

DECISION MEMORANDUM

**TO: COMMISSIONER KJELLANDER
COMMISSIONER REDFORD
COMMISSIONER SMITH
COMMISSION SECRETARY
COMMISSION STAFF
LEGAL**

**FROM: NEIL PRICE
DEPUTY ATTORNEY GENERAL**

DATE: MAY 3, 2013

SUBJECT: APPLICATION OF NEW CINGULAR WIRELESS PCS, LLC (AT&T MOBILITY) FOR CONDITIONAL DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER, CASE NO. NCW-T-13-01

On April 24, 2013, New Cingular Wireless PCS, LLC (“AT&T Mobility” or “Company”) filed an Application, pursuant to 47 U.S.C. § 214(e)(2), for conditional designation as an eligible telecommunications carrier (“ETC”) in certain areas¹ of Idaho so that it may participate in the Federal Communications Commission’s (“FCC”) Mobility Fund Phase I (“MFI”) program. AT&T Mobility refers to this Application as its Application for MFI ETC Designation in order to distinguish it from its existing ETC designation.

THE APPLICATION

AT&T Mobility, a wholly owned subsidiary of AT&T, is a Delaware limited liability company whose principal place of business is located in Atlanta, Georgia. AT&T Mobility is a facilities-based wireless telecommunications carrier providing commercial mobile radio service (“CMRS”) with its own switching, cell sites, and associated telecommunications facilities in Idaho.

In its Application, AT&T Mobility states that it is an existing ETC that continues to meet the statutory and regulatory requirements for ETC designation. AT&T Mobility recently petitioned the FCC to allow the Company to acquire certain licenses, spectrums and assets from Allied Wireless (“Allied”), a wholly owned subsidiary of Atlantic Tele-Network, Inc.

¹ Exhibit A of AT&T Mobility’s Application includes a list of the census blocks/areas in Adams, Idaho, Lemhi and Valley counties.

Last year, the FCC selected Allied as a winning MFI auction bidder in several census tracts in Idaho. Allied committed to deploying 3G or better wireless service in the eligible census blocks within a defined period of time. AT&T Mobility states that most of Allied's winning MFI bids in Idaho are for census blocks outside of AT&T Mobility's existing ETC area. Thus, even if the FCC approves the transfer of Allied's Idaho licenses and assets to AT&T Mobility the Company still could not participate in the MFI program in those former Allied service areas. For that reason, AT&T Mobility requests that the Commission grant its Application for conditional designation as an ETC outside of its existing ETC service area and in the areas formerly served by Allied.

AT&T Mobility requests that the Commission condition this MFI ETC designation on: (1) the FCC's approval of the transfer of Allied's licenses and assets to AT&T Mobility; and (2) FCC authorization of MFI support for AT&T Mobility. If the aforementioned FCC approval and authorization is not granted then AT&T Mobility asks the Commission to declare this Application null and void.

If the FCC authorizes AT&T Mobility to receive MFI support in some but not all of the areas listed in Exhibit A, *see* fn. 1, the Company asks the Commission to nullify its MFI ETC designation in those areas where AT&T Mobility is not authorized to receive MFI support. AT&T Mobility's existing ETC designation in Idaho (Study Area Code 479006) will not be affected by any such nullification. Additionally, AT&T Mobility shall have no ETC service obligations associated with its MFI ETC designation during the period of time between the grant of this conditional designation and either the date that the FCC deems AT&T Mobility authorized to receive MFI support or the date that its designation is rendered null and void.

COMMISSION DECISION

Does the Commission wish to process AT&T Mobility's Application for conditional MFI ETC designation through Modified Procedure with a corresponding 21-day comment period?



Neil Price
Deputy Attorney General

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