

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

**IN THE MATTER OF THE APPLICATION)
OF SYRINGA WIRELESS, LLC FOR) CASE NO. SYR-T-08-01
CONDITIONAL DESIGNATION AS AN)
ELIGIBLE TELECOMMUNICATIONS) ORDER NO. 32591
CARRIER)**

On May 18, 2012, Syringa Wireless, LLC (“Syringa Wireless” or “Company”) filed an Application for conditional designation as an eligible telecommunications carrier (“ETC”) in certain areas outside its existing ETC areas, pursuant to Sections 214(e)(1)-(2) of the Telecommunications Act of 1934, as amended (“the Act”), 47 U.S.C. § 214(e)(1)-(2), and § 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”). *Application at 1.*

On June 1, 2012, the Commission issued a Notice of Application and Modified Procedure announcing a 14-day public comment period. *See Order No. 32561.* Commission Staff (“Staff”) was the only party to submit written comments regarding Syringa Wireless’ Application.

THE APPLICATION

On August 28, 2008, Syringa Wireless was granted ETC status by the Commission. *See Order No. 30629.* In its Application, Syringa Wireless requests conditional ETC status in all “unserved census blocks subject to the Mobility Fund Phase 1 Auction (discussed below) in Adams, Boise, Elmore, Gem, Payette, Valley and Washington Counties in Idaho (the ‘Expansion Areas’).” *Id.* at 1-2. Syringa Wireless seeks 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 the Expansion Areas set forth in [its] Application, and that it be approved to participate in the Lifeline program.” *Id.* at 2. Syringa Wireless states that the expansion areas are adjacent to areas already being served by the Company. *Id.* at 3.

The Company wishes to participate in the FCC’s upcoming Mobility Phase 1 Auction. *Id.* In order to participate in the Auction, the FCC requires all carriers to be designated as an ETC in all census blocks where a carrier is seeking support. *See FCC Mobility Phase 1 Auction (http://wireless.fcc.gov/auctions/default.htm?job=auction_summary&id=901).* “Phase 1

of the Mobility Fund will provide up to \$300 million in support to eligible ETCs to build infrastructure capable of delivering 3G or better broadband and voice services in unserved census block groups in Idaho.” *Id.* The Company states that the Auction will take place on September 27, 2012, and applications could be due by June 25, 2012. *Id.* Thus, the Company requests an expedited review of its Application. *Id.*

In summary, Syringa Wireless requests a Commission Order “designating Syringa Wireless as an ETC eligible for federal universal service funding for the Expansion Areas conditioned upon Syringa Wireless winning support from Auction 901 . . .” and that the Commission process its Application through Modified Procedure on an expedited basis. *Id.* at 10.

STAFF COMMENTS

Staff’s comments provided an overview of Auction 901 arising out of the FCC’s November 2011 USF/ICC Transformation Order (“Order”). Staff Comments at 2. In the Order, the “FCC set aside \$300 million to be used to increase the availability of current generation mobile broadband and mobile voice across the country.” *Id.* Staff explained that Auction 901 seeks to incentivize the deployment of “3G or better mobile voice and broadband services in census blocks where such services are unavailable.” *Id.* Auction winners “will be obligated to choose whether to deploy 3G service within two years or 4G within three years of the award.” *Id.* Applicants to Auction 901 ““must demonstrate, for the areas on which it wishes to bid, that it has been designated as an ETC and has access to the spectrum necessary to satisfy the applicable performance requirements.”” *Id.* at 3(citing *Auction 901 Procedures Public Notice* ¶ 32).

Staff referenced the FCC’s February 10, 2012 Notice, DA 12-187, which includes an updated list of potentially eligible Census Blocks in Idaho. *Id.*

Census Block information for Idaho

Total No. of Tracts with Unserved Blocks	93
Total No. of Counties with Unserved Blocks	39
Total Population of Unserved Blocks	43,207
Total Area (square miles) of Unserved Blocks	38,962

Pre-Auction Dates and Deadlines

FCC Form 180 (Short Form) Application Filing Window Opens	6/27/12; 12:00 noon ET
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FCC Form 180 (Short Form) Application
Filing Deadline

7/11/12; 6:00 p.m. ET

Mock Auction

9/25/12

Auction Start

9/27/12

Specific Mobility Fund Phase 1 Eligibility Requirements and Certifications

1. ETC Designation Certification. Auction 901 Applicants must be designated as an ETC pursuant to Section 214 of the Communications Act in any geographic area for which it seeks support, with the exception of Tribally-owned or controlled entities. The entity, and not a subsidiary or parent holding company, must be designated by a State or the FCC as an ETC in that geographic area to be eligible to participate in the auction. ETC status carries with it certain obligations. A party might obtain the required ETC designation but may not be subject to the obligations unless and until it is awarded Mobility Fund support. The FCC will allow a party to participate in the auction if it has an ETC designation conditioned upon the party winning support in the auction.
2. Access to Spectrum Description and Certification. Pursuant to the *USF/ICC Transformation Order*, any applicant for Auction 901 must have access to the necessary spectrum to fulfill any obligations related to support.
3. Financial and Technical Capability Certification. The FCC requires that an applicant certify in the pre-auction short-form application that it is financially and technically capable of providing 3G or better service within the specified timeframe in the geographic areas for which it seeks support.
4. Certification that Applicant will not Seek Support for Areas in which It has made a Public Commitment to Deploy 3G or Better Service by December 31, 2012. The FCC requires each applicant for Auction 901 support to certify that it will not seek support for any areas in which it has previously made a public commitment to deploy 3G or better wireless service by December 31, 2012.

Staff believes that Syringa Wireless meets the first three requirements and that the Company will be required by the FCC to meet the last requirement upon participation in Auction 901. *Id.* at 4.

Staff reviewed the public interest benefit of awarding the Company a conditional ETC designation. *Id.* at 6. Staff verified that Syringa Wireless is remitting ITSAP fees to the program Administrator. *Id.* Staff believes that Syringa Wireless “has the ability to remain functional in emergency situations ‘as demonstrated in the description of its fault tolerant

network, and as more particularly set forth in Syringa’s annual ETC recertification report. . . .”
Id. at 6-7.

Staff believes that Syringa Wireless meets the other requirements for ETC designation outlined in Appendix 1 of Order No. 2984, including: (1) common carrier status; (2) provide federally designated universal services; (3) advertise the availability and pricing of its universal service offering; (4) demonstrate commitment and ability to provide supported service; (5) demonstrate commitment to consumer protection and service; (6) offer an adequate description of its local usage plan; and (7) tribal notification. *Id.* at 7-8.

In conclusion, Staff reviewed Syringa Wireless’ Application for conditional designation as an ETC and recommended the Commission approve the Application for the purpose of participating in the Mobility Fund Phase I Auction for areas outside of its existing ETC area and only in the areas in which it is awarded Mobility Fund Support. *Id.* at 8. Staff believes that Syringa Wireless’ Application for a conditional ETC designation in the unserved census blocks in Idaho is in the public interest. *Id.*

COMMISSION FINDINGS AND DECISION

The Commission has reviewed Syringa Wireless’ Application seeking conditional ETC designation in select unserved census blocks in Idaho in order to participate in the FCC’s upcoming Mobility Fund Phase I auction. Syringa Wireless previously demonstrated that it satisfies the technical requirements for ETC designation set forth in 47 U.S.C. § 214(e)(1) and Commission Order No. 29841. *See* Order No. 32319. The Commission finds that granting Syringa Wireless conditional ETC status in those select areas in order to facilitate the deployment of broadband and voice services in heretofore unserved areas in Idaho is in the public interest. The expansion of broadband and voice services throughout Idaho will provide direct and substantial benefits to Idaho residents. Therefore, the Commission approves Syringa Wireless’ Application for conditional ETC status.


ORDER

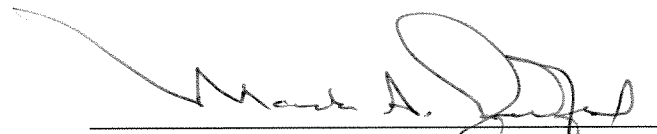
IT IS HEREBY ORDERED that the Application of Syringa Wireless, LLC requesting conditional ETC designation in select census areas in the state of Idaho outside of its existing ETC Area for the purpose of participating in the FCC’s Mobility Fund Phase I Auction is approved.

IT IS FURTHER ORDERED that Syringa Wireless' ETC designation in select areas outside of its existing ETC Area shall be conditioned upon the Company submitting a successful bid in the FCC's upcoming Mobility Fund Phase I auction.

THIS IS A FINAL ORDER. Any person interested in this Order may petition for reconsideration within twenty-one (21) days of the service date of this Order. Within seven (7) days after any person has petitioned for reconsideration, any other person may cross-petition for reconsideration. See *Idaho Code* § 61-626.


DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 11th day of July 2012.


PAUL KJELLANDER, PRESIDENT


MACK A. REDFORD, COMMISSIONER


MARSHA H. SMITH, COMMISSIONER

ATTEST:


Jean D. Jewell
Commission Secretary

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