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September 3, 2010

E-FILING

Patricia Van Gerpen
Executive Director
South Dakota Public Utilities Commission
500 East Capitol Avenue
Pierre, SD 57501

RE: In the Matter of the Request of WWC License, LLC for Certificate Regarding Its
Use of Federal Universal Service Support TC 10-067
GPNA File No. 09540.0003

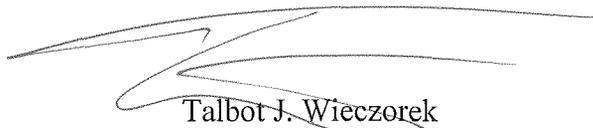
Dear Ms. Van Gerpen:

On behalf of Cellco Partnership d/b/a Verizon Wireless, and its subsidiaries and affiliates offering commercial mobile radio services in the State of South Dakota (Collectively "Verizon Wireless"), I am filing this Petition to amend and consolidate the eligible telecommunications carrier designations currently held separately in the name of WWC License, LLC, successor to GCC License Corporation, and RCC Minnesota, Inc. in the State of South Dakota to reflect Cellco and its affiliated legal entities as the designated entity.

Information contained in the Service Improvement Plan (Exhibit F) to the Petition is confidential under A.R.S.D. 20:10:1:39(4) and (5). Because of this, Verizon Wireless requests confidential treatment of its Responses, pursuant to A.R.S.D. 20:10:01:41 and that the material be held confidential for ten years and then destroyed. This information is confidential as the information is internal and proprietary, can be used adversely by competitors, and the development and financial planning constitutes trade secrets as recognized by law. If there are any inquiries as to the confidential treatment, I may be contacted at the above address.

If you need any additional information, please let me know.

Sincerely,



Talbot J. Wiczorek

TJW:slo
Enclosure
cc: Stephen Rowell

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

IN THE MATTER OF THE PETITION OF)
CELLCO PARTNERSHIP AND ITS)
SUBSIDIARIES AND AFFILIATES TO) TC10- _____
AMEND AND CONSOLIDATE ELIGIBLE)
TELECOMMUNICATIONS CARRIER)
DESIGNATIONS IN THE STATE OF)
SOUTH DAKOTA AND TO PARTIALLY)
RELINQUISH ETC DESIGNATION)

**PETITION TO AMEND AND CONSOLIDATE ELIGIBLE TELECOMMUNICATIONS
CARRIER DESIGNATIONS IN THE STATE OF SOUTH DAKOTA AND TO
PARTIALLY RELINQUISH ETC DESIGNATION**

Cellco Partnership d/b/a Verizon Wireless (“Cellco”), on behalf of itself and its subsidiaries and affiliates offering commercial mobile radio services (“CMRS”) in the State of South Dakota (collectively, “Verizon Wireless”), submits this Petition to amend and consolidate the eligible telecommunications carrier (“ETC”) designations currently held separately in the name of WWC License, LLC, successor to GCC License Corporation (“WWC”), and RCC Minnesota, Inc. (“RCC”) in the State of South Dakota (collectively, the “ETC Designations”) to reflect Cellco and its affiliated legal entities as the designated entity. Verizon Wireless respectfully requests that the amendment and consolidation of the ETC Designations be deemed effective immediately.

Verizon Wireless further requests that the partial relinquishment of its ETC status in the Golden West Telecommunications Cooperative, Inc. (“Golden West”) Study Area Code (“SAC”) 391659 be deemed effective immediately.

WWC was first designated as an ETC in South Dakota by the Public Utilities Commission (“Commission”) in 2001.¹ At that time, WWC was designated to serve all non-rural telephone company wire centers throughout the State of South Dakota. Expansion of WWC’s designated service area to include the entire study areas of certain rural telephone companies was later approved by the Commission in 2003 and again in 2005.² The Commission designated RCC as an ETC in South Dakota in 2005.³ The WWC and RCC ETC designations are referred to collectively herein as the “ETC Designations.”

The amendment and consolidation requested herein is necessary to reflect the transactions the FCC previously approved whereby Alltel Corporation (“Alltel”) and each of its subsidiaries, including WWC, which became a subsidiary of Alltel in 2005, and Rural Cellular Corporation and each of its subsidiaries, including RCC, became wholly-owned indirect subsidiaries of Cellco.⁴ As a result of the transactions, the WWC, RCC and Verizon Wireless

¹ *In the Matter of the Filing by GCC License Corporation for Designation as an Eligible Telecommunications Carrier*, TC98-146, Order Designating GCC License Corporation as an Eligible Telecommunications Carrier in Non-Rural Telephone Company Exchanges (Oct. 18, 2001) (“*Non-Rural ETC Order*”).

² *In the Matter of the Filing by GCC License Corporation for Designation as an Eligible Telecommunications Carrier*, TC98-146, Findings of Fact and Conclusions of Law; Notice of Entry of Order (Oct. 18, 2001) (“*Public Interest Order*”); *In the Matter of the Filing by GCC License Corporation for Designation as an Eligible Telecommunications Carrier*, TC98-146, Order Designating Western Wireless as an ETC for Areas Served by Certain Rural Telephone Companies (Jan. 6, 2001) (“*Rural ETC Order*”); *In the Matter of the Filing by WWC License, LLC d/b/a CellularOne for Designation as an Eligible Telecommunications Carrier in Other Rural Areas*, TC03-191, Amended Order Designating Western Wireless as an Eligible Telecommunications Carrier; Findings of Fact and Conclusions of Law; and Notice of Entry of Order (Jan. 3, 2005) (“*Rural Expansion Order*”).

³ *In the Matter of the Filing by RCC Minnesota, Inc. and Wireless Alliance, LLC, d/b/a Unicef for Designation as an Eligible Telecommunications Carrier*, TC03-139, Order Designating RCC Minnesota, Inc. and Wireless Alliance, LLC, d/b/a Unicef as Eligible Telecommunications Carriers; Findings of Fact and Conclusions of Law; and Notice of Entry of Order (June 6, 2005) (“*RCC Order*”).

⁴ *Applications of Cellco Partnership d/b/a Verizon Wireless and Atlantis Holdings LLC for Consent to Transfer Control of Licenses, Authorizations, and Spectrum Manager and de Facto*

networks, business operations, and subscriber bases have been fully integrated as contemplated and approved by the FCC.⁵ While WWC and RCC continue to exist as separate legal entities, they are now subsidiaries of Cellco and collectively operate and conduct business as Verizon Wireless. As a result of this integration, it is no longer feasible to distinguish the network, business operations or subscribers of one company from another for ETC compliance and reporting purposes. Accordingly, on May 28, 2010, the FCC approved Cellco's petitions for *pro forma* amendment of the ETC designations held by Alltel Communication, LLC, RCC Holdings, Inc., and their affiliated legal entities in Alabama, North Carolina and Virginia to reflect Cellco as the designated entity.⁶ Verizon Wireless requests similar relief in this proceeding as that granted by the FCC in Alabama, North Carolina and Virginia.

Verizon Wireless is requesting that the ETC Designations be amended and consolidated to encompass the same area where WWC and RCC are designated as ETCs, with the exception of the Golden West study area (SAC 391659) for which notice of relinquishment is provided herein (the "Designated Area").⁷ Verizon Wireless is not seeking through the amendment and consolidation of the existing ETC Designations to expand the Designated Area. Attached as

Transfer of Leasing Arrangements, WT Docket No. 08-95, *Memorandum Opinion and Order and Declaratory Ruling*, 23 FCC Rcd 17444 (2008) ("*Cellco-Alltel Order*"); *Applications of Cellco Partnership d/b/a Verizon Wireless and Rural Cellular Corporation for Consent To Transfer Control of Licenses, Authorizations, and Spectrum Manager Leases*, WT Docket No. 07-208, *Memorandum Opinion and Order and Declaratory Ruling*, 23 FCC Rcd 12463 (2008) ("*Cellco-RCC Order*").

⁵See, generally, *Cellco-Alltel Order*; *Cellco-RCC Order*.

⁶ *In the Matter of Federal-State Board on Universal Service, Cellco Partnership d/b/a Verizon Wireless, Petitions for Pro Forma Amendment of Eligible Telecommunications Carrier Designations in the Commonwealth of Virginia and the States of Alabama and North Carolina*, WC Docket 09-197, CC Docket 96-45, *Order*, 25 FCC Rcd 5955 (2010) ("*Pro Forma Order*") (attached as **Exhibit A**).

⁷ For purposes of this Petition, the "Designated Area" excludes the Golden West SAC 391659. Verizon Wireless has provided the Commission contemporaneous notice of its partial relinquishment of ETC designation with respect to SAC 391659.

Exhibit B is a list of the non-rural telephone company wire centers and rural telephone company study areas that are included within the Designated Area. Attached as **Exhibit C** is a map identifying the Designated Area.

Verizon Wireless will seek federal high-cost universal service support throughout the Designated Area for all eligible lines served by Verizon Wireless and its subsidiaries and affiliates consistent with the universal service support conditions imposed in the FCC's *Cellco-Alltel Order*.⁸

I. BACKGROUND OF APPLICANT

The name, address and telephone number of Verizon Wireless and its designated contact person is as follows:

Cellco Partnership d/b/a Verizon Wireless
180 Washington Valley Road
Bedminster, New Jersey 07921

Linda Stevens
Associate Director – Finance
Verizon Wireless
One Verizon Place
Alpharetta, GA 30004-8511
Phone: (678) 339-5404

The name, address and telephone number of the attorneys representing Verizon Wireless in this proceeding are as follows:

Talbot J. Wiczorek
Assurant Building
440 Mt. Rushmore Road
P.O. Box 8045
Rapid City, SD 57709-8045
Phone: (605) 342-1078

Stephen B. Rowell
Assistant General Counsel

⁸*Cellco-Alltel Order* at 17532 ¶ 197 (Verizon Wireless has voluntarily committed to accept a phase down of high cost universal service support of 20% per year over a five year period).

Verizon Wireless
One Allied Drive
Little Rock, Arkansas 72202
Phone: 501.905.8460

II. ELIGIBILITY FOR ETC DESIGNATION

This Petition is filed in accordance with 47 U.S.C. § 214(e) of the Communications Act of 1934, as amended (the “Act”), 47 U.S.C. § 151, *et seq.*, Part 54 of the FCC rules and regulations governing universal service, 47 C.F.R. § 54.1, *et seq.*, S.D.C.L. 49-31-78 and A.R.S.D. 20:10:32:42, *et seq.*

As demonstrated in the attached Certification of Linda Stevens, Verizon Wireless continues to satisfy all of the eligibility requirements for designation as an ETC under 47 U.S.C. § 214(e)(1) and 47 C.F.R. §§ 54.201-54.202. See **Exhibit D**. Each Verizon Wireless operating entity (1) is a “common carrier” under federal law, (2) offers the services designated for support by the FCC pursuant to Section 254(c) of the Act; (3) offers the supported services using its own facilities; and (4) advertises the availability of the supported services and associated charges using media of general distribution.

III. PUBLIC INTEREST

Amending and consolidating the ETC Designations is in the public interest, convenience and necessity for the same reasons stated in the Commission’s *Public Interest Order*, *Rural Expansion Order* and *RCC Order*. As the FCC recognized in the *Pro Forma Order*, Verizon Wireless will continue to serve the same service areas the Commission considered in its earlier analyses.⁹ And in previously designating WWC and RCC as competitive ETCs in South Dakota,

⁹ *Pro Forma Order* ¶ 2.

the Commission specifically concluded that the ETC Designations would serve the public interest.¹⁰

Additionally, approving this Petition is in the public interest for the same reasons cited by the FCC in approving Cellco's acquisition of Alltel and RCC. The FCC determined that Cellco's acquisition of Alltel and RCC will "result in transaction-specific public interest benefits,"¹¹ including increased wireless footprint and network coverage; expanded and improved services and features, particularly in rural areas; expanded roll-out of broadband and next-generation services; improvements in service quality; efficiencies and economies of scale and scope; and strengthened competition.¹² The FCC also noted Cellco's commitments to "expeditiously integrate" Alltel's and RCC's networks into the Verizon Wireless network, which would provide concrete benefits to Alltel and RCC customers, particularly in rural areas.¹³ The requested amendment and consolidation of the ETC Designations is necessary to reflect this network integration approved by the FCC, because the integration necessitates unified booking and reporting of customer account and network expenditure information for competitive ETC purposes.

IV. ADMINISTRATIVE EFFICIENCIES

Amending and consolidating the ETC Designations and the associated ETC compliance and reporting obligations into a single ETC designation in the name of Verizon Wireless is also administratively more efficient. WWC and RCC currently submit separate annual ETC reports

¹⁰ *Public Interest Order*, pp. 3-6; *Rural Expansion Order*, pp. 5-7; *RCC Order*, pp. 6-7.

¹¹ *Cellco-Alltel Order*, 23 FCC Rcd at 17515 ¶ 156; *Cellco-RCC Order*, 23 FCC Rcd at 12512 ¶ 109

¹² *Cellco-Alltel Order*, 23 FCC Rcd at 17498-515 ¶¶ 122-156; *Cellco-RCC Order*, 23 FCC Rcd at 12504-12 ¶¶ 92-108.

¹³ *Cellco-Alltel Order*, 23 FCC Rcd at 17500-01 ¶¶ 124-125; *Cellco-RCC Order*, 23 FCC Rcd at 12508 ¶ 100.

and certifications to the Commission. The submission of multiple reports results in the duplicate expenditure of economic and administrative resources by both Verizon Wireless and the Commission. Amending and consolidating the separate ETC Designations in the name of Verizon Wireless will, therefore, create economic and administrative efficiencies by streamlining Verizon Wireless' submission of information to the Commission consistent with the annual reporting requirements set forth in A.R.S.D. 20:10:32:54.

V. LIFELINE AND LINK UP

Granting this Petition will ensure that Verizon Wireless is able to offer Lifeline/Link Up assistance to new and current subscribers in the Designated Area. Verizon Wireless' Lifeline/Link Up service offering provides another competitive choice to qualified subscribers within the Designated Area. Therefore, Lifeline/Link Up consumers will benefit from competitive options in the same way other consumers benefit from competition.

VI. USE OF SUPPORT

As reflected in the Certification of Mark R. Smith, Executive Director – Finance, Verizon Wireless certifies, as required by Section 254(e) of the Act, to use high-cost support “only for the provision, maintenance, and upgrading of facilities and services for which the support is intended.” See **Exhibit E**. Verizon Wireless acknowledges that it must, under Sections 54.313 and 54.314 of the FCC's rules, certify annually that it is in compliance with this requirement. Verizon Wireless will continue to provide annual reports on its progress toward meeting network improvement objectives and comply with the regulatory requirements generally applicable to all competitive ETCs in South Dakota. Attached as **Confidential Exhibit F** is a service improvement plan with respect to 2011 and 2012, which is submitted consistent with the requirements of A.R.S.D. 20:10:32:43.02 and A.R.S.D. 20:10:32:54(1).

VII. AMENDMENT OF ETC DESIGNATIONS TO ELIMINATE UNNECESSARY REQUIREMENTS

In addition to amending and consolidating the existing ETC Designations, Verizon Wireless respectfully requests that in approving this Petition the Commission eliminate certain *ad hoc* requirements that were imposed on RCC and WWC, but which are not required of all ETCs generally and are not included in Commission's ETC rules. Specifically, Verizon Wireless requests that the Commission eliminate the obligations to (1) file an advertising plan with the Commission, including a description of the available calling areas and Lifeline/Link Up advertising and application materials; and (2) file a customer service agreement containing (a) a notice that claims and disputes may be brought before the Commission for resolution, and (b) a notice of the availability of Lifeline/Link Up assistance and instructions for application.

As a result of the Commission's subsequent amendment of its ETC rules in 2006,¹⁴ as well as the development and adoption of certain business practices by Verizon Wireless, these conditions have become unnecessary with the passage of time. First, with respect to the filing of an advertising plan, the aggressive marketing of Verizon Wireless' service offerings, including the offering and advertising of nationwide calling areas, has rendered the requirement to demonstrate the Company's intended advertising practices unnecessary. Information concerning Verizon Wireless' currently available service offerings, including the scope of the calling areas, is available 24-hours a day, 7-days a week at www.verizonwireless.com and during normal business hours at any Verizon Wireless retail store. In addition, information concerning Verizon Wireless' provision of Lifeline/Link Up assistance, as well as the applicable application

¹⁴ *In the Matter of the Adoption of Rules Regarding the Eligibility, Certification and Reporting Requirements for Eligible Telecommunication Carriers*, RM-06-001 (adopted June 6, 2006).

materials and instructions, are available for download at any time at www.verizonwireless.com/lifeline.

For similar reasons, the requirement to include a dispute resolution and Lifeline/Link Up notice as part of a carrier's customer service agreement can otherwise be satisfied by general compliance with A.R.S.D. 20:10:32:55. As set forth in the Commission's rules, a new customer residing within an ETC's designated service area must be provided written notification of the Lifeline/Link Up assistance programs within 30-days of service activation. Thus, the requirement to include Lifeline/Link Up information within the service agreement can otherwise be satisfied by providing the separate written notice contemplated by A.R.S.D. 20:10:32:55. In addition, to the extent the Commission may continue to deem it necessary to provide consumers with notice that claims or disputes may be brought before the Commission for resolution, Verizon Wireless respectfully submits that the Commission should permit such notice to be provided at the same time the separate written Lifeline/Link Up notice is provided consistent with A.R.S.D. 20:10:32:55. In that way, consumers will be provided with all of the Commission-mandated information at the same time.

Accordingly, Verizon Wireless respectfully requests that the Commission expressly eliminate the foregoing requirements at the time it amends and consolidates the ETC Designations in the name of Verizon Wireless.

VIII. NOTICE OF PARTIAL RELINQUISHMENT

Pursuant to 47 U.S.C. § 214(e)(4), 47 C.F.R. § 54.205 and A.R.S.D. 20:10:32:48, Verizon Wireless on behalf of WWC respectfully notifies the Commission of the partial relinquishment of its ETC designation with respect to the Golden West SAC 391659.

As set forth in 47 U.S.C. § 214(e)(4), the FCC's universal service rules and A.R.S.D. 20:10:32:48, approval of a competitive ETC's notice of relinquishment is mandatory in accordance with the following provision:

A State commission ... shall permit an eligible telecommunications carrier to relinquish its designation as such a carrier in any area served by more than one eligible telecommunications carrier. An eligible telecommunications carrier that seeks to relinquish its ... designation ... shall give advance notice to the State commission ... of such relinquishment. Prior to permitting ... an eligible telecommunications carrier to cease providing universal service ..., the state commission ... shall require the remaining eligible telecommunications carrier[s] ... to ensure that all customers served by the relinquishing carrier will continue to be served, and shall require sufficient notice to permit the purchase or construction of adequate facilities by any remaining eligible telecommunications carrier.

47 U.S.C. § 214(e)(4) (emphasis added); *see also* 47 C.F.R. § 54.205(a) and (b). A.R.S.D. 20:10:32:48 contains similar criteria under which a competitive ETC's relinquishment is to be approved.

In accordance with the above referenced statute and rules, the relinquishment of WWC's ETC designation shall be approved if it satisfies the following: (1) the designated Golden West study area is served by at least one other ETC; (2) WWC provides the Commission advance notice of the relinquishment; (3) all customers of WWC will continue to be served; and (4) sufficient notice is provided to permit the purchase or construction of adequate facilities by the remaining ETCs.

The first item is satisfied because the Designated Area is served by at least one other ETC, including Golden West and, according to current Universal Service Administrative Company ("USAC") information, competitive ETC Long Lines Wireless, LLC.¹⁵

¹⁵ In addition, AT&T Mobility, LLC has made application to the FCC to be designated as a competitive ETC for purposes of serving the tribal members residing within the portion of the Golden West SAC 391659 covering the Pine Ridge Reservation in South Dakota. *See Petition of AT&T Mobility LLC for Designation as an Eligible Telecommunications Carrier and Transfer of*

This Petition satisfies the second item by providing the Commission with this advance notice of the relinquishment.

The third item is also satisfied in this case because WWC no longer serves any customers within the Golden West SAC 391659. As a condition of the acquisition of RCC and Alltel, Verizon Wireless was required to divest (sell) all customers, the network serving those customers, and certain other WWC assets in South Dakota, including those customers and assets located in the Golden West SAC 391659.¹⁶ On June 22, 2010, all of the customers, network and other assets that Verizon Wireless was required to divest within the Golden West SAC 391659 were transferred to AT&T Mobility, LLC (“AT&T Mobility”). As a result, the former WWC customers are now served by AT&T Mobility, and any existing or future Verizon Wireless customers residing within Golden West SAC 391659 will continue to be served by Verizon Wireless.

Likewise, the fourth item is satisfied for the same reasons. Because WWC does not currently serve any customers within the Golden West SAC 391659, the former WWC customers are now served by AT&T Mobility, and any existing or future Verizon Wireless customers will continue to be served by Verizon Wireless, the remaining ETCs will not need to purchase or construct facilities in order to serve WWC consumers within the Golden West SAC 391659 as there are none.

In addition, unlike the relinquishment of Wireless Alliance, LLC’s ETC designation recently approved by the Commission, because WWC no longer serves any customers residing within the Golden West SAC 391659, WWC will not need to provide notice of the

the Alltel Pine Ridge Reservation Eligible Telecommunications Carrier Designation, WC Docket No. 09-197, Ex. C (filed July 30, 2010).

¹⁶ See, generally, *Cellco-Alltel Order*.

relinquishment to its former customers.¹⁷ Indeed, because those former WWC customers are now served by AT&T Mobility, WWC would be unable to provide any such notice as both the identity and location of the customers is the confidential and propriety information of AT&T Mobility.

Thus, the filing of this Petition satisfies all of the requirements under 47 U.S.C. § 214(e)(4), 47 C.F.R. § 54.205(a)-(b), and A.R.S.D. 20:10:32:48, and no further action is required of WWC or the Commission prior to the relinquishment being approved. Following the transfer of its customers and network assets to AT&T Mobility, Verizon Wireless informed USAC that WWC is no longer entitled to received federal universal service support with respect to those customers. Upon approval of the partial relinquishment of WWC's ETC designation in the Golden West SAC 391659, Verizon Wireless will inform USAC that the relinquishment is completed.

IX. LIST OF EXHIBITS

- Exhibit A FCC *Pro Forma Order*
- Exhibit B Designated Area
- Exhibit C Designated Area Map
- Exhibit D Certification of Linda Stevens
- Exhibit E Certification of Mark R. Smith
- Exhibit F Service Improvement Plan (CONFIDENTIAL)
- Exhibit G High-Cost Certification Letter

¹⁷ See *In the Matter of the Filing of Wireless Alliance, LLC d/b/a/ Unicel for Approval of Relinquishment of its Designation as an Eligible Telecommunications Carrier*, TC09-020, Order Approving Relinquishment of Designation as an Eligible Telecommunications Carrier (June 24, 2009) (Specifying that relinquishment would be deemed effective within 45 days of order or upon written notice to current customers, whichever occurred earlier).

CONCLUSION

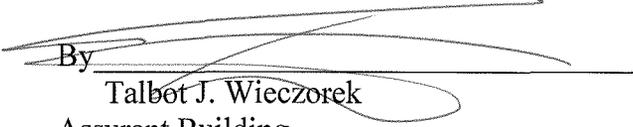
Approval of this Petition is consistent with the acquisition of Alltel and RCC approved by the FCC, is necessary to reflect the network and business integration described above, and will promote competition among ETC providers. Approval would further be consistent with the FCC's May 28, 2010 *Pro Forma Order*.

Based on the foregoing, Cellco Partnership d/b/a Verizon Wireless and its subsidiaries and affiliates respectfully requests that the Commission expeditiously consider this Petition and issue an Order amending and consolidating the ETC Designations in the name of Verizon Wireless, approving the partial relinquishment of the Golden West SAC 391659 effective immediately and further certifying Verizon Wireless' use of federal high-cost universal service support pursuant to 47 C.F.R. §§ 54.313 and 54.314 in the form attached as **Exhibit G**.

Dated: September 3rd, 2010

Respectfully submitted,

GUNDERSON, PALMER, NELSON &
ASHMORE, LLP

By 

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