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June 30, 2006

08585  
Ms. Patty Van Gerpen  
Executive Director  
Public Utilities Commission  
500 East Capitol  
Pierre, SD 57501

Re: Petition of James Valley Wireless, L.L.C.

Dear Ms. Van Gerpen:

Enclosed are the original and ten copies of the Petition of James Valley Wireless, L.L.C. to be designated as an eligible telecommunications carrier. By copy of this letter, pursuant to ARSD 20:10:32:43, I am sending notice to the other eligible telecommunications carriers, Alltel, RCC, Qwest, Midcontinent and VCI.

Sincerely,

  
JAMES M. CREMER

JMC:jao  
JVWETC\Van Gerpen 2006-06-30\

Enclosures

cc: James Groft *via e-mail*  
Alltel  
RCC  
Qwest  
Midcontinent  
VCI

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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF SOUTH DAKOTA  
SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

\* \* \* \* \*

In the Matter of the Application of James Wireless, LLC for Designation as an Eligible Telecommunications Carrier for Wireless Service. \* DOCKET NO. \_\_\_\_\_ \* Petition of James Valley Wireless, LLC \*

\* \* \* \* \*

James Valley Wireless, LLC, a South Dakota limited liability company, ("JVW" or the "Company") by its counsel, pursuant to SDCL 49-31-78, ARSD 20:10:32:43 and Section 214(e)(2) of the Telecommunications Act of 1934, as amended ("Act"), 47 U.S.C. § 214(e)(2), and Section 54.201 of the Federal Communications Commission's ("FCC") rules, 47 C.F.R. § 54.201 submits this Petition for Designation as an Eligible Telecommunications Carrier ("ETC") for its proposed wireless personal communications service ("PCS") operations. JVW requests that its proposed wireless operation be designated as eligible to receive all available support from the federal Universal Service Fund ("USF") including, but not limited to, support for rural, insular and high-cost areas and low-income customers. In support of this Petition, the following is respectfully submitted:

**I. Name and Address of Petitioner**

1. The name and contact information of Petitioner are:

**James Valley Wireless, L.L.C.**  
235 E 1st Avenue  
Groton, SD 57445

Contact person:  
**James Groft, CEO**  
605-397-2323

**II. Proposed Effective Date**

2. The proposed effective date of the designation of ETC status is immediately upon the date the Commission approves the petition.

### III. Service Area

3. JWV requests that it be designated as an ETC in the James Valley Cooperative Telephone Company's service area and the Redfield exchange of Qwest. A map of JWV's proposed ETC service area is attached hereto as **Exhibit 1**.

### IV. The Petition Satisfies the Requirements for an ETC under 47 C.F.R. § 54.201

4. Section 54.201(d) of the FCC's rules provide that carriers designated as ETCs shall, throughout the designated ETC service area, (a) offer the services that are supported by federal universal service support mechanisms either using their own facilities or a combination of their own facilities and resale of another carrier's services, and (b) advertise the availability of such services and the charges therefore using media of general distribution. The nine services which are supported by the federal USF are:

- 1) voice grade access to the public switched network;
- 2) local usage;
- 3) dual tone multi-frequency signaling or its functional equivalent;
- 4) single-party service or its functional equivalent;
- 5) access to emergency services;
- 6) access to operator services;
- 7) access to interexchange service;
- 8) access to directory assistance; and
- 9) toll limitation for qualifying low-income consumers.

5. JWV will be a full-service wireless carrier that will offer all of these services. JWV therefore satisfies the requirements of 47 C.F.R. § 54.201.

6. Voice Grade Access. JWV will provide voice grade access to the public switched network through interconnection arrangements with local telephone companies. JWV will offer its subscribers this service at bandwidth between 300 and 3,000 hertz as required by 47 C.F.R. 54.101(a)(1), thereby providing voice grade access. JWV will respond to reasonable requests for service by providing service to a customer who has a billing address in the service area at the customer's billing address or at a different address specified by the customer that represents the customer's home or work location. JWV will also pursue a number of steps to assist customers to receive JWV's service and will continue to provide reasonable assistance, which can include providing enhanced equipment such as an external fixed antenna on a car or home; a "cell extender" or more powerful telephone; adjustment of JWV's existing antennas or providing a "repeater" to improve service or the construction of new infrastructure.

7. Local Usage. JVW will offer a variety of rate plans that provide local usage consistent with 47 C.F.R. § 54.101(a)(2). JVW will comply with any and all minimum local usage requirements adopted by the FCC.

8. DTMF Signaling. JVW will provide dual tone multi-frequency (“DTMF”) signaling to facilitate the transportation of signaling throughout its network. JVW will use out-of-band digital signaling and in-band multi-frequency (“ME”) signaling that is functionally equivalent to DTMF signaling.

9. Single Party Service. JVW will provide single party service, as that term is defined in Section 54.101 of the FCC’s rules.

10. Access to Emergency Services. JVW will provide Phase II E911 access to emergency services throughout its wireless service territory.

11. Access to Operator Services. JVW will provide customer access to operator services. Customers can reach operator services in the traditional manner by dialing “0”.

12. Access to Interexchange Services. JVW will establish connections with interexchange carriers. These arrangements will enable JVW to provide its customers access to interexchange services. Customers may also “dial around” to reach their interexchange carrier of choice.

13. Access to Directory Assistance. JVW will establish an arrangement with a Directory Assistance provider. Subscribers to JVW’s services will be able to dial “411” or “555-1212” to reach directory assistance from their mobile phones.

14. Toll Limitation. JVW will provide toll limitation by utilizing its toll blocking capabilities, enabling JVW to provide toll blocking service for Lifeline customers once JVW is designated an ETC.

15. Advertisement of Services. Pursuant to Section 54.201 of the FCC’s rules, 47 C.F.R. § 54.201, JVW will 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 may include newspaper, magazine, direct mailings, public exhibits and displays, bill inserts and telephone directory advertising. In addition, JVW will advertise the availability of Lifeline and Linkup benefits throughout its service area by including mention of such benefits in advertising and reaching out to community health, welfare, and employment offices to provide information to those people most likely to qualify for Lifeline and Linkup benefits.

## **V. JWV's Petition is in the Public Interest**

16. JWV's petition will serve the public interest by increasing consumer choice, improve service quality, enhance health and safety benefits, and enhance competition.

### **A. Increased Consumer Choice and Service Quality.**

17. Designation of JWV will advance universal service, promote competition and facilitate the provision of advanced communications services to the residents of rural South Dakota.

18. JWV will use high-cost support to deliver all of these benefits by constructing new facilities and improving existing facilities in its proposed build out area. JWV plans to construct 20 new cell towers. Fifteen towers will be constructed in the James Valley Cooperative Telephone Company service area, four in the Aberdeen Qwest Exchange (for which JWV is not seeking ETC status) and one in the Redfield Qwest Exchange. Attached as **Exhibit 2** is the map of the proposed new cell tower sites. Attached as **Exhibit 3** is JWV's proposed build out plan. The plan will result in improved wireless service quality, reduce dead spots, and extend telephone service. The Commission approved Western Wireless's (now Alltel) application for ETC status in James Valley Cooperative Telephone Company's service area in 2004 even though it proposed constructing only one new cell tower in that service area. (TC 03-191).

19. As JWV constructs these new cell sites, its customers will have a greater choice among service providers.

20. With ETC designation, JWV will implement its Lifeline and Link-Up programs, which will offer service to the lowest income customers, who may not have the opportunity to afford any choice in telephone wireless service.

### **B. Health and Safety Benefits.**

21. Designation of JWV as an ETC will help address the health and safety risks associated with geographic isolation. Citizens in rural areas, such as South Dakota, depend on mobile phones more and more to provide critical communications needs.

22. As JWV adds a cell site or increases channel capacity, the number of completed calls, including important health and safety calls, will increase. All wireless carriers are required to implement Phase II E-911 service within six months of a valid phase II E-911 request. This permits a caller to be located and tracked. However, it would be useless in areas where RF is weak or non-existent. Thus, for every cell site that JWV constructs, the reliability and performance of E-911 service will improve.

### **C. Competitive Response.**

23. One of the principal goals of the 1996 Act was to “promote competition and reduce regulation in order to secure lower prices and high-quality services for American telecommunications consumers and encourage the rapid deployment of new telecommunications technologies.” Competition in rural areas increases facilities and spurs development of advanced communications as carriers vie for a consumer’s business.

24. The public interest standard under Section 214(e)(2) for designating ETCs in territories served by rural telephone companies emphasizes competition and consumer benefit, not incumbent protection. James Valley Cooperative Telephone Company is the incumbent and it is not seeking incumbent protection.

25. Granting JVW’s petition will make available addition support to assist in the construction of new cell sites which will improve the quality of service. Enhanced service will encourage other wireless providers to upgrade their networks to meet this greater level of service.

### **E. Service Quality**

26. JVW’s two year build out plan demonstrates its commitment to providing a high level of wireless service in the proposed service area. To justify the capital investment necessary for the build out, JVW will need to attract sufficient customers. It believes its level of service will distinguish it from the existing wireless providers which will allow it to attract the customer base necessary to support this investment. Therefore, a high quality of service is of paramount concern for JVW.

27. JVW will provide high-quality handsets, made by variety of manufacturers that are lightweight, highly portable, and easy to use. Customers have the option of purchasing headsets, car adapters, extended batteries, and other accessories.

## **VI. Demonstration of Commitment to Provide Service**

28. JVW certifies that it will:

- a. Provide service on a timely basis to requesting customers within its proposed designated service area where its network already passes the potential customer's premises; and
- b. If the potential customer is within JVW’s proposed designated service area but outside its existing network, it will provide service

within a reasonable period of time, if the service does not impose excessive or unreasonable cost, by:

1. Modifying or replacing the requesting customers equipment;
2. Extending facilities, such as constructing or expanding an access line, deploying a roof-mounted antenna, or installing other equipment;
3. Adjusting the nearest cell tower;
4. Adjusting network or customer facilities;
5. Reselling services of another carrier's facilities to provide service; or
6. Employing, leasing, or constructing additional network facilities such as an access line, a cell site, cell extender, repeater, or other similar equipment.

## VII. Two-year plan

29. Attached hereto as **Exhibit 3** is JVW's two-year plan that describes with specificity the proposed build out on a wire center by wire center basis throughout its proposed designated service area. In addition, JVW states as follows:

- a. The service quality, signal quality, coverage, and capacity will improve due to the receipt of high-cost support because it will allow JVW to fund its build out which includes construction of up to 15 new cell towers in the James Valley Cooperative Telephone Company's service area and one in the Redfield Qwest Exchange. JVT also intends to build four new cell towers in the Aberdeen Qwest Exchange, but does not seek ETC status in the Aberdeen Exchange.
- b. The projected start date is July 15, 2006 and the projected completion date is March 15, 2008. The estimated amount of investment for this project is set forth in **Exhibit 3**.
- c. The geographic areas where improvements will be made are shown on the map attached hereto as **Exhibit 2**.

- d. The estimated population that will be served is 42,000.

**VIII. Ability to remain functional in emergency situations.**

30. JWV's parent, James Valley Cooperative Telephone Company, employs a staff of more than 50 people, including an experienced engineering and technical support team that provides on-call emergency support 24 hours a day, seven days a week. JWV's response time to an outage report is normally less than one hour.

31. JWV's system will be reinforced by the presence of battery backups installed at its cell sites, along with diesel generators at its switch, which are capable of running indefinitely in the event of a major electrical outage. In addition, the company has generators that can be moved to individual cell sites to supplement back-up batteries. Back-up batteries at JWV's primary cell sites provide at least 8 hours of back-up power. In the event of power or other types of fault, the cell sites are equipped with alarms that will alert our technicians. Additionally, the sites are monitored remotely by the switch should there be a total communications failure at the site.

32. The company's customer service representatives may be reached toll- and airtime-free. Customer service representatives may be contacted through a number of convenient methods, including: (a) visiting the company's two locally-owned retail/customer service locations in Groton and Aberdeen, South Dakota (b) a 1-800 toll-free number from any phone; or (c) by contacting our customer care center through the e-mail address provided on our web site.

**IX. Ability to satisfy consumer protection and service quality standards.**

33. JWV will commit to the CTIA Consumer Code for Wireless Service.

**X. Offering of comparable local usage plan.**

34. The wireless rate plans JWV intent to offer will be compatible with the plans offered by the incumbent local exchange carriers, which are James Valley Cooperative Telephone Company and Qwest in the Redfield Exchange.

**XI. Provisioning of Equal Access.**

35. JWV certifies that it will be able to provide equal access to long-distance carriers if no other eligible communications carrier is providing equal access within the service area.

WHEREFORE, JVW respectfully requests that the Commission, (1) enter an Order designating JVW as an ETC for its requested ETC service area as shown on Exhibit 1 hereto, and (2) certify to the FCC that JVW will use the support for its intended purpose.

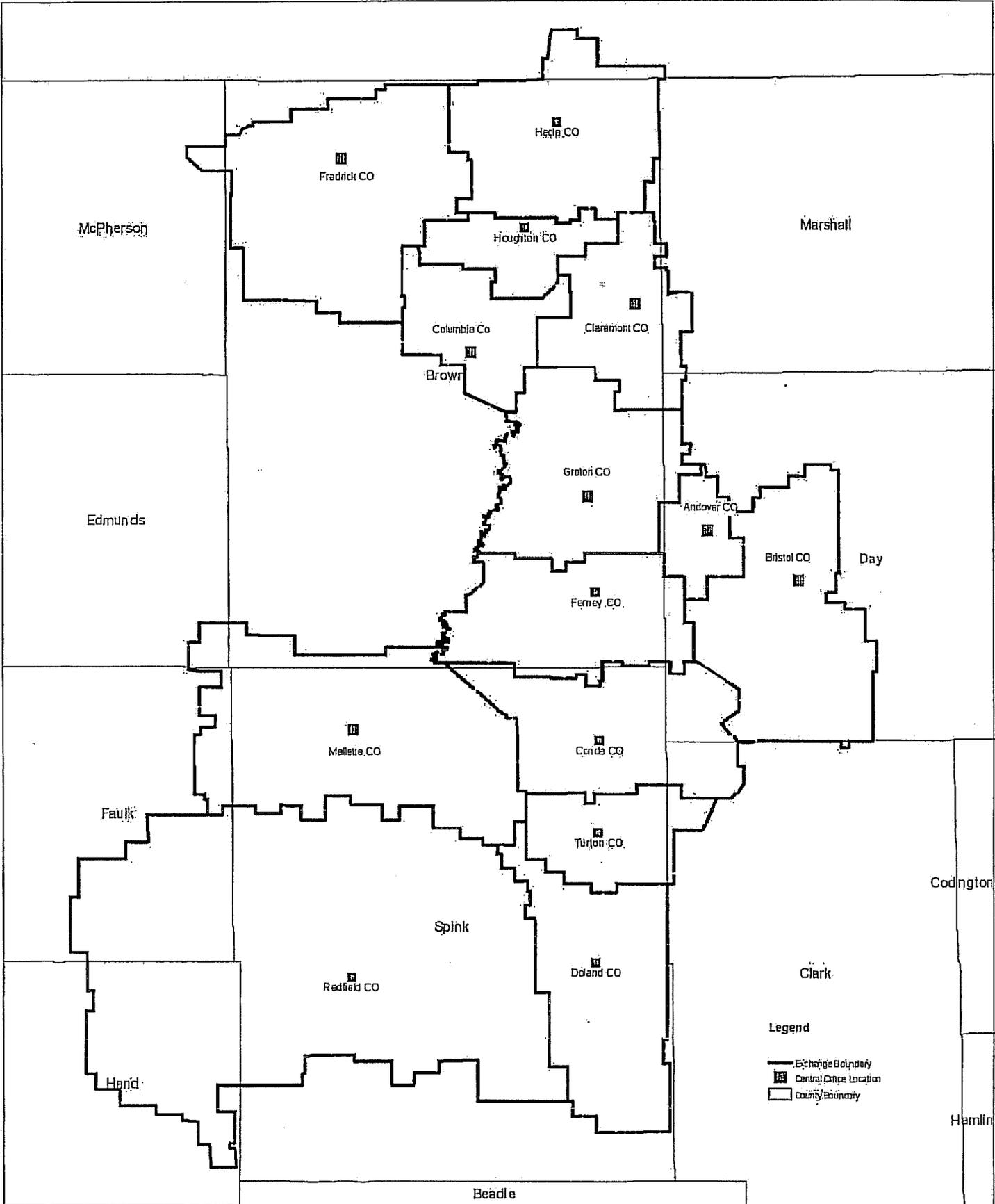
Dated this 30<sup>th</sup> day of June, 2006.

**BANTZ, GOSCH & CREMER, L.L.C.**

  
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Attorneys for James Valley Wireless, L.L.C.  
305 6th Avenue SE  
P.O. Box 970  
Aberdeen, SD 57402-0970  
(605) 225-2232

# EXHIBIT 1

## JVW WIRELESS COVERAGE



**EXHIBIT 2**

**JVW WIRELESS COVERAGE**  
**(Confidential – Filed Under Seal)**

**EXHIBIT 3**

**BUILD OUT PLAN**  
**(Confidential – Filed Under Seal)**

CONFIDENTIAL

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