

On August 28, 2008, the Commission previously granted ETC status to Syringa Wireless in specific rural and non-rural wire centers in Idaho.¹

Overview of the Mobility Fund, Phase 1

On November 19, 2011, the FCC released the USF/ICC Transformation Order (the Order) in which it established the Auction 901.² The FCC set aside \$300 million to be used to increase the availability of current generation mobile broadband and mobile voice across the country.³ The FCC recognized that the current system⁴ is not efficient and that universal service funding for mobile networks must be deployed in a more targeted and efficient fashion.

Auction 901 will award funds to carriers that commit to deploying 3G or better mobile voice and broadband services in census blocks where such services are unavailable. Support will be allocated to maximize the road miles covered by new mobile services without exceeding the budget of \$300 million. Winning bidders will be obligated to choose whether to deploy 3G service within two years or 4G within three years of the award.⁵

To identify the under-served areas of the country, the FCC began by documenting “the availability of service at the census block level as the first step in indentifying those area that are eligible for the Auction 901 support.” The census block is the smallest geographic unit for which the Census Bureau collects and tabulates decennial census data. By determining the extent of current-generation mobile wireless services by census block, a detailed picture would emerge of the availability of 3G mobile services.⁶ Some census blocks, particularly in rural areas, may include both served and unserved areas.⁷

To participate in Auction 901 and receive monetary support, “an applicant 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.”⁸

¹ See Order No. 30629.

² *USF/ICC Transformation Order*, released on November 18, 2011 para. 299

³ *Id.* para. 295.

⁴ “Yet despite growth in annual funding [of USF] for competitive ETCs of almost 1000 percent over the past decade—from less than \$17 million in 2001 to roughly \$1.2 billion in 2010—there remain many areas of the country where people live, work, and travel that lack any mobile voice coverage, and still larger geographic areas that lack current generation mobil broadband coverage.” *Id.* at para. 295

⁵ *Auction 901 Procedures Public Notice DA12-721*, released on May 8, 2012, para. 2.

⁶ *USF/ICC Transformation Order* para. 331.

⁷ *Id.* para. 332.

⁸ *Auction 901 Procedures Public Notice* para. 32.

On February 10, 2012, the FCC issued DA 12-187. In this notice, the FCC provided an updated list of potentially eligible Census Blocks. The Summary of Updated List of Potentially Eligible Census Blocks provides information for each state.

Census Block information for Idaho⁹

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 Deadlines¹⁰

FCC Form 180 (Short Form) Application Filing Window Opens	6/27/12; 12:00 noon ET
FCC Form 180 (Short Form) Application Filing Deadline	7/11/12; 6:00 p.m. ET
Mock Auction	9/25/12
Auction Begins	9/27/12

Specific Mobility Fund Phase 1 Eligibility Requirements and Certifications¹¹

1. ETC Designation Certification. To be eligible to participate in Auction 901, the applicant 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.¹²

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.¹³

⁹ *Id.* Attachment A at 1.

¹⁰ *Id.* para. 40.

¹¹ *Id.* at 29.

¹² *Id.* para. 93

¹³ *Id.* para. 94.

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.¹⁴

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, 2012.¹⁵

Staff believes Syringa satisfies or will meet the first three requirements and that the Company will be required to meet the last requirement upon participate in the Auction 901.

The Application

Syringa Wireless wishes to participate in the FCC's upcoming Mobility Phase 1 Auction. Therefore, the Company requests conditional ETC status in all unserved census blocks subject to the FCC's Mobility Fund Phase 1 Auction in Adams, Boise, Elmore, Gem, Payette, Valley and Washington Counties in Idaho (the "Expansion Areas"). Syringa "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 the Expansion Areas set forth in this Application, and that it be approved to participate in the Lifeline program."¹⁶

The Company is a facilities-based provider of wireless voice, messaging and data services and is currently licensed to serve the Basic Trading Areas (BTAs) in Idaho Falls, Pocatello, and Twin Falls.¹⁷ Through the use of facilities owned or operated by Syringa

¹⁴ *Id.* para. 96.

¹⁵ *Id.* para. 98.

¹⁶ Application at 2.

¹⁷ Application at 2.

Networks,¹⁸ along with the facilities of Syringa Wireless, the Company has the capability of expanding and providing services to additional areas.¹⁹ Syringa's Application states that the "Expansion Areas are adjacent to areas currently served by the Company and areas it intends to serve in the near future."²⁰

Syringa believes "it meets all statutory and regulatory prerequisites for ETC designation and the public interest would be served by granting its request, thereby enabling the Company to deploy mobile wireless infrastructure in order to provide mobile voice and broadband service to unserved and under-served areas within the Expansion Areas that would benefit consumers in rural Idaho."²¹

The Company asserts that it satisfies all of the requirements for designation as an ETC as established under Sections 214(e) and 254 of the Telecommunications Act, and the ETC Requirements Order of the Idaho Public Utilities Commission. Specifically, Syringa Wireless: (i) is a common carrier; (ii) offers services that are supported by the federal universal support mechanisms; (iii) will use its own facilities, in whole or in part, to provide the supported services; (iv) will provide the supported services throughout its designated service area; (v) will advertise the availability of such services using media of general distribution; (vi) will make Lifeline service available to qualifying low-income consumers; (vii) will certify that it will comply with the service requirements applicable to the support that it receives; (viii) will submit a 2-year [5-year for the FCC] service improvement plan; (ix) will remain functional in emergency situations; (x) will satisfy consumer protection and service quality standards; (xi) will provide local usage plans comparable to the incumbent local exchange carriers (ILEC) operating in the proposed Expansion Areas; (xii) will provide notice to any affected tribal governments or tribal regulatory authorities; (xiii) will comply with all applicable reporting requirements, and (xiv) will take steps to limit fraud, waste and abuse of the federal USF.²²

¹⁸ On April 1, 2012, Syringe Wireless became a wholly-owned subsidiary of Syringa Networks, LLC. Syringa Networks provides wholesale telecommunications services over its fiber optic network throughout southern Idaho.

¹⁹ Id.

²⁰ Application at 3.

²¹ Application at 1.

²² Application at 4.

STAFF ANALYSIS

Staff has reviewed Syringa's Application and has conducted an analysis of the Company's fulfillment of 47 U.S.C. § 214(e)(2), 47 C.F.R. § 54.1003, Order No. 29841 and the Auction 901 requirements. In addition, Staff has analyzed the public interest benefits of awarding the Company a conditional ETC designation.

Public Interest Analysis

Under Section 214 of the Telecommunications Act of 1996, individual State Commissions must determine that an ETC designation is consistent with the public interest, convenience and necessity.

Mobility Fund Phase 1 recipients must offer voice service with coverage of at least 75 percent or more of the designated road miles within the area for which support is provided. Additionally, receipt of the Mobility Fund Phase 1 support is conditioned upon the recipient providing service over a network that achieves particular data rates under particular conditions, which the FCC refers to as 3G networks or better.²³

Syringa's Application requests ETC designation outside of its current ETC service area and in unserved areas. As such, the public interest analysis is a simple one. The fact that no other carriers currently serve these census blocks suggests that it would be in the public interest to allow Syringa the opportunity to deploy services to these areas.

Other Public Interest Considerations

When applying the public interest test for an ETC Application, Staff has reviewed other requirements that ETCs must satisfy. These public interest considerations are summarized below:

Company contribution to the Idaho Telephones Service Assistance Program (ITSAP). Staff has verified that the Company is remitting ITSAP fees to the program Administrator.²⁴

Syringa has the ability to remain functional in emergency situations.²⁵ Syringa "has the ability to remain functional in emergency situations as demonstrated in the description of its

²³ Auction 901 Procedures Public Notice para. 26.

²⁴ 2011 ITSAP Annual Report, Confidential Monthly Reports.

²⁵ Application at 6.

fault-tolerant network,²⁶ and “as more particularly set forth in Syringa’s annual ETC recertification report on file with the Commission.”²⁷

For the reasons stated above, Staff believes that Syringa satisfies the public interest analysis.

Other ETC Designation Requirements

Additional requirements for ETC designation, not previously discussed, are detailed in the Appendix 1 of Order No. 29841 and discussed more fully below.

1. Common Carrier Status. Syringa is a Commercial Mobile Radio Services (CMRS) carrier providing “mobile service” as defined in 47 U.S.C. § 153(27).²⁸
2. Provide the Universal Services. Syringa offers the federally designated services listed at 47 U.S.C. §54.10(a).²⁹
3. Advertising. Syringa will advertise the availability and pricing of its universal service offering.³⁰
4. The Commitment and Ability to Provide Supported Service. Syringa will use USF support as set forth under the Phase 1 Mobility Fund.³¹
5. Commitment to Consumer Protection and Service. Syringa will satisfy applicable consumer protection and service quality standards in accordance with 47 C.F.R. § 54.202(a)(3) and the IPUC ETC Requirements Order.³²
6. Description of the Local Usage Plan. Syringa’s service offering are comparable to the offerings of the incumbent local exchange carrier (ILEC), taking into consideration all of the attributes of its and the ILECs’ service offering.³³

²⁶ See Order No. 30629 at 3.

²⁷ Application at 7.

²⁸ *Id.* at 4.

²⁹ *Id.*

³⁰ *Id.*

³¹ *Id.*

³² *Id.*

³³ *Id.*

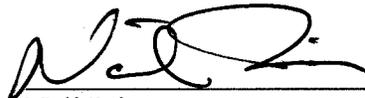
7. Tribal Notification. Syringa will comply with this requirement. Syringa submitted a copy of its Application to Coeur d'Alene Tribe, Shoshone-Bannock Tribes of the Fort Hall Reservation of Idaho, Nez Perce Tribe of Idaho and Kootenai Tribe of Idaho.³⁴

STAFF RECOMMENDATION

Staff has reviewed the Application of Syringa for the conditional designation as an ETC for the purpose of participating in the Mobility Fund Phase 1 Auction for areas outside of its existing ETC area and only in the areas in which it is awarded Mobility Fund Support.

Staff believes that Syringa's Application for a conditional ETC designation in the unserved census blocks in Idaho is in the public interest and recommends approval of the Application.

Respectfully submitted this 15th day of June 2012.



Neil Price
Deputy Attorney General

Technical Staff: Grace Seaman

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³⁴ *Id.*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT I HAVE THIS 15TH DAY OF JUNE 2012, SERVED THE FOREGOING **COMMENTS OF THE COMMISSION STAFF**, IN CASE NO. SYR-T-08-01, BY MAILING A COPY THEREOF, POSTAGE PREPAID, TO THE FOLLOWING:

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SECRETARY