

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

In the Matter of the Application of NEW            )    TC11- \_\_\_\_\_  
CINGULAR WIRELESS PCS, LLC for            )  
Designation as an Eligible                    )  
Telecommunications Carrier                    )  
in Rural Study Areas                            )

**APPLICATION FOR DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS  
CARRIER**

New Cingular Wireless PCS, LLC, a subsidiary of AT&T Mobility LLC, (herein after referred to as “AT&T Mobility”) respectfully requests that the South Dakota Public Utilities Commission (“Commission) designate AT&T Mobility as an eligible telecommunications carrier (“ETC”) pursuant to SDCL §49-31-78 and Section 214(e) of the federal Communications Act of 1934 (“Act”), as amended, for the purpose of qualifying to obtain all available federal universal service support including, but not limited to, support for rural, insular and high costs areas, and for low-income customers.

**I. Background**

By way of background, on June 22, 2010, the Federal Communications Commission (“FCC”) approved AT&T Inc.’s acquisition of certain licenses and assets from Verizon Wireless.<sup>1</sup> Included among the assets that AT&T acquired are the FCC licenses and the wireless network serving portions of South Dakota.

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<sup>1</sup> *Application of AT&T Inc. and Verizon Wireless for Consent to Assign or Transfer Control of Licenses and Authorizations and Modify a Spectrum Leasing Arrangement*, WT Docket No. 09-104, Memorandum Opinion and Order, FCC 10-116 (rel. June 22, 2010) (“*AT&T/Verizon Wireless Asset Transfer Order*”). In approving Verizon Wireless’s acquisition of Alltel, the Commission required Verizon Wireless to divest business units and associated licenses in 105 markets. *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 Transfer Leasing Arrangements and Petition for*

The Commission previously approved the ETC designation for Western Wireless Corporation (“WWC”) by order dated October 18, 1999 in non-rural telephone company wire centers in the state.<sup>2</sup> WWC’s designated service area was expanded to include the entire study areas of certain rural telephone companies in 2003 and again in 2005.<sup>3</sup> AT&T Mobility is now seeking to be designated as an ETC in much of the same area in which Western Wireless was previously designated as an ETC.<sup>4</sup>

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*Declaratory Ruling that the Transaction is Consistent with Section 310(b)(4) of the Communications Act, WT Docket No. 08-95, Memorandum Opinion and Order and Declaratory Ruling, 23 FCC Rcd 17444 (2008). The Commission approved the transfer of the licenses and business units in 79 of those markets to AT&T in its AT&T/Verizon Wireless Asset Transfer Order.*

<sup>2</sup> *In the Matter of the Filing of 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”).*

<sup>3</sup> *In the Matter of 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 Telecommunication Carrier in Other Rural Areas, TC03-101, 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”).*

<sup>4</sup> On September 3, 2010, the Commission received a petition from Cellco Partnership d/b/a Verizon Wireless, and its subsidiaries and affiliates to amend and consolidate the ETC designation currently held separately in the name of WWC License, LLC (WWC) and RCC Minnesota, Inc. (RCC). Verizon Wireless also requested the partial relinquishment of WWC’s ETC status in the Golden West Telecommunications Cooperative, Inc. (Golden West) study area. On November 18, 2010, the Commission granted Verizon Wireless’ partial relinquishment of ETC in the Golden West study area. See *In the Matter of the Petition of Cellco Partnerships and Its Subsidiaries and Affiliates to Amend and Consolidate Eligible Telecommunications Carrier Designations in The State of South Dakota and to Partially Relinquish ETC Designations, TC10-090, Order Approving Partial Relinquishment of ETC Designation (November 18, 2010).*

## **II. Name and Address of Applicant**

New Cingular Wireless PCS, LLC is a Delaware limited liability company whose principal place of business is located in Atlanta, Georgia. The names and addresses of the Applicant are:

**New Cingular Wireless PCS, LLC**  
1025 Lenox Park Blvd NE  
Atlanta, GA 30319

All correspondence regarding this Application should be sent to the following:

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### **III. Applicable Statutes and Rules**

The statutes and rules implicated by this application are as follows: 47 U.S.C. §§ 214(e) and 254; 47 C.F.R. Part 54; and SDCL §49-31-78 49-31-78 and A.R.S.D. 20:10:32:42, *et seq.*

### **IV. Description of ETC Designated Service Area and Effective Date**

AT&T Mobility seeks to be designated as an ETC in the 29 rural study areas<sup>5</sup> listed in Exhibit A as soon as possible. The areas listed in Exhibit A are collectively referred to as the “Rural ETC Designated Area”. A map of the Rural ETC Designated Area is attached as Exhibit B.

### **V. AT&T Mobility Satisfies the Requirements to Be Designated as an ETC**

Section 214(e)(1) of the Act and Section 54.201(d) of the FCC's rules provide that to be designated as an ETC an applicant must, (1) be a common carrier; (2) 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 (3) advertise the availability of such services and the charges therefore using media of general distribution.<sup>6</sup> As described in more detail below, AT&T Mobility will fulfill each of these requirements.

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<sup>5</sup> AT&T Mobility is concurrently filing an additional separate request with the Commission for ETC designation in South Dakota for certain Non-Rural Areas. The FCC recently granted AT&T Mobility's request for designation as an ETC for tribal members residing on the Pine Ridge Reservation. As such, the portion of the instant Application that includes the Pine Ridge Reservation is only for non-tribal members residing on the Pine Ridge Reservation. *In the Matter of Telecommunications Carriers Eligible for Universal Service Support, Petition of AT&T Mobility LLC for Designation as an Eligible Telecommunications Carrier Pursuant to Section 214(e)(6) of the Communications Act and Transfer of the Alltel Pine Ridge Reservation Eligible Telecommunications Carrier Designation*, WC Docket 09-197, DA 11-859, Order, (rel. May 11, 2011).

<sup>6</sup> 47 U.S.C. § 214(e)(1); 47 C.F.R. § 54.201(d)

**A. AT&T Mobility is a Common Carrier**

A common carrier is defined by the Act as “any person engaged as a common carrier for hire, in interstate or foreign communications by wire or radio...” 47 U.S.C §153(10). AT&T Mobility is a commercial mobile radio service provider (“CMRS”). As a CMRS provider, AT&T Mobility is a common carrier under federal law. See 47 C.F.R. §20.9(a).

**B. AT&T Mobility Will Offer the Services Supported by the Federal Universal Service Support Mechanism**

The services that are supported by the federal universal service support mechanisms under 47 C.F.R. §54.101 are:

- i. voice grade access to the public switched network;
- ii. local usage;
- iii. dual tone multi-frequency (“DTMF”) signaling or its functional equivalent;
- iv. single-party service or its functional equivalent;
- v. access to emergency services;
- vi. access to operator services;
- vii. access to interexchange service;
- viii. access to directory assistance; and
- ix. toll limitation for qualifying low-income consumers.<sup>7</sup>

AT&T Mobility is a facilities-based provider of telecommunications service and will provide the supported services, as described in more detail below, to its customers within its ETC designated area using its own facilities or a combination of its own facilities and the resale of other carriers’ service. AT&T Mobility will primarily use its own network infrastructure which includes cell sites (antennas, towers, and so forth), trunking, switching, and interconnection facilities.

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<sup>7</sup> 47 C.F.R. § 54.101(a)

Voice Grade Access. “Voice grade access” permits a telecommunications user to transmit voice communications, including signaling the network to which the caller wishes to place a call, and to receive voice communications, including receiving a signal that there is an incoming call. The FCC has determined that voice grade access to the public switched telephone network means the ability to make and receive calls with a minimum bandwidth of 300 to 3,000 Hertz.<sup>8</sup> AT&T Mobility provides voice grade access to the public switched network through interconnection arrangements with local telephone companies.

Local Usage. “Local usage” is the amount of minutes of use of exchange service provided free of charge to end users.<sup>9</sup> To date, the FCC has not quantified a minimum amount of local usage required to be included in a universal service offering. AT&T Mobility has a variety of calling plans that provide local usage consistent with this requirement. For example, customers that currently choose the AT&T Nation<sup>sm</sup> or the AT&T FamilyTalk<sup>sm</sup> calling plans do not pay additional long distance charges for calls made within the United States. Examples of the AT&T Nation<sup>®</sup> and AT&T FamilyTalk<sup>®</sup> calling plan brochures are attached as **Attachments C-1 and C-2**, respectively. Thus, AT&T Mobility provides customers with local usage consistent with this requirement.

DTMF Signaling. “DTMF” is a method of signaling that facilitates the transportation of signaling through the network, shortening call set up time.<sup>10</sup> The FCC has recognized that wireless carriers use out-of-band signaling mechanisms and found that “it is appropriate to

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<sup>8</sup> 47 C.F.R. §54.101(a)(1)

<sup>9</sup> 47 C.F.R. §54.101(a)(2)

<sup>10</sup> 47 C.F.R. §54.101(a)(3)

support out-of-band digital signaling mechanisms as an alternative to DTMF signaling.”<sup>11</sup> AT&T Mobility currently uses out-of-band digital signaling and in-band multi-frequency signaling, in accordance with the FCC’s requirements.

Single Party Service. “Single-party service” permits the exclusive use of a particular subscriber loop or access line by a single subscriber. The FCC has determined that a CMRS provider meets the requirement of offering single party service when it offers a dedicated message path for the length of a user’s particular transmission.<sup>12</sup> AT&T Mobility meets the requirements of single party service, as that term is defined, in all of its service offerings by providing a dedicated message path for the length of the user’s call.

Access to Emergency Services. “Access to emergency service” means the ability to reach a public safety answering point (“PSAP”) by dialing “911”. The FCC requires that a carrier must provide access to enhanced 911 (“E911”), which includes the capability of providing both automatic numbering information (“ANI”) and automatic location information (“ALI”), when the PSAP is capable of receiving such information and the service is requested from the carrier.<sup>13</sup> AT&T Mobility currently provides its voice customers with the ability to access emergency services by dialing “911”. AT&T Mobility is also capable of delivering ANI and ALI information over its existing network and is in compliance with all applicable FCC E911 requirements.

Access to Operator Services. Access to operator services means access to any automatic or live assistance provided to a customer to arrange for the billing or completion, or both,

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<sup>11</sup> *Federal-State Joint Board on Universal Service, Report and Order*, CC Docket No. 96-45, FCC 97-157 (rel. May 8, 1997), ¶71.

<sup>12</sup> 47 C.F.R. §54.101(a)(4).

<sup>13</sup> 47 C.F.R. §54.101(a)(5)

of a telephone call.<sup>14</sup> AT&T Mobility meets this requirement by providing access to operator services to its customers by dialing “0”.

Access to Interexchange Services. An ETC must offer consumers access to interexchange service to make and receive toll or interexchange calls.<sup>15</sup> AT&T Mobility meets this requirement by providing all of its subscribers with the ability to make and receive interexchange calls.

Access to Directory Assistance. “Access to directory assistance” means the ability to provide access to a service, upon request, that makes directory listings available.<sup>16</sup> AT&T Mobility meets this requirement by providing its customers access to directory assistance by dialing “411”.

Toll Limitation. “Toll limitation” includes the offering of either “toll blocking” or “toll control” to qualifying low-income customers as a means of limiting or blocking the completion of outgoing toll calls.<sup>17</sup> AT&T Mobility’s Lifeline calling plans will satisfy this requirement by, at a minimum, allowing customers to call from their home calling area to anywhere in the United States without incurring additional toll charges, thus eliminating any distinction between local and toll calls.

### **C. AT&T Mobility Will Advertise Each of the Supported Services**

Pursuant to Section 54.201(d) of the FCC’s rules, AT&T Mobility will advertise the availability of each of the supported services detailed above, throughout the ETC Designated

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<sup>14</sup> 47 C.F.R. §54.101(a)(6)

<sup>15</sup> 47 C.F.R. §54.101(a)(7)

<sup>16</sup> 47 C.F.R. §54.101(a)(8)

<sup>17</sup> 47 C.F.R. §54.400(d)



Area by media of general distribution. In general, AT&T Mobility advertises its services through many different media, including television and radio, newspaper, and other print advertisements, as well as outdoor advertising, retail stores, direct marketing and the Internet.

## **VI. Participation in Low Income Programs**

All ETCs must participate in the federal Lifeline and Link Up programs. Lifeline provides a discount off the customer's monthly charge for service. 47 C.F.R. §54.401. Link Up is a discount off of the carrier's customary charge for commencing telecommunications service. 47 C.F.R. §54.411.

AT&T Mobility will participate in the FCC's Lifeline and Link Up programs. AT&T Mobility will offer a Lifeline Calling Plan similar to what it has offered in other states in which it is designated as an ETC. Specifically, the Lifeline Calling Plan that AT&T Mobility will offer in South Dakota is \$24.99 month before applicable Lifeline discounts (the discount is \$8.25 in non-tribal areas) and includes: 300 anytime minutes; 1000 night and weekend minutes; no additional long distance charge for calls to anywhere in the United States; and, no roaming charges for calls that originate in South Dakota, North Dakota and Minnesota.<sup>18</sup> An example of the Lifeline Calling Plan brochure for non-tribal areas in South Dakota is included as **Exhibit D**.

In addition, in accordance with A.R.S.D 20:10:32:55, AT&T Mobility will publicize the availability of Lifeline and Link-up benefits throughout its ETC designated area, primarily through print advertising, brochures in its stores, direct outreach by AT&T Mobility, and on its website. Further, AT&T Mobility will annually provide written notification directly to each of its existing customers in its ETC designated area notifying them of the availability of the federal Lifeline and Linkup assistance programs as specified in A.R.S.D. 20:10:32:55.

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<sup>18</sup> AT&T will also offer a Lifeline Calling Plan on tribal lands.

A.R.S.D. 20:10:32:55 also requires a new customer residing within an ETC's designated service area be provided with written notification of the Lifeline/Linkup assistance program within 30 days of activation. AT&T Mobility will comply with this requirement by: 1) providing notification in the terms and conditions that customers receive when activating wireless service; and, 2) mailing one time per month a letter to all new customers residing within the Rural ETC Designated Area.

## **VII. AT&T Mobility Meets the Additional ETC Criteria Adopted by the Commission**

### **A. Commitment to Provide Service Throughout the ETC Designated Area to All Customers Making a Reasonable Request**

AT&T Mobility hereby certifies that it will provide service throughout its ETC designated area to all customers making a reasonable request for service in compliance with A.R.S.D. 20:10:32:43.01. Specifically, for the purpose of evaluating the provision of service from a potential customer within its ETC designated area, AT&T Mobility will adhere to the following steps:

1. AT&T Mobility will provide service on a timely basis to requesting customers within AT&T Mobility's designated service area where AT&T Mobility's network already passes the potential customer's premises;
2. AT&T Mobility will provide service within a reasonable amount of time, if the potential customer is within AT&T Mobility's ETC designated area, but not within AT&T Mobility's existing network coverage, if the service does not impose excessive or unreasonable costs, by:
  - a. Modifying or replacing the requesting customer's equipment;
  - b. Deploying a roof-mounted antenna or other equipment;
  - c. Adjusting the nearest cell tower;
  - d. Adjusting network or customer facilities;
  - e. Reselling services from another carrier's facilities to provide service; or
  - f. Employing, leasing, or constructing an additional cell site, cell extender, repeater, or other similar equipment.

In its annual ETC report, AT&T Mobility will inform the Commission of the number of requests for service from potential customers within its ETC designated area that were unfulfilled during the past year, and it will provide an explanation of the steps it went through to provide service to those potential customers.<sup>19</sup>

**B. AT&T Mobility’s Plan to Utilize Federal High Cost Support**

Federal high cost universal service support is to be used for the “provision, maintenance, and upgrading of facilities and services for which the support is intended.” 47 U.S.C §254(e). Pursuant to A.R.S.D. 20:10:32:43.02 attached hereto as **Confidential Exhibit E** is a report estimating the amount of federal high-cost support that AT&T Mobility expects to receive in the two years following designation as an ETC<sup>20</sup> and describing how that support is projected to be used for the provision, maintenance, or upgrading of its facilities and services in accordance with A.R.S.D. 20:10:32:51. The report contains the following information on a wire center-by-wire center basis: 1) how service quality, signal quality, coverage or capacity will improve due to the receipt of federal high-cost support; 2) the projected start date and completion date for each improvement and the estimated amount of federal high-cost support that will be used for each project; 3) the specific geographic areas where the improvements will be made; and, 4) the estimated population that will be served by each improvement.

AT&T Mobility has provided the information in **Confidential Exhibit E** to the best of its ability; however, there are a number of things that are beyond its control that could impact its projected federal high cost support receipts and the network improvements listed in the report.

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<sup>19</sup> A.R.S.D. 20:10:32:54(4)

<sup>20</sup> The time period included in the report is from third quarter 2011 (anticipated designation date) to second quarter 2013.

First, the amount of funding AT&T Mobility receives is dependent on a number of variables, including the per line support amount of the underlying ILEC, the number of AT&T subscribers that have service in a particular wire center, and the amount of funding that is being received by other competitive ETCs (“CETCs”) in the state. In addition, there are a number of matters currently pending before the FCC that, if adopted, could greatly impact the amount of funding available for CETCs and/or AT&T Mobility. If the federal high cost support that AT&T Mobility receives is less than it currently anticipates, AT&T Mobility may reduce or eliminate some projects included in its attached report. Second, AT&T Mobility has to the best of its ability estimated the time period in which improvements to its network will occur; however, it is important to note that the timing for the construction of a cell site or other network improvements depend on a number variables, some of which are beyond AT&T Mobility’s control, such as land use approvals and weather, and thus may cause changes to the network improvements described in the attached report.

### **C. Functionality in Emergency Situations**

AT&T Mobility is committed to remaining functional in emergency situations in compliance with A.R.S.D. 20:10:32:43.03. AT&T Mobility has taken numerous actions for emergency preparedness, including putting into place a comprehensive disaster recovery plan. In preparation for power outages, AT&T Mobility has battery backup and/or permanent generators at the majority of its cell sites.<sup>21</sup> In addition, portable generators are available for deployment to cell site locations and permanent generators are located at all switch locations. Moreover, AT&T has Cells on Light Trucks (“COLTS”) and Cells on Wheels (“COWs”) that it can deploy.

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<sup>21</sup> Not all cell sites are appropriate for generators.

AT&T Mobility also has monitoring systems in place so that it quickly knows if it has any switches or cells sites that are not functioning properly. While AT&T Mobility designs its network to include the ability to re-route traffic around damaged network facilities, it should be noted that wireless carriers remain largely dependent on the wireline network for voice and data circuits that provide connectivity between the cell site and the switch, from switch to switch, and between the wireless network and the landline network. AT&T Mobility has available backup microwave equipment to connect sites to the switching center in the even of a long term outage of leased landline facilities.

**D. AT&T Mobility Complies with the Applicable Consumer Protection and Service Quality Requirements**

AT&T Mobility will satisfy the consumer protection and service quality standards pursuant to A.R.S.D. 20:10:32:43.04. AT&T Mobility is committed to fulfilling the obligations set forth in the Cellular Telecommunications and Internet Association's (CTIA) Consumer Code for Wireless Service ("Code") throughout its ETC designated service area. Specifically, the CTIA Code requires: disclosure of rates and terms of service to customer; make available maps showing where service is generally available; provide contract terms to customers and confirm changes in service; allow not less than a 14 day return period for new service; provide specific disclosures in advertising; separately identify carrier charges from taxes on billing statements; provide customers with the right to terminate service for material changes in contract terms; provide ready access to customer service; promptly respond to consumer inquires and complaints; and, abide by polices for protection of customer privacy. On an annual basis AT&T Mobility completes a certification process with CTIA.

In addition to those items listed in the CTIA Code, AT&T Mobility has instituted other consumer-friendly measures. For example, AT&T Mobility has developed the Customer Service

Summary (“CSS”) which summarizes for each customer important elements of his or her service, such as calling plan details, first bill and ongoing bill estimator, a listing of important standard charges, and some of AT&T Mobility’s policies.

**E. Local Usage Comparable to the ILEC**

A.R.S.D. 20:10:32:43.05 requires that an ETC applicant demonstrate that it offers a local usage plan comparable to the one offered by the incumbent LEC (“ILEC”) in the proposed designated service area.

AT&T Mobility is committed to providing its customers with valuable calling plans that are comparable in value to those offered by the ILEC. Calling plans cannot be compared solely on price, but must also consider calling scope and the additional features and functionalities offered. AT&T Mobility’s calling plans offer consumers numerous benefits, including the inherent mobile nature of wireless service. For example, the AT&T Nation<sup>®</sup> and AT&T FamilyTalk<sup>®</sup> calling plans do not assess additional charges for long distance within the United States. The AT&T Nation<sup>®</sup> and AT&T FamilyTalk<sup>®</sup> calling plans also include numerous features at no additional charge, such as: Voicemail, Caller ID, Call Forwarding, Call Waiting, and Three-Way Calling. These calling plans also include either unlimited nights and weekend minutes or generous night and weekend minute packages, and allow customers to Rollover<sup>®</sup> unused minutes for use in subsequent months. As such these calling plans provide customers with local usage that, when taking into account all of the additional benefits of AT&T Mobility’s service offerings, are comparable to the ILEC’s calling plans.<sup>22</sup>

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<sup>22</sup> In addition to calling plans that will be offered by AT&T Mobility, former Alltel customers may retain their calling plan if they do not make any changes to their account. In addition, customers on tribal lands may have an additional calling plan available to them.

#### **F. Provide Equal Access**

Pursuant to A.R.S.D 20:10:32:43.06, AT&T Mobility certifies it will be able to provide equal access to long distance carriers in the event that no other ETC is providing equal access within the service area.

#### **G. Granting AT&T Mobility's Application for ETC Designation is in the Public Interest**

Pursuant to A.R.S.D. 20:10:32:43.07, prior to designating an ETC the Commission shall determine that such designation is in the public interest. Specifically, the Commission shall consider the benefits of increased choice, the impact of multiple designations on the universal service fund, the unique advantages and disadvantages of the applicant's service offering, commitments made by the applicant, and the ability to provide the supported services throughout the designated service area within a reasonable time frame. Further, if the applicant requests designation below the study area level of a rural telephone company, the commission must conduct a cream-skimming analysis and consider other factors. In this application, AT&T Mobility is only seeking designation throughout the entire study area in South Dakota of certain rural telephone companies.

AT&T Mobility's ETC designation will bring improved coverage and service quality to its ETC Designated Area in South Dakota. With federal high-cost support, AT&T Mobility will construct, operate, and maintain communications infrastructure to improve coverage and enhance wireless call quality. In accordance with the Commission's ETC designation requirements, AT&T Mobility will follow the service improvement plan submitted as **Confidential Exhibit E**.

AT&T Mobility has previous experience with the federal high-cost support program as it has already been designated as an ETC in a number of states/territories.<sup>23</sup>

Although wireless data service is not by itself a supported service under the FCC's current rules, the availability of mobile data service on AT&T Mobility's network is a public interest benefit to subscribers of AT&T Mobility's universal service offering. For example, AT&T Mobility has built a broadband wireless network in South Dakota and has transitioned former Alltel subscribers to its network. Further, AT&T Mobility's customers will enjoy the advantages of AT&T Mobility's network technology. AT&T Mobility's network will allow customers to simultaneously use voice and data. AT&T Mobility's customers will have the advantage of picking from an unprecedented selection of handsets and devices to meet their needs. Also, AT&T Mobility's customers will be able to roam with their handset in over 200 countries.

In addition to providing consumers with the benefits of increased choice and competition, there are other advantages to designating AT&T Mobility as an ETC. For example, AT&T Mobility will be able to offer its Lifeline Calling Plan within the Rural ETC Designated Area thereby providing potential Lifeline customers with a choice for Lifeline service.

Further, as AT&T Mobility is a CETC, granting AT&T Mobility's request to be designated as an ETC will not have an impact on the federal universal service fund. As of August 1, 2008, total annual high-cost CETC support for each state is capped at the level of support that CETCs in that state were eligible to receive during March 2008 on an annualized

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<sup>23</sup> AT&T Mobility is already designated as an ETC in Alabama, Alaska, Arkansas, Idaho, Kentucky, Louisiana, Michigan, Mississippi, Oregon, Puerto Rico, South Dakota (only tribal members residing on the Pine Ridge Reservation), Texas, Virginia, Washington, West Virginia, and Wisconsin.



basis.<sup>24</sup> There are certain exceptions to the state cap for CETCs such as for those CETCs serving tribal lands.<sup>25</sup>

### **VIII. High-Cost Certification**

Under FCC Rule Sections 54.313 and 54.314, carriers wishing to obtain high-cost support must either be certified by the appropriate state commission or, where the state commission does not exercise jurisdiction, self-certify to the FCC and the Universal Service Administrative Corporation ("USAC") that the carrier will comply with Section 254(e) of the Federal Telecommunications Act of 1996.<sup>26</sup>

In support of its request, AT&T Mobility hereby certifies that it will utilize all federal high-cost universal service support that it receives only for the provision, maintenance, and upgrading of facilities and services for which the support is intended pursuant to 47 U.S.C. 254(e).

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<sup>24</sup> *High-Cost Universal Service Support, Federal-State Joint Board on Universal Service, Alltel Communications, Inc., et al. Petitions for Designation as Eligible Telecommunications Carriers, RCC Minnesota, In. and RCC Atlantic, Inc. New Hampshire ETC Designation Amendment*, WC Docket No. 05-337, CC Docket No. 96-45, Order, (rel. May 1, 2008). (“*CETC Interim Cap Order*”)

<sup>25</sup> *CETC Interim Cap Order*, ¶1. In addition, the state specific cap for high-cost support may be reduced in certain circumstances. For example, as of December 30, 2010, if a CETC relinquishes its ETC designation in a state the FCC will reclaim the federal high-cost universal service support. See *High-Cost Universal Service Support, Federal-State Joint Board on Universal Service*, Order, WC Docket No. 05-337, CC Docket No. 96-45 (rel. Dec. 30, 2010). In addition, Verizon Wireless and Sprint Nextel, in separate transactions in 2008, each committed to surrender their high-cost universal service support over five years. In September 2010, the FCC issued an order providing clear instructions for implementing the commitments made by these companies. See *High-Cost Universal Service Support, Federal-State Joint Board on Universal Service, Request for Review of Decision of Universal Service Administrator by Corr Wireless Communications, LLC*, WC Docket No. 05-337 and CC Docket No. 96-45, Order and Notice of Proposed Rulemaking, (rel. Sept. 3, 2010).

<sup>26</sup> 47 C.F.R. §§ 54.313, 54.314.

**IX. Affidavit in Support of Application**

Attached hereto is an Affidavit of Hardmon Williams III, Vice President/General Manager for AT&T Mobility, marked as Exhibit F, verifying the accuracy of the facts contained herein.

**X. CONCLUSION:**

WHEREFORE, pursuant to Section 214(e)(2) of the Act, AT&T Mobility respectfully requests that the Commission enter an order designating New Cingular Wireless PCS, LLC as an ETC for the Rural ETC Designated Area set forth in Exhibit A.

Dated: 06/13/2011

Respectfully submitted

**NEW CINGULAR WIRELESS PCS, LLC**

/s/electronically filed

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