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IDAHO PUBLIC
UTILITIES COMMISSION

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30 April 2008

SYR-T-08-01

Ms. Jean Jewell
Commission Secretary
Idaho Public Utilities Commission
P O Box 83720
Boise ID 83720-0074

Hand Delivered

RE: Syringa Wireless, LLC Application for ETC Designation

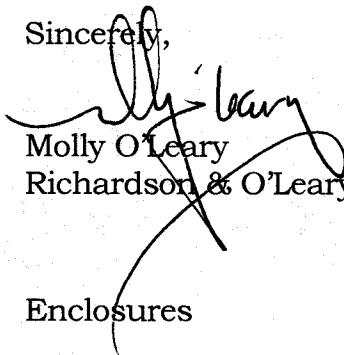
Dear Ms. Jewell:

I am enclosing an original and seven (7) copies of Syringa Wireless, LLC's APPLICATION FOR DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER.

Also enclosed is a copy to be date stamped and returned for our files.

Please note the enclosed Application contains confidential trade secret information that is exempt from public disclosure pursuant to Section 9-340D(1), Idaho Code. Pursuant to Rule 67 of the Rules of Procedure of the Idaho Public Utilities Commission, the enclosed trade secret information has been submitted on yellow paper and has been separated from the non-confidential portion of the Application.

Sincerely,


Molly O'Leary
Richardson & O'Leary, PLLC

Enclosures

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Attorneys for Syringa Wireless, LLC

BEFORE THE
IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION OF)
SYRINGA WIRELESS, LLC FOR)
DESIGNATION AS AN ELEGIBLE)
TELECOMMUNICATIONS CARRIER)
PURSUANT TO THE)
TELECOMMUNICATIONS ACT OF 1996)
(RURAL AND NON-RURAL AREAS))

CASE NO. SYR-T-08-01

APPLICATION OF SYRINGA WIRELESS, LLC FOR DESIGNATION AS AN
ELIGIBLE TELECOMMUNICATIONS CARRIER

Syringa Wireless, LLC ("Syringa Wireless"), by and through its undersigned attorneys, hereby submits this Application for Designation as an Eligible Telecommunications Carrier ("ETC") pursuant to Sections 214(e)(1) – (2) of the Telecommunications Act of 1934, as amended ('the Act'), 476 U.S.C. §214(e)(1)-(2), and Section 54.201 of the Federal Communications Commission's ("FCC") rules, 47 C.F.R. § 54.201, and this Commission's ETC

Designation Requirements (“IPUC ETC Requirements”).¹ Syringa Wireless requests that it 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, high cost areas and low income customers in geographic areas specified in this Application, and that it be approved to participate in the Lifeline program. In support of this Application, Syringa Wireless provides the following information:

I. APPLICANT

Syringa Wireless is a Commercial Mobile Radio Services (“CMRS”) carrier providing “mobile service” as defined in 47 U.S.C. § 153(27). Syringa Wireless provides such CMRS and “mobile service” on a pre-paid and post-paid basis. Syringa Wireless’ pre-paid customers purchase a specific amount of local calling minutes in advance and do not sign a contract. In certain plans, pre-paid customers also have the ability to purchase specific amounts of long distance and roaming minutes. Syringa Wireless’ post-paid customers sign a contract for a specific amount of monthly user-minutes and are billed for their usage.

Syringa Wireless provides interstate telecommunications services as defined in 47 U.S.C. § 153(22) and 47 C.F.R. § 54.706. Through its cellular authorizations, Syringa is licensed to serve the following Basic Trading Areas (“BTAs”) in Idaho: BTA 202 (Idaho Falls); BTA 353 (Pocatello), and BTA 451 (Twin Falls).² Pursuant to these authorizations, Syringa provides service in the following counties: Gooding, Twin Falls, Jerome, Lincoln, Minidoka, Cassia, Butte, Clark, Fremont, Madison, Teton, Bonneville, Jefferson, Bingham, Bannock, Power, and Oneida.³

¹ See *In the Matter of the Application of WWC Holding Co., Inc. dba CellularOne Seeking Designation as an Eligible Telecommunications Carrier That May Receive Federal Universal Service Support*, Order No. 29841, Appendix pp. 1-3 (IPUC Case No. WST-T-05-1, served August 4, 2005) (hereinafter, “IPUC ETC Requirements Order”).

² Although Syringa Wireless was founded in January of 2007, it already has 27 employees in Idaho and anticipates hiring an additional 8 employees provided its ETC Application is granted.

³ CONFIDENTIAL **Exhibit A**, attached, is a map showing Syringa Wireless’ current coverage superimposed over a map of the counties encompassed within Syringa Wireless’ FCC licensed territory in Idaho.

II. ELIGIBILITY AND IDENTIFICATION OF THE SERVICE AREA

Under Sections 214(e) and 254 of the Act, the Idaho Public Utilities Commission (“IPUC” or “Commission”) is authorized to designate Syringa Wireless as an ETC. Section 214(e) of the Act requires state commissions to designate as an ETC, throughout the service area for which ETC status is sought, any common carrier that: (i) offers services that are supported by federal universal support mechanisms; and (ii) advertises the availability of such services. In its First Report and Order implementing Sections 214(e) and 254 of the Act, the FCC designated the specific features a carrier must provide or agree to provide to be designated as an ETC.⁴ The FCC also recognized that wireless telecommunications providers are eligible to be designated as ETCs.⁵

Syringa Wireless is a telecommunications carrier as defined in 47 U.S.C. § 153(44) and 47 C.F.R. § 51.5(a), and is a telecommunications carrier for the purposes of Part 54 of the FCC’s rules. 47 U.S.C. § 54.1 *et seq.* Syringa Wireless, therefore, is considered a common carrier under the Act.

Section 214(e)(2) of the Act provides that ETC designations shall be made for a “service area” designated by the state commission. Section 214(e)(5) of the Act provides that the “service area” shall be a geographic area established by the state commission. In areas served by a rural telephone company, the FCC’s rules generally define a competitive ETC’s service area to mean the local exchange carrier’s (“LEC”) study area.⁶ Attached hereto as **Exhibit B** is a map depicting Syringa’s proposed ETC service area in Idaho superimposed over the rural ILEC exchanges falling within Syringa Wireless’ proposed ETC service area. Attached as **Exhibit C-1** is a list of non-rural ILEC and rural ILEC wire centers that fall within Syringa Wireless’ BTAs.⁷

⁴ *Federal-State Joint Board on Universal Service, First Report and Order*, 12 FCC Rcd 8776, 8909-25 (1997) (“First Report and Order”).

⁵ *Id.* at 8858-59.

⁶ *See*, 47 C.F.R. §54.207(b).

⁷ Because some ILEC exchanges include more than one ILEC wire center, there is some variation between the list of ILEC centers on Exhibit C-1 and the ILEC exchanges shown on

Also attached is CONFIDENTIAL **Exhibit C-2**, which shows the densities of the relevant ILEC wire centers and the areas for which Syringa Wireless seeks ETC designation.

III. LEGAL STANDARD FOR GRANTING ETC STATUS IN NON-RURAL AREAS.

Syringa Wireless satisfies each of the statutory and regulatory prerequisites set forth in the Act, the FCC Rules⁸ and this Commission's ETC Requirements.⁹ On March 17, 2005, the FCC released its *FCC ETC Requirements Order*¹⁰ establishing additional requirements for carriers seeking ETC designation before the FCC. These additional requirements, however, are not binding on state commissions. This Commission subsequently considered whether to adopt all or some portion of the rules promulgated by the FCC and, as previously noted, issued a set of ETC designation requirements in Commission Order No. 29841.

Syringa Wireless may be designated as an ETC in non-rural ILEC areas upon a finding that: (1) Syringa Wireless offers the supported services; and (2) Syringa Wireless will advertise the availability of those services using media of general distribution.¹¹ Syringa Wireless may be designated as an ETC in *rural* ILEC areas upon a finding that, in addition to the foregoing two criteria, it is shown that such a designation would serve the public interest.¹²

To comply with the additional requirements set forth in the *FCC ETC Requirements Order* and the *IPUC ETC Requirements Order*, Syringa Wireless includes in this Application the following:

Exhibit B.

⁸ 47 U.S.C. § 214(e)(1)-(2), and 47 C.F.R. § 54.201.

⁹ See IPUC Order No. 29841.

¹⁰ *In the Matter of Federal-State Joint Board on Universal Service*, Report and Order, 20 FCC Rcd 6371 (2005) ("FCC ETC Requirements Order").

¹¹ See, e.g., *In the Matter of the Petition of IAT Communications, Inc. dba NTCH-Idaho, Inc. or Clear Talk for Designation as an Eligible Telecommunications Carrier*, Order No. 29261 (IPUC Case No. GNR-T-03-8, served June 11, 2003).

¹² See, 47 C.F.R. § 54.207(c).

- Demonstration of its commitment and ability to provide supported services, including a two-year, wire center-specific network improvement plan, attached hereto as CONFIDENTIAL Exhibit D.
- Demonstration of Syringa Wireless' ability to remain functional in emergency situations.
- Commitment to comply with all applicable service quality standards and consumer protection rules, and an agreement to comply with Cellular Telecommunications and Internet Association's Consumer Code for Wireless Service ("CTIA Code").
- Description of Syringa Wireless' local rate plans and the local usage plans for the ILECs and an agreement to comply with CTIA: The Wireless Association's Consumer Code.

A. SERVICES PROVIDED BY SYRINGA WIRELESS

Syringa Wireless will offer the federally designated services listed at 47 C.F.R. § 54.101(a). The services which are supported by the federal USF program are: (1) voice grade access to the public switched telephone 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.¹³ Syringa Wireless is a full service wireless carrier that offers all of these services, as described in detail below, throughout its licensed service area utilizing its own wireless network infrastructure (antenna, cell-sites, towers, trunking, mobile switching, and interconnection).

1. Voice Grade Access to the Public Switched Telephone Network.

As previously noted, FCC Rule Section 54.101(a)(1) requires voice-grade access to the public switched telephone network. The FCC defines this as:

the ability of a user of telecommunications services to transmit voice communications, including signaling the network that the caller wishes to place a

¹³ 47.C.F.R. 54.101(a).

call, and to receive voice communications, including receiving a signal indicating there is an incoming call. For the purposes of this part, bandwidth for voice grade access should be, at a minimum, 300 to 3,000 Hertz.¹⁴

Syringa Wireless provides voice grade access to the public switched telephone network through interconnection arrangements with local telephone companies. Syringa Wireless offers its subscribers this service at a bandwidth between no less than 300 to 3,000 Hz, thereby providing voice grade access consistent with the FCC's definition.

2. Local Usage.

Syringa Wireless' rate plans provide local usage consistent with Section 54.101(a)(2) of the FCC's Rules. In the First Report and Order, the FCC deferred a determination on the amount of local usage that a carrier would be required to provide.¹⁵ Any minimum local usage requirement established by the FCC will be applicable to all designated ETCs. Syringa Wireless meets the local usage requirements by including local usage in its rate plans and Syringa Wireless will comply with any and all minimum local usage requirements adopted by the FCC.

Consistent with the *IPUC ETC Requirements Order*, Appendix p.3, Syringa Wireless submits its rate plan brochures as **Exhibit E**. The relevant ILEC local usage rate plans are on file with the Commission at: <http://www.puc.state.id.us/tarriff/approved/title61/approved.htm>. A comparison of Syringa Wireless' local calling rates with other carriers in Syringa Wireless' service area is attached as **Exhibit F**. The Commission has expressly rejected the FCC's requirement that the applicant's usage plan be comparable to that of the ILEC, stating: "we find it is sufficient for the ETC applicant to simply describe its local usage plans and those of the

¹⁴ 47 C.F.R. § 54.101(a)(1).

¹⁵ *Id.* at 8814

ILEC.”¹⁶ The Commission aptly noted that the FCC’s comparability analysis could potentially discourage carriers from offering diverse services, and that, with competition, consumers should have the option to obtain the type of service offering they would like.¹⁷

One of the distinct advantages to the Syringa Wireless rate plans is that Syringa Wireless provides significantly wide local calling areas. Whereas the relevant ILEC local calling areas are primarily limited to their local exchange boundaries and extended service area boundaries, Syringa Wireless’ local calling area includes most of Southeastern Idaho. In addition, Syringa Wireless offers additional “local” network coverage via switching partners Silver Star PCS, Farmers Mutual Telephone, and Cambridge Telephone wireless networks.

Second, Syringa Wireless provides unlimited, toll-free service for 911 emergency calls and for 611 customer care. Syringa Wireless also provides toll-free 511 road reports to the Idaho Department of Transportation, 711 calls to TRS/TTY operators and 211 calls to social service agencies, as well as 811 “Digline of Idaho” service for local utilities.

Finally, all of Syringa Wireless’ nationwide and eight-state calling plans include unlimited nationwide long distance at no additional charge. The Syringa Wireless calling plans priced at \$59.95 and higher per month also include unlimited night and weekend calling, unlimited mobile-to-mobile calling, and unlimited incoming calling.¹⁸

¹⁶ *IPUC ETC Requirements Order*, p.12; see also, *In the Matter of the Petition of Inland Cellular Telephone Company for Designation as an Eligible Telecommunications Carrier Under 47 U.S.C. §214(e)(2)*, Order No. 30212, p.11 (IPUC Case No. INC-T-06-02, served Dec. 28, 2006).

¹⁷ *Id.*

¹⁸ See Exhibit E (Syringa Wireless rate plan brochure).

3. Dual-Tone, Multi-Frequency Signaling or its Functional Equivalent.

Pursuant to Section 54.101(a)(3) of the FCC's Rules, an ETC must provide dual tone multi-frequency ("DTMF") signaling to facilitate the transportation of signaling throughout its network. Syringa Wireless currently provides DTMF signaling consistent with the FCC's Rules.

4. Single-Party Service or its Functional Equivalent.

"Single-party service" means that only one party will be served by a subscriber loop or access line in contrast to a multi-party line.¹⁹ Syringa Wireless provides single-party service, as required by 47 C.F.R. §54.101(a)(4).

5. Access to Emergency Services and Ability to Remain Functional in Emergency Situations.

The ability to reach a public emergency service provider by dialing 911 is a required service in any universal service offering. Syringa Wireless currently provides all of its customers with access to emergency service by dialing 911 in satisfaction of this requirement. Phase I E911, which includes the capability of providing both automatic numbering information ("ANI") and automatic location information ("ALI"), is only required if a public emergency service provider makes arrangements with the local provider of the delivery of such information.²⁰ In addition to providing Phase 0 E911, Syringa Wireless provides Phase I and II wireless E911 to Public Safety Answering Points ("PSAP") when they request this improved service and are ready to receive the Phase I or II call information. To date, Syringa Wireless has deployed requests for E911 Phase II in three counties: Bingham, Bonneville, and Fremont. Six other counties; Jefferson, Bannock, Twin Falls, Gooding, Jerome, and Lincoln have requested Phase II E911 deployments and are currently scheduled for deployment in 2008. Syringa has not

¹⁹ *First Report and Order* at 8810.

²⁰ *See Id.*, at 8815-17.

received requests in any other counties in its current service area.

Phase I and II wireless E911 service provides valuable location-based information to the PSAP which allows emergency personnel to determine the cell site serving the caller and the geographic location of the phone placing the call. Additional cell site coverage in rural areas will greatly improve access to wireless E911 services and greater accuracy of the location based information received by the PSAP.

Consistent with the IPUC ETC Requirements Order at Appendix p. 3, Syringa Wireless also has the ability to remain functional in emergency situations. Syringa Wireless has designed a fault-tolerant network that employs the following features:

- **Mobile Switching Center located in Roosevelt, Utah**
 - Nortel MTX switch with fully redundant fault-tolerant processors
 - 12 hours of back-up battery
 - 250 KW generator with the fuel supply connected to the public natural gas utility
 - Complete complement of spare circuit boards
- **Self-Healing Alternate Route Protection Service for Fiber Facilities interconnection**
 - Multiple alternate trunk routes for PSTN interconnection trunks
 - Redundant Microwave radio links where used
 - Automated 7x24 network monitoring
- **Cell sites**
 - Overlapping cell site coverage with retry for blocked calls
 - Backhaul network engineered with surplus back-bone capacity
 - Ready access to growth radio stock for all field technicians
 - 8 hours battery back-up for all cell sites
 - 4 Standby Generators at 4 different locations ready for deployment when and where needed
 - Leased fiber and copper facilities to major network T-1 aggregation to Syringa Networks Backhaul location
 - Quick-connect plugs for portable generator at all sites
 - Compact generator system stored in Albion, Idaho for use with Snow Cat-only accessible sites
 - Remote monitoring 7x24 of all sites
- **Monitoring Network and Outage Resolution procedures**
 - Syringa Wireless has a network operating center (“NOC”), in Roosevelt, Utah;
 - All Switches and cell sites are remotely monitored 7x24, with critical and major

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- alarms escalated to the next level of management every 20 minutes
- Syringa Wireless' 7x24 on-call staff is sent a text message or called immediately when the monitoring system detects system problems

- **Staffing and Additional Equipment**

- The Syringa Wireless Technical Operations team consists of 6 people strategically located within Southeastern Idaho in the following locations: 1 in Rexburg, 1 in Jerome, 1 in American Falls, 3 in Pocatello
- Syringa Wireless staff is well trained and equipped to respond quickly in the event of outages, alarms or emergencies
- Complete inventory of alternate-access equipment, including:
 - All field staff are equipped with 4 wheel drive pickups; (1) Tucker Terra Snow Cat is stored at Albion, Idaho facility; (2) snowmobiles are stored at Albion, Idaho facility; and (2) Polaris 4-wheeler ATV's are located in Pocatello
 - All field staff are trained in operation for all alternative site-access equipment
- Tower crews are on standby for emergency tower and antenna repairs
- Technicians are equipped with complete complement of spares for cell site
- Microwave and DACs equipment is available to insure quick recovery

In addition to the foregoing, Syringa Wireless is performing the following network upgrades for improved reliability:

- MTX Switch upgrade to version MTX 13
- Continued deployment of 1XRTT upgrades to remaining digital sites in network.

Through all of these efforts, Syringa Wireless has demonstrated that it not only provides customers with needed emergency services, but that it can also remain fully functional in emergencies. In addition, if granted ETC status, Syringa Wireless plans the following 2008 reliability and technology upgrades: **CONFIDENTIAL INFORMATION**

- **END OF CONFIDENTIAL INFORMATION**

6. Access to Operator Services.

Access to operator services is defined as any automatic or live assistance provided to a consumer to arrange for the billing or completion, or both, of a telephone call.²¹ Syringa Wireless provides customer access to operator services. Customers can reach operator services in the traditional manner by dialing “0”, in compliance with Section 54.101(a)(6) of the Federal Rules.

7. Access to Interexchange Service.

A universal service provider must offer consumers access to interexchange service to make and receive toll or interexchange calls. Equal access, however, is not required. “The FCC do[es] not include equal access to interexchange service among the services supported by universal services mechanisms.”²² Syringa Wireless presently meets this requirement by providing all of its post-paid customers with the ability to make and receive interexchange or toll calls through direct interconnection arrangements Syringa Wireless has with several interexchange carriers (“IXCs”).

8. Access to Directory Assistance.

The ability to place a call to directory assistance is a required service offering.²³ Subscribers to Syringa Wireless’ services are able to dial “411” to reach directory assistance from their mobile phones.

9. Toll Limitation for Qualifying Low Income Consumers.

An ETC must offer either “toll control” or “toll blocking” services to qualifying Lifeline

²¹ *Id.*, at 8817-18

²² *Id.*, at 8819.

²³ *Id.*, at 8821.

customers at no charge. The FCC no longer requires an ETC to provide both services as part of the toll limitation service required under 47 C.F.R. § 54.101(a)(9).²⁴ In particular, all ETCs must provide toll blocking which allows customers to block the completion of outgoing toll calls.²⁵

Syringa Wireless currently has no Lifeline customers in Idaho because only carriers designated as an ETC can participate in Lifeline. *See* 46 C.F.R. §§ 54.400-415. Once designated as an ETC, Syringa Wireless will participate in Lifeline, as required. Syringa Wireless has the capability and if requested provides toll blocking.

In addition, once it receives its ETC designation, Syringa Wireless will promote its Lifeline Services through traditional media avenues such as newsprint, radio advertisements and media flyers. In addition to these methods, Syringa Wireless will develop an information sheet that explains the program and directs interested parties to the proper agencies to assist with the program qualification process.

In addition to unlimited long distance calling at no extra charge, Syringa Wireless' post-paid customers will have the ability to block roaming and international dialing, all of which will allow customers to avoid unexpected charges.

B. ADVERTISING AVAILABILITY OF UNIVERSAL SERVICE.

Pursuant to Section 54.201 of the FCC's rules, 47 C.F.R. Section 54.201, Syringa Wireless plans to 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 utilized may include newspaper, magazine, radio, direct mailings, public exhibits and displays, bill inserts, and telephone directory advertising. Print media of general distribution in

²⁴ *See Universal Service Fourth Order on Reconsideration in CC Docket No. 96-45, Report and Order in CC Docket Nos. 96-45, 96-262, 94-1, 91-213, 95-72, 13 FCC Rcd 5318 (1997).*

²⁵ *First Report and Order, at 8821-22.*

Syringa Wireless' service area include: the Morning News (Blackfoot); the South Idaho Press (Burley); the Post-Register (Idaho Falls); the Sho-Ban News (Fort Hall); the Idaho State Journal (Pocatello); and the Times-News (Twin Falls).

C. COMMITMENT TO CONSUMER PROTECTION

Consistent with the *IPUC ETC Requirements Order* at Appendix A, p.3, Syringa Wireless will comply with all applicable service quality standards and consumer protection rules, and will abide by the consumer protection standards established by the CTIA Consumer Code.²⁶

D. TRIBAL NOTIFICATION

The *IPUC ETC Requirements order* at Appendix A p.2, requires an ETC applicant seeking ETC designation for any part of tribal lands to provide a copy of its application to the affected tribal government or tribal regulatory authority, as applicable, at the time it files its application with Commission. Syringa Wireless is seeking ETC designation for a portion of the Fort Hall Reservation. Consistent with this requirement, contemporaneous with the filing of the Application with the Commission, Syringa Wireless has provided a copy of its Application to:

Shoshone-Bannock Tribes of the Fort Hall Reservation of Idaho
Attention: Ms. Diana Yupe
Shoshone-Bannock Heritage Tribal Office
P.O. Box 306
Fort Hall, ID 83203

Syringa Wireless currently provides service to portions of the Fort Hall Reservation. Upon designation as an ETC, Syringa Wireless will offer Tribal Lifeline service to qualified residents of the Fort Hall Reservation for as little as one dollar a day plus applicable taxes.

²⁶ See **Exhibit G**, attached.

IV. GRANT OF THIS PETITION SERVES THE PUBLIC INTEREST

Syringa Wireless' petition meets the stringent public interest standards established by the FCC. In its *ETC Order*, the FCC clarified its public analysis of ETC applications and suggested that states follow suit.²⁷ Pursuant to Section 214 of the Act, the FCC and states must determine that an ETC designation is consistent with the public interest, convenience and necessity.²⁸ The FCC and states must also consider whether an ETC designation serves the public interest consistent with Section 254 of the Act.²⁹ Further, the FCC has noted that it will analyze the public interest benefits of an ETC applicant in a manner that is consistent with the purposes of the Act, including the fundamental goals of preserving and advancing universal service, ensuring the availability of quality telecommunications services at just, reasonable, and affordable rates, and promoting the deployment of advanced telecommunications and information services to all regions of the nation, including rural and high-cost areas.³⁰ Specifically, the FCC considers three specific items when analyzing the public interest benefits of an ETC application: 1) unique advantages and disadvantages of the competitor's service offering through a cost-benefit analysis; 2) potential for cream skimming; and 3) impact on the federal universal service fund (USF).³¹

²⁷ *In re Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Report and Order, FCC 05-46 (March 17, 2005) ("*ETC Order*"). The Idaho Public Utilities Commission has outlined its ETC procedures in its *IPUC ETC Requirements Order*.

²⁸ 47 U.S.C. § 214(e)(2).

²⁹ 47 U.S.C. § 254(b)(7).

³⁰ *ETC Order* ¶ 40.

³¹ *Id.* ¶ 41.

