

1 **BEFORE THE PUBLIC UTILITY COMMISSION**

2 **OF OREGON**

3 **UM 1202**

4  
5 AMENDED APPLICATION OF WANTEL, INC.  
6 d/b/a COMSPANUSA FOR DESIGNATION AS AN  
7 ELIGIBLE TELECOMMUNICATIONS CARRIER  
8 PURSUANT TO THE TELECOMMUNICATIONS  
ACT OF 1996 – NON-RURAL AREAS

9 Wantel, Inc. d/b/a ComspanUSA (“Wantel”) respectfully submits this Application for  
10 Designation as an Eligible Telecommunications Carrier (“ETC”) pursuant to Sections 214(e)(1)-  
11 (2) of the Telecommunications Act of 1934, as amended (“Act”), 47 U.S.C. (e)(1)-(2) and  
12 Section 54.201 of the Federal Communications Commission’s (“FCC”) rules, 47 C.F.R. Section  
13 54.201. Wantel requests that it be designated as an ETC in the Roseburg, Sutherlin and Wisnton  
14 wire centers served by the incumbent Qwest Communications, and that it be designated as  
15 eligible to receive all available support from the federal Universal Service Fund (“USF”)  
16 including, but not limited to, interstate access support for high cost areas and support for low  
17 income customers in the geographic areas specified in this Application. Further, Wantel request  
18 that Wantel is requesting ETC status primarily to allow customers it serves in the Roseburg,  
19 Sutherlin and Winston exchange areas of Qwest Corporation (“Qwest”) to be eligible to receive  
20 Oregon Telephone Assistance Program (“OTAP”) and Lifeline/Link Up assistance and because  
21 designation as a federal ETC is effectively a prerequisite for participating in the Oregon  
22 Universal Service Fund.

23 **I. APPLICANT**

24 Wantel is a competitive local exchange company (“CLEC”) and obtained its competitive  
25 registration from the Oregon Public Utilities Commission on August 20, 1999 under Order No.  
26 99-507.

1           **II. ALLEGATION OF FACTS**

2           **A. Eligibility and Identification of the Service Area.**

3           Under Sections 214(e) and 254 of the Act, the Public Utility Commission of  
4 Oregon (“OPUC” or “Commission”) is authorized to designate Wantel as an ETC. Section  
5 214(e)(2) of the Act provides that state commissions have the primary responsibility for  
6 designating ETCs. The FCC recently amended its rules governing Universal Service. See Part  
7 54 of Title 47 CFR, and Report and Order, issued March 17, 2005. Attached as Exhibit A to  
8 Wantel’s application is a copy of an executed letter from Wantel certifying that all federal  
9 universal service support it receives will be used only for the provision, maintenance, and  
10 upgrading of facilities and services for which such support is intended. Wantel submits maps of  
11 the general geographic area of its service territory as Exhibit B. Wantel’s service area will  
12 mirror those of the ILEC, Qwest Communications. Also attached as part of Exhibit B are maps  
13 that show the complete wire centers it serves both with its own network and through both UNEs  
14 and resale services. In addition, attached as Exhibit C, is a list of the wire centers in the  
15 proposed service area with the following information: wire center name, wire center CLLI code,  
16 and the corresponding ILEC study area name.

17           **B. The Legal Standard for Granting ETC Status**

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

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

### 3 **III. SERVICES PROVIDED BY PETITIONER**

4 In order to be designated an ETC, a common carrier must demonstrate pursuant to  
5 Section 214(e)(6) that they offer services and agree to offer and advertise the supported services  
6 throughout the proposed ETC service area. In addition, the common carrier must meet the public  
7 interest standard.

8 Wantel currently provides service throughout all three wire centers in its proposed service  
9 area. For portions of the areas not yet covered by Wantel's own network, services are provided  
10 mainly by the use of UNEs which are used to route traffic to Wantel's DMS 500 switch in  
11 Roseburg. For the Roseburg, Sutherlin and Winston wire centers, Wantel has provisioned its  
12 switch to duplicate both the local and EAS calling areas of the ILEC. In some cases Wantel also  
13 makes use of a resale agreement contained in its Interconnection Agreement (ICA) with Qwest.

14 Wantel will offer the federally designated services listed at 47 C.F.R. Section 54.101(a):  
15 (1) voice grade access to the public switched network, (2) local usage, (3) dual tone multi-  
16 frequency signaling or its functional equivalent, (4) single-party service or its functional  
17 equivalent, (5) access to emergency services, (6) access to operator services, (7) access to  
18 interexchange service, (8) access to directory assistance, and (9) toll limitation for qualifying  
19 low-income consumers. Wantel is a facilities-based carrier that offers these services throughout  
20 the areas where it seeks ETC designation. Wantel will offer throughout Roseburg, Winston, and  
21 Sutherlin exchange areas basic telephone service using Wantel's own subscriber plant (i.e. loop  
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#### 23 **A. Voice-grade access to the public switched telephone network. 47**

24 C.F.R. Section 54.101(a)(1) requires a carrier to offer voice grade access to the public switched  
25 telephone network. Wantel provides voice grade access to the public switched telephone  
26 network. Wantel provides voice grade access pursuant to the FCC's definition.

1           **B. Local Usage.** Wantel's service provides unlimited local usage and is  
2 consistent with 47 C.F.R. Section 54.101(a)(2).<sup>1</sup>

3           **C. Dual-tone, multi-frequency signaling or its functional equivalent.**  
4 Pursuant to 47 C.F.R. Section 54.101(a)(3) an ETC must provide dual tone multi-frequency  
5 signaling ("DTMF") to facilitate the transportation of signaling throughout its network. Wantel  
6 provides DTMF signaling throughout its network, consistent with FCC rules.

7           **D. Single-party service or its functional equivalent.** "Single-party service"  
8 means that only one party will be served by a subscriber loop or access line in contract to a  
9 multi-party line.<sup>2</sup> Wantel provides single party service, as required by 47 C.F.R. Section  
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11           **E. Access to emergency services.** The ability to reach a public emergency  
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13 currently provides all of its customers with access to emergency service by dialing 911. Wantel  
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17 or both, of a telephone call.<sup>3</sup> Wantel provides customer access to operated services on 24/7 basis  
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19           **G. Access to interexchange service.** An ETC must offer consumers access  
20 to interexchange service to make and receive toll or interexchange calls. Wantel meets this  
21 requirement by providing all of its customers with the ability to make and receive interexchange  
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23 access provider.

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24  
25 <sup>1</sup> *First Report and Order*, at 8814

26 <sup>2</sup> *Id.* at 8810

<sup>3</sup> *Id.* at 8817-18.

1           **H. Access to directory assistance.** The ability to place a call to directory  
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3 assistance from live operators.

4           **I. Toll limitation for qualifying low income consumers.** An ETC must  
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6 charge. In particular, an ETC must provide toll blocking which allows customers to block the  
7 completion of outgoing calls.<sup>5</sup> Wantel provides this service now and will continue to do so in the  
8 future.

9           **J. Link Up and Lifeline Services.** Wantel will offer Link Up and Lifeline  
10 services throughout the three service areas designated as Winston, Sutherlin/Oakland and  
11 Roseburg. These services will be made available in accordance with the guidelines as published  
12 and amended from time to time by the federal agency or agencies that administer such programs.

#### 13           **IV. ADVERTISING AVAILABILITY OF UNIVERSAL SERVICE**

14           Pursuant to Section 54.201 of the FCC’s rules, 47 C.F.R. Section 54.201, Wantel plans to  
15 advertise the availability of each of the supported services detailed above, through its licensed  
16 service area, by media of general distribution. The methods of advertising utilized may include  
17 newspaper, magazine, radio, direct mailings, public exhibits and displays, bill inserts, and  
18 telephone directory advertising. This information is currently advertised by Wantel in its service  
19 area. Wantel will distribute literature offering Lifeline and Link Up to senior services, hospitals,  
20 clinics, hospices, senior centers, welfare offices and other locations where those likely to be  
21 eligible for the program(s) would encounter the brochures.

#### 22           **V. PUBLIC INTEREST FACTORS**

23           Granting Wantel’s application to become an ETC in the Roseburg, Winston, and  
24 Sutherlin area is in the public’s interest. Wantel is committed to provide service throughout its  
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26 <sup>4</sup> *Id.* at 8817-18.

<sup>5</sup> *Id.* at 8821-22.

1 designated service area to all customers who make a reasonable request for services.<sup>6</sup> Further,  
2 Wantel agrees to provide service to requesting customers where its facilities already exist, as  
3 well as to those in its service area but outside its existing network coverage within a reasonable  
4 period of time and at a reasonable cost.<sup>7</sup> See attached Exhibit D (Wantel's original Application  
5 for OUS Support). Wantel seeks to use the high cost support prudently, in a manner that will  
6 extend the provision of its services to customers in the high cost areas.

7 Wantel, in support of its ETC application, has provided a Five Year Plan for  
8 improvements and upgrades to its network.<sup>8</sup> This plan covers the entire service area that Wantel  
9 serves and seeks ETC status, and Wantel currently offers the same services as Qwest. Through  
10 Wantel's planned improvements it will be able to provide advanced services to all of its  
11 customers, including those in traditional high cost areas. These improvements include high  
12 speed data services, as well as facilities that will allow the provision of "triple play" services:  
13 voice, video and high speed data. Wantel also provides access to several different ISPs in the  
14 area. Wantel's plan to extend its fiber infrastructure in its service area will be in the public  
15 interest as it will be able to offer advanced services and increased reliability and capacity to its  
16 customers.

17 This infrastructure will allow customers to obtain advanced services that were previously  
18 unavailable in high cost areas. By extending these advanced services, customers will be  
19 provided with increased choice as well. Granting ETC status to Wantel will further serve to  
20 achieve the national policy of extending these advanced services to all regions of the nation.<sup>9</sup>  
21 These new customers will have access to voicemail, call waiting, caller identification, three way  
22 calling, and last call return. In addition, Wantel will be extending Digital Subscriber Line

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24 <sup>6</sup> Report and Order, Released March 17, 2005, at 11-12.

25 <sup>7</sup> Note, the criteria in the recently released *Report and Order, Id.*, generally apply to wireless ETC applicant. Wantel  
is a facilities based provider, and does not employ antennae and abse stations in its network.

26 <sup>8</sup> The Five Year Plan is submitted as a confidential exhibit, as it contains confidential information regarding planned  
network upgrades. Exhibit E.

<sup>9</sup> Report and Order, Released March 17, 2005, at 18-19.

1 (“DSL”) service to these customers. Providing these services to customers in high cost areas  
2 meets the public interest goals for an ETC provider.

3 Service quality will increase for customers of Wantel in high cost areas. A review of the  
4 five year plan shows how the network upgrades (including those funded by the company) will  
5 extend Wantel’s fiber network further into the high cost areas. By doing so, this new  
6 infrastructure will increase call and service quality in these areas. The result will be improved  
7 local access via new facilities with fiber-optic runs to the neighborhood enabling more customer  
8 connections, more reliable service, and a broader choice of features and benefits. Improved  
9 service quality will result from the new infrastructure, fiber-optic transport, SONET ring  
10 topology and newer state of the art equipment in the field, customer premises and wire centers.  
11 Improved service quality will also result from local involvement by consumers in the service  
12 area, enabled by Wantel’s walk-in offices located in the service area where customers can  
13 interact with Wantel employees on a person-to-person basis as well as having Wantel’s core  
14 technical staff on hand locally for instant response to situations as they arise. There will also be  
15 more reliable emergency services due to diverse traffic routing and SONET ring technologies, as  
16 well as eight hour battery back-up and generators distributed throughout Wantel’s network as  
17 required.

18 Wantel will be providing enhanced access to IXCs via its FG-D trunking to the access  
19 Tandems serving its areas, as well as the company’s regional fiber-optic network. Wantel’s  
20 service will enable more reliable 911 and provide a secondary route for access to the Eugene,  
21 Oregon PSAP and provide a direct diverse secondary link to the local Sheriff’s Office 911  
22 center. This will improve emergency backup access and redundancy in the event the link used  
23 by Qwest between Eugene, Oregon and back to the local PSAP goes down again.

24 In addition, as part of its Five Year Plan, Wantel describes its interest in PCINW  
25 Regional Fiber. Wantel owns one-third interest in this dark fiber run that serves to connect local  
26 Wantel communicates to a regional high speed transport network providing advanced services.

1 Extending connections to the PCINW Regional Fiber will offer increased cost savings and  
2 connectivity to customers being served in the high cost areas of Wantel's service area.

3 In addition, designation of Wantel as an ETC is in the public interest because it will  
4 promote competition. Competition promotes consumer benefits in the form of lower prices,  
5 increased service quality, and innovation. As a competitor to the incumbent, Wantel must offer  
6 prices that equal or are less than the incumbent's. It must also offer good service quality or it  
7 will lose customers. Also, by designating Wantel as an ETC it will make available Lifeline and  
8 Link Up, including OTAP, services to customers of Wantel in the Roseburg, Winston, and  
9 Sutherlin area. For these reasons designation of Wantel as an ETC is in the public interest.

#### 10 VI. COMMITMENT TO SERVE REQUESTING CUSTOMERS

11 See Exhibit D Wantel's original Application for OUS Support. In it, Wantel certifies and  
12 agrees to provide its services to all customers for a reasonable cost within a reasonable time  
13 frame.

#### 14 VII. EQUAL ACCESS

15 As an applicant for ETC status, Wantel acknowledges that it must provide equal access in  
16 its service area. It further acknowledges that should all other ETCs in its service area relinquish  
17 their designations, it must continue to provide equal access. See Exhibit F, Wantel's Equal  
18 Access Script, and Exhibit D, Wantel's original Application for OUS Support.

#### 19 VIII. EMERGENCY BACK-UP FUNCTIONALITY

20 In order to be designated an ETC, the applicant must be able to demonstrate a reasonable  
21 back-up power to ensure a functioning network. Wantel has eight hour battery back-up at each  
22 location where its equipment requires power. It also has LNP/LPG powered generators with  
23 automatic transfer switches where it is required.<sup>10</sup>

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26 <sup>10</sup> Referring to Wantel's confidentially submitted Five Year plan will demonstrate the redundancy in the network to  
provide a reroute of traffic and how the network can address traffic spikes during an emergency.



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**IX. CONSUMER PROTECTION**

Wantel is subject to the Oregon consumer protection laws. It also submits service quality reports to the Commission. Attached as Exhibit G is a summary of Trouble Reports, Provisioning Commitments, Held Orders, Access to Representatives for Repair and Business Office, and Call Blocking. Each of these standards have been met or surpassed by Wantel.

Respectfully submitted this 5th day of May, 2005.

ATER WYNNE LLP

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Of Attorneys for Wantel, Inc. d/b/a ComspanUSA

## CERTIFICATE OF SERVICE

UM 1202

I hereby certify that a true and correct copy of Wantel's Amended Application was served on the following parties on the 5th day of May, 2005 via the methods stated below:

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Regulated Utility & Business Section  
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Salem, OR 97301-4096

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Dated this 5th day of May, 2005.

  
\_\_\_\_\_  
Karen M. Lis

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20 clinics, hospices, senior centers, welfare offices and other locations where those likely to be  
21 eligible for the program(s) would encounter the brochures.

#### 22           **V. PUBLIC INTEREST FACTORS**

23           Granting Wantel’s application to become an ETC in the Roseburg, Winston, and  
24 Sutherlin area is in the public’s interest. Wantel is committed to provide service throughout its  
25

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26 <sup>4</sup> *Id.* at 8817-18.

<sup>5</sup> *Id.* at 8821-22.



1 designated service area to all customers who make a reasonable request for services.<sup>6</sup> Further,  
2 Wantel agrees to provide service to requesting customers where its facilities already exist, as  
3 well as to those in its service area but outside its existing network coverage within a reasonable  
4 period of time and at a reasonable cost.<sup>7</sup> See attached Exhibit D (Wantel's original Application  
5 for OUS Support). Wantel seeks to use the high cost support prudently, in a manner that will  
6 extend the provision of its services to customers in the high cost areas.

7         Wantel, in support of its ETC application, has provided a Five Year Plan for  
8 improvements and upgrades to its network.<sup>8</sup> This plan covers the entire service area that Wantel  
9 serves and seeks ETC status, and Wantel currently offers the same services as Qwest. Through  
10 Wantel's planned improvements it will be able to provide advanced services to all of its  
11 customers, including those in traditional high cost areas. These improvements include high  
12 speed data services, as well as facilities that will allow the provision of "triple play" services:  
13 voice, video and high speed data. Wantel also provides access to several different ISPs in the  
14 area. Wantel's plan to extend its fiber infrastructure in its service area will be in the public  
15 interest as it will be able to offer advanced services and increased reliability and capacity to its  
16 customers.

17         This infrastructure will allow customers to obtain advanced services that were previously  
18 unavailable in high cost areas. By extending these advanced services, customers will be  
19 provided with increased choice as well. Granting ETC status to Wantel will further serve to  
20 achieve the national policy of extending these advanced services to all regions of the nation.<sup>9</sup>  
21 These new customers will have access to voicemail, call waiting, caller identification, three way  
22 calling, and last call return. In addition, Wantel will be extending Digital Subscriber Line

23 \_\_\_\_\_  
24 <sup>6</sup> *Report and Order*, Released March 17, 2005, at 11-12.

25 <sup>7</sup> Note, the criteria in the recently released *Report and Order, Id.*, generally apply to wireless ETC applicant. Wantel  
is a facilities based provider, and does not employ antennae and abse stations in its network.

26 <sup>8</sup> The Five Year Plan is submitted as a confidential exhibit, as it contains confidential information regarding planned  
network upgrades. Exhibit E.

<sup>9</sup> *Report and Order*, Released March 17, 2005, at 18-19.

1 (“DSL”) service to these customers. Providing these services to customers in high cost areas  
2 meets the public interest goals for an ETC provider.

3 Service quality will increase for customers of Wantel in high cost areas. A review of the  
4 five year plan shows how the network upgrades (including those funded by the company) will  
5 extend Wantel’s fiber network further into the high cost areas. By doing so, this new  
6 infrastructure will increase call and service quality in these areas. The result will be improved  
7 local access via new facilities with fiber-optic runs to the neighborhood enabling more customer  
8 connections, more reliable service, and a broader choice of features and benefits. Improved  
9 service quality will result from the new infrastructure, fiber-optic transport, SONET ring  
10 topology and newer state of the art equipment in the field, customer premises and wire centers.  
11 Improved service quality will also result from local involvement by consumers in the service  
12 area, enabled by Wantel’s walk-in offices located in the service area where customers can  
13 interact with Wantel employees on a person-to-person basis as well as having Wantel’s core  
14 technical staff on hand locally for instant response to situations as they arise. There will also be  
15 more reliable emergency services due to diverse traffic routing and SONET ring technologies, as  
16 well as eight hour battery back-up and generators distributed throughout Wantel’s network as  
17 required.

18 Wantel will be providing enhanced access to IXCs via its FG-D trunking to the access  
19 Tandems serving its areas, as well as the company’s regional fiber-optic network. Wantel’s  
20 service will enable more reliable 911 and provide a secondary route for access to the Eugene,  
21 Oregon PSAP and provide a direct diverse secondary link to the local Sheriff’s Office 911  
22 center. This will improve emergency backup access and redundancy in the event the link used  
23 by Qwest between Eugene, Oregon and back to the local PSAP goes down again.

24 In addition, as part of its Five Year Plan, Wantel describes its interest in PCINW  
25 Regional Fiber. Wantel owns one-third interest in this dark fiber run that serves to connect local  
26 Wantel communicates to a regional high speed transport network providing advanced services.

1 Extending connections to the PCINW Regional Fiber will offer increased cost savings and  
2 connectivity to customers being served in the high cost areas of Wantel's service area.

3 In addition, designation of Wantel as an ETC is in the public interest because it will  
4 promote competition. Competition promotes consumer benefits in the form of lower prices,  
5 increased service quality, and innovation. As a competitor to the incumbent, Wantel must offer  
6 prices that equal or are less than the incumbent's. It must also offer good service quality or it  
7 will lose customers. Also, by designating Wantel as an ETC it will make available Lifeline and  
8 Link Up, including OTAP, services to customers of Wantel in the Roseburg, Winston, and  
9 Sutherlin area. For these reasons designation of Wantel as an ETC is in the public interest.

10 **VI. COMMITMENT TO SERVE REQUESTING CUSTOMERS**

11 See Exhibit D Wantel's original Application for OUS Support. In it, Wantel certifies and  
12 agrees to provide its services to all customers for a reasonable cost within a reasonable time  
13 frame.

14 **VII. EQUAL ACCESS**

15 As an applicant for ETC status, Wantel acknowledges that it must provide equal access in  
16 its service area. It further acknowledges that should all other ETCs in its service area relinquish  
17 their designations, it must continue to provide equal access. See Exhibit F, Wantel's Equal  
18 Access Script, and Exhibit D, Wantel's original Application for OUS Support.

19 **VIII. EMERGENCY BACK-UP FUNCTIONALITY**

20 In order to be designated an ETC, the applicant must be able to demonstrate a reasonable  
21 back-up power to ensure a functioning network. Wantel has eight hour battery back-up at each  
22 location where its equipment requires power. It also has LNP/LPG powered generators with  
23 automatic transfer switches where it is required.<sup>10</sup>

24  
25  
26 <sup>10</sup> Referring to Wantel's confidentially submitted Five Year plan will demonstrate the redundancy in the network to provide a reroute of traffic and how the network can address traffic spikes during an emergency.

1 **IX. CONSUMER PROTECTION**

2 Wantel is subject to the Oregon consumer protection laws. It also submits service quality  
3 reports to the Commission. Attached as Exhibit G is a summary of Trouble Reports,  
4 Provisioning Commitments, Held Orders, Access to Representatives for Repair and Business  
5 Office, and Call Blocking. Each of these standards have been met or surpassed by Wantel.

6 Respectfully submitted this 5th day of May, 2005.

7 ATER WYNNE LLP

8  
9 By: \_\_\_\_\_

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## CERTIFICATE OF SERVICE

### UM 1202

I hereby certify that a true and correct copy of Wantel's Amended Application was served on the following parties on the 5th day of May, 2005 via the methods stated below:

Stephanie Andrus -- **Confidential**  
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Regulated Utility & Business Section  
1162 Court St. NE  
Salem, OR 97301-4096

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Dated this 5th day of May, 2005.

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Karen M. Lis

May 5, 2005

COPY VIA EMAIL  
ORIGINAL VIA UPS NEXT DAY AIR

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

Re: UM 1202  
*In the Matter of Wantel, Inc. d/b/a ComspanUSA's Application for Designation as  
an Eligible Telecommunications Carrier*

Dear Clerk:

Enclosed for filing in the above-referenced matter please find an original and five (5) copies of Wantel's Amended Application. Confidential portions are filed under separate "Confidential Cover". If you have any questions please let me know.

Very truly yours,  
ATER WYNNE LLP

Arthur A. Butler

Enclosures

cc: Marty Patrovsky, Wantel, Inc.  
Kay Marinos, OPUC  
Dave Booth, OPUC  
Stephanie Andrus, Department of Justice  
Alex Duarte, Qwest  
Don Mason, Qwest  
Shelia Harris, Qwest  
Brant Wolf, Oregon Telecommunications Association (w/non-confidential encls)  
Jennifer Niegel, Duncan Tiger & Niegel PC (w/non-confidential encls)