</sup>

5 In its recommendation in support of Wantel’s Federal ETC Application, Staff found that  
6 Wantel was committed to provide the requisite services to all customers in the Bandon wire  
7 center. Specifically Staff stated as follows:

8 Wantel currently offers all required supported services including a  
9 local usage plan comparable to that of the incumbent carrier in the  
10 Bandon wire center—Verizon. Wantel offers these services in its  
11 current designated service areas (Sutherlin, Winston and Roseburg)  
12 as well as in the proposed Bandon area.<sup>10</sup>

12 In addition Staff stated:

13 Wantel has proposed to serve the entire Bandon wire center, and  
14 commits to provide timely service to all requesting customers, and  
15 will lease facilities or resell Verizon service if it cannot initially  
16 serve a customer using its own facilities.<sup>11</sup>

16 Finally, in approving Wantel’s ETC Application, the Commission implicitly found that  
17 Wantel had fulfilled the two federal requirements analogous to this state OUSF Requirement 1 –  
18 i.e., “Commitment and ability to provide all supported services;” and “Commitment and ability to  
19 provide supported services throughout the designated service area.” Thus, based on the  
20 confirmation provided herein and in the Federal ETC Application, the Commission should find  
21 that Wantel has fulfilled Requirement No. 1.

22 **Requirement No. 2 Advertise in media of general distribution through the designated**  
23 **service area the availability and prices of supported basic local**  
24 **exchange services;**

24 In its Federal ETC Application, Wantel explained that it plans to advertise the availability

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26 <sup>9</sup> Federal ETC Application, p. 8.

<sup>10</sup> Order No. 06-681, Appendix A, p.3.

<sup>11</sup> *Id.* at p. 3.

1 of each of the supported services throughout its licensed service area by media of general  
2 distribution. Wantel explained that such advertising might include newspaper, magazine, radio,  
3 direct mailings, etc. Wantel further explained that it would distribute literature offering Lifeline  
4 and Link-Up service to senior services, hospitals, clinics, etc.<sup>12</sup>

5 In its recommendation to the Commission, Staff confirmed Wantel's commitment to  
6 advertising the supported services—a view that was adopted by the Commission in approving  
7 Wantel's Federal ETC Application.<sup>13</sup> Therefore the Commission should find that Wantel has  
8 satisfied Requirement No. 2.

9  
10 **Requirement No. 3 Offer Oregon Telephone Assistance (OTAP) in compliance with  
Oregon Administrative Rules 860-033-0046;**

11 Wantel has agreed to provide OTAP in compliance with Oregon law. Wantel already  
12 provides this service in the Winston, Sutherlin and Roseburg wirecenters,<sup>14</sup> and expects to  
13 receive authority to do so in Bandon as well.

14 In its recommendation to the Commission regarding Wantel's federal ETC Application,  
15 Staff states: "Wantel commits to offer federal Lifeline and Link Up discounts, as well as state  
16 OTAP discounts, to qualifying low-income customers."<sup>15</sup> Therefore the Commission should find  
17 that Wantel has satisfied Requirement No. 3.

18  
19 **Requirement No. 4 Not deny or disconnect basic local exchange service to an OTAP  
customer for failure to pay for toll charges;**

20 Wantel agrees to fulfill all requirements for providing OTAP service, including the  
21 requirement not to deny or disconnect local exchange service for failure to pay toll charges.  
22 Therefore the Commission should find that Wantel has satisfied Requirement No. 4.<sup>16</sup>

23  
24 **Requirement No. 5 Not require a deposit from OTAP customers who voluntarily elect to  
receive toll-blocking service;**

25 <sup>12</sup> See Federal ETC Application, p 7.

26 <sup>13</sup> Order No. 06-681, Appendix A, p.3.

<sup>14</sup> See Order No. 05-926 issued on August 18, 2005 in UM 1212.

<sup>15</sup> Order No. 06-681, Appendix A, p. 4.

<sup>16</sup> See Affidavit of Lorry Coons dated January 26, 2007 attached hereto as Exhibit A, ¶ 4.

1           Wantel agrees to fulfill all requirements for providing OTAP service including the  
2 requirement not to demand a deposit from customers who voluntarily elect to receive toll-  
3 blocking service.<sup>17</sup> Therefore the Commission should find that Wantel has satisfied Requirement  
4 No 5.

5  
6           **Requirement No. 6   Accept the duty to interconnect directly or indirectly with the facilities  
and equipment of other telecommunications carriers;**

7           Wantel is obligated to fulfill this requirement under the federal Telecommunications Act,  
8 and commits to doing do with this Application<sup>18</sup>. Therefore the Commission should find that  
9 Wantel has satisfied Requirement No. 6.

10           **Requirement No. 7   Not install network features, functions or capabilities that do not  
11 comply with the Telco Act's requirements for access by persons with  
disabilities and coordination for interconnectivity;**

12           Wantel is obligated to fulfill this requirement under the federal Telecommunications Act,  
13 and commits to doing so with this Application.<sup>19</sup> Therefore the Commission should find that  
14 Wantel has satisfied Requirement No. 7.

15  
16           **Requirement No. 8   Not prohibit or impose unreasonable or discriminatory conditions or  
limitations on the resale of telecommunications services;**

17           Wantel is obligated to fulfill this requirement under the federal Telecommunications Act,  
18 and commits to doing so with this Application.<sup>20</sup> Therefore the Commission should find that  
19 Wantel has satisfied Requirement No. 8.

20  
21           **Requirement No. 9   Provide, to the extent technically feasible, number portability in  
compliance with FCC rules;**

22           Wantel is obligated to fulfill this requirement under the federal Telecommunications Act,  
23 and commits to doing so with this Application.<sup>21</sup> Therefore the Commission should find that

24  
25 <sup>17</sup> See Coons Affidavit, ¶ 5.

26 <sup>18</sup> See Coons Affidavit, ¶ 6.

<sup>19</sup> See Coons Affidavit, ¶ 7.

<sup>20</sup> See Coons Affidavit, ¶ 8.

<sup>21</sup> See Coons Affidavit, ¶ 9.



1 Wantel has satisfied Requirement No. 9.

2 **Requirement No. 10 Provide dialing parity to other telecommunications providers;**

3 Wantel is obligated to fulfill this requirement under the federal Telecommunications Act  
4 and commits to doing so with this Application.<sup>22</sup> Therefore the Commission should find that

5 Wantel has satisfied Requirement No. 10.

6 **Requirement No. 11 Provide access to rights-of-way to other telecommunications carriers;**

7 Wantel is obligated to fulfill this requirement under the federal Telecommunications Act  
8 and commits to doing so with this Application.<sup>23</sup> Therefore the Commission should find that

9 Wantel has satisfied Requirement No. 11.

10 **Requirement No. 12 Establish reciprocal compensation arrangements for the transport**  
11 **and termination of telecommunications.**

12 Wantel is obligated to fulfill this requirement under the federal Act, and commits to  
13 doing so with this Application.<sup>24</sup> Therefore the Commission should find that Wantel has  
14 satisfied Requirement No. 12.

15 **Requirement No. 13 Provide supported services on a standalone basis.**

16 Wantel does and will continue to provide all supported services on a standalone basis.<sup>25</sup>  
17 To fulfill this requirement Wantel offers residential single line, POTSS service with unlimited  
18 local calling at \$14.75 a month exclusive of all taxes, fees or surcharges.

19 **Requirement No. 14 Build its own loop facilities to serve a customer where no facilities**  
20 **currently exist.**

21 Wantel established in its Federal ETC Application that it plans to build out its network to  
22 reach all customers within the Bandon network,<sup>26</sup> and commits to doing so in this Application.<sup>27</sup>

23  
24 <sup>22</sup> See Coons Affidavit, ¶ 10.

25 <sup>23</sup> See Coons Affidavit, ¶ 11.

26 <sup>24</sup> See Coons Affidavit, ¶ 12.

27 <sup>25</sup> See Coons Affidavit, ¶ 13.

<sup>26</sup> Order No. 00-312

<sup>27</sup> See Coons Affidavit, ¶ 14.

1 Wantel's Five Year Plan, filed with its Federal ETC application, shows how Wantel will use the  
2 OUSF support it expects to receive to build out a fiber-based network that will enable existing  
3 and new customers to have access to high quality reliable and efficient advanced residential and  
4 business service.<sup>28</sup> Therefore the Commission should find that Wantel has satisfied Requirement  
5 No. 14.

6 **Additional Requirements Imposed in Order No. 06-081.**

7 Finally in its order granting Wantel state ETC status in the Sutherlin, Winston and  
8 Roseburg wire centers, the Commission imposed two additional requirements on Wantel. First,  
9 the Commission ordered that the sharing of per-line support amounts with Qwest must be  
10 calculated based on current percentages, with no true ups or disbursements if percentages are  
11 revised.<sup>29</sup> In addition, Wantel was ordered to abide by all rules related to OUSF participation,  
12 including maintaining its state certification and federal eligibility telecommunication carrier  
13 status.<sup>30</sup>

14 In this application Wantel agrees to abide by these two conditions with respect to its  
15 participation in the OUSF in the Bandon wire center as well.<sup>31</sup>

16 **IV. CONCLUSION**

17 In sum, Wantel has demonstrated that it satisfies (or will satisfy) all of the criteria for  
18 eligibility to participate in the OUSF. Most importantly, as the Commission found in UM 1255,  
19 granting Wantel's petition is in the public interest. Wantel will use the monies it receives from  
20 both the state and federal universal service funds to help finance it's plan to offer enhanced  
21 voice, high speed broadband data and video services over a state-of-the-art IP-enabled network.  
22 Wantel is committed to provide service throughout its designated service area to all customers  
23 who make a request for services. Wantel is currently able to serve most customers in the Bandon  
24

25 <sup>28</sup> See also discussion of Requirement No. 1 above.

26 <sup>29</sup> See Order No 06-081, issued Feb. 23, 2006 in UM 1190

<sup>30</sup> *Id.* at p. 2

<sup>31</sup> See Coons Affidavit, ¶¶ 15 and 16.

1 wire center via Wantel’s own facilities, and is prepared to serve customers outside its existing  
2 network coverage within a reasonable period of time and at a reasonable cost, using UNEs leased  
3 from Verizon, or resold Verizon services. In the longer term, Wantel plans to use the high cost  
4 support prudently, and to extend reach of its own facilities to virtually all of the customers in the  
5 wire center areas.

6 Wantel will offer Bandon customers all of the same services that are currently offered by  
7 Verizon. In addition, through the deployment of its fiber optic network, Wantel will be able to  
8 provide improved basic and advanced services to its customers, including those in traditional  
9 high cost areas. These improvements include voice, high speed data services, and video, and  
10 access to several different ISPs in the area—services that have not been available to customers in  
11 the Bandon wire center to date.

12 In addition, service quality will increase for customers of Wantel in high cost areas. A  
13 review of the Wantel’s Five Year Plan shows how the network upgrades will extend Wantel’s  
14 fiber network further into the high cost area. This new infrastructure will increase call and  
15 service quality in these areas. The result will be improved local access via new facilities with  
16 fiber-optic runs to the neighborhood enabling more customer connections, more reliable service,  
17 and a broader choice of features and benefits.

18 Finally, granting Wantel’s petition will allow the company to compete on equal footing  
19 with the incumbent carrier. Competition promotes consumer benefits in the form of lower  
20 prices, increased service quality, and innovation. Also, by designating Wantel as an ETC it will

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1 make available Lifeline and Link Up, including OTAP, services to customers of Wantel in the  
2 Bandon area. For these reasons the Commission should grant Wantel's Application.

3 Respectfully submitted this 29<sup>th</sup> day of January of 2007.

4 ATER WYNNE, LLP

5  
6 By: /s/Lisa F. Rackner  
7 Lisa F. Rackner  
8 Ater Wynne, LLP  
9 222 SW Columbia, Suite 1800  
10 Portland, OR 97201  
11 Telephone: (503) 226-8693  
12 E-mail: lfr@aterwynne.com

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26 Attorneys for Wantel d/b/a ComspanUSA

1 **BEFORE THE PUBLIC UTILITY COMMISSION**  
2 **OF OREGON**

3 **UM \_\_\_\_\_**

4 APPLICATION OF WANTEL, INC. d/b/a  
5 COMSPAN USA FOR APPROVAL OF  
6 ELIGIBILITY TO PARTICIPATE IN  
7 THE OREGON UNIVERSAL SERVICE  
8 FUND

AFFIDAVIT OF LORRY COONS

9 I Lorry Coons do hereby affirm as follows:

- 10 1. I am Chief Executive Officer (“CEO”) of Wantel, Inc. d/b/a ComSpan USA and I  
11 make this affidavit in support of Wantel’s Application for Approval of Eligibility to  
12 Participate in the Oregon Universal Service Fund (“OUSF”) in the Bandon wire  
13 Center (“Application”).
- 14 2. I am familiar with the eligibility criteria for authorization to receive funds from the  
15 OUSF and the requirements imposed by the Public Utility Commission of Oregon  
16 (the “Commission”) upon eligible telecommunications carriers (“ETC”).
- 17 3. As detailed below, in my role as CEO of the Company, I affirm Wantel’s  
18 commitment to carrying out the commitments made in its Application, and fulfilling  
19 all other requirements for ETC status as may be imposed by the Commission.
- 20 4. Wantel agrees to fulfill all requirements for providing OTAP service, including the  
21 requirement not to deny or disconnect local exchange service for failure to pay toll  
22 charges.
- 23 5. Wantel agrees to fulfill all requirements for providing OTAP service including the  
24 requirement not to demand a deposit from customers who voluntarily elect to receive  
25  
26

1 toll-blocking service.

2 6. Wantel accepts the duty to interconnect directly or indirectly and commits  
3 interconnecting with the facilities and equipment of other telecommunications  
4 carriers.

5  
6 7. Wantel accepts the duty not to install network features, functions or capabilities that  
7 do not comply with the Telecommunications Act's requirements for access by  
8 persons with disabilities and coordination for interconnectivity and commits to  
9 fulfilling this requirement.

10 8. Wantel will not prohibit or impose unreasonable or discriminatory conditions or  
11 limitations on the resale of telecommunications services.

12  
13 9. Wantel will provide, to the extent technically feasible, number portability in  
14 compliance with FCC rules.

15 10. Wantel will provide dialing parity to other telecommunications providers.

16  
17 11. Wantel will provide access to rights-of-way to other telecommunications carriers.

18 12. Wantel will establish reciprocal compensation arrangements for the transport and  
19 termination of telecommunications.

20  
21 13. Wantel will provide supported services on a standalone basis under the general terms  
22 outlined in the Application.

23 14. Wantel will build its own loop facilities to serve a customer where no facilities  
24 currently exist.

25  
26 15. Wantel agrees that it will share per-line support amounts with Qwest calculated based

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on current percentages, with no true-ups or disbursements if percentages are revised.

16. In addition, Wantel agrees to abide by all rules related to OUSF participation, including maintaining its state certification and federal eligibility telecommunication carrier status.

DATED this \_\_\_\_\_ day of January, 2007.

LORRY COONS

\_\_\_\_\_  
Chief Executive Officer  
Wantel, Inc. d/b/a ComSpan, USA

SUBSCRIBED AND SWORN TO before me this \_\_\_\_ day of January, 2007.

\_\_\_\_\_  
Notary Public for Oregon  
My commission expires: \_\_\_\_\_