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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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In the Matter of)	
)	
Smith Bagley, Inc.)	CC Docket No. 96-45
Petition for Designation as an)	
Eligible Telecommunications Carrier)	DA 99-1331
Under 47 U.S.C. § 214(e)(6),)	
FCC 97-419)	

COMMENTS OF WESTERN WIRELESS CORPORATION

Western Wireless Corporation ("Western Wireless") hereby comments on the Petition for Designation as an Eligible Telecommunications Carrier ("ETC") filed by Smith Bagley, Inc. ("Smith Bagley"), on June 2, 1999, seeking designation for those parts of its service areas in Arizona and New Mexico comprised of federally reserved Native American lands ("Petition"). 1/ Western Wireless has testified before the FCC concerning the need for affordable service on Indian reservations and the public interest benefits of providing universal service funding to support these services, 2/ and supports the Smith Bagley Petition for the reasons identified herein.

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List A B C D E

1/ See *Petition of Smith Bagley, Inc. for Designation as an Eligible Telecommunications Carrier*, CC Docket No. 96-45, Public Notice DA 99-1331 (July 6, 1999).

2/ See *Comments of Western Wireless, Federal Communications Commission Will Hold a Series of Public Hearings on Telephone Service for Indians on Reservations and Seeks Comment from the General Public on All Testimony and Other Evidence Presented Therein*, BO Docket 99-11, DA 99-201 (rel. Jan. 21, 1999).

The Commission should grant the Smith Bagley Petition. As a commercial mobile radio service ("CMRS") provider seeking to provide universal service in rural and high-cost areas, 3/ Western Wireless is gratified to see other CMRS carriers such as Smith Bagley -- who are plainly eligible for ETC designation -- applying wireless technologies to benefit consumers on Indian reservations by providing universal service to those traditionally underserved areas. Such efforts clearly further the Act's objectives of competitive entry and ubiquitous telephony at affordable prices.

By granting the Smith Bagley Petition, the Commission would demonstrate that CMRS providers are as eligible and capable as any wireline carrier to be designated as ETCs and to provide universal service under the federal program. Designating Smith Bagley as an ETC for its service areas on Indian reservations in Arizona and New Mexico would also demonstrate the efficacy of wireless carriers providing universal service in underserved and unserved areas, such as the rural Navajo and Hopi reservations referenced in the Petition. As the

Western Wireless also sent Gene DeJordy, its Executive Director of Regulatory Affairs, to testify at the FCC's January 29, 1999, hearing on Native American issues in Albuquerque, New Mexico, in the referenced proceeding.

3/ Western Wireless currently provides cellular service in 17 western states, where the company provides the supported services and functionalities enumerated in Section 54.101(a) of the Commission's rules, 47 C.F.R. § 54.101(a), throughout its service area. Western Wireless also currently provides a "universal service" offering, using wireless technology, to residents of Reese River and Antelope Valley, Nevada, and Regent, North Dakota, and hopes to serve other markets within its cellular coverage area -- including Indian reservations -- in the near future.

Commission has long held, wireless carriers may -- indeed, must -- be designated as ETCs where, as here, they satisfy the criteria set forth at 47 U.S.C. § 214(e). 4/

Smith Bagley's Petition is an affirmation of the reality that CMRS providers can furnish the basic telephone services supported by federal universal service mechanisms, 5/ and is in some instances a more cost-effective means of doing so. 6/ Designating Smith Bagley as an ETC for the Navajo, Hopi, Apache and Zuni reservation lands in Smith Bagley's Arizona and New Mexico service area will provide residents with the ability to obtain affordable basic telephone services from a facilities-based competitor to the incumbent local exchange carrier ("ILEC").

4/ *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, First Report and Order, 12 FCC Rcd 8776, 8858 ¶ 145 (1997) ("any telecommunications carrier using any technology, *including wireless technology*, is eligible to receive universal service support if it meets the criteria under Section 214(e)(1)") (emphasis added); *Federal-State Joint Board on Universal Service*, Seventh Report and Order and Thirteenth Order on Reconsideration in CC Docket No. 96-45, Fourth Report and Order in CC Docket No. 96-262, and Further Notice of Proposed Rulemaking, FCC 99-119 at ¶ 15 (released May 28, 1999) ("all carriers that provide the supported services, regardless of the technology used, are eligible for designation as an [ETC]").

5/ See 47 C.F.R. § 54.101(a).

6/ See *Federal-State Joint Board on Universal Service*, Forward-Looking Mechanism for High-Cost Support for Non-Rural ILECs, CC Docket Nos. 96-45, 97-160, FCC 99-120, n.33 (rel. May 28, 1999) (*citing* Letter from David L. Sieradzki, on behalf of Western Wireless, to Magalie Roman Salas, FCC, dated January 26, 1999 (submitting the "Wireless Cost Model")); see also *Bell Atlantic Tests WLL for Rural Areas*, RCR, June 28, 1999, at 26 (reporting that ILECs have begun recognizing the efficacy of relying on lower-cost wireless technologies in wireless local loops ("WLL") to provide service to some areas).

Designating Smith Bagley as an ETC would do much to improve the poor level of access to telecommunications services for Native Americans on the subject reservations. Improving access to telecommunications services will foster economic opportunities for the Navajo, Hopi, Apache and Zuni reservations. Granting the Smith Bagley Petition also will improve access to critical emergency services for Native Americans on these reservations. Together, these results will further the Commission's goals for implementing the Act's universal service provisions, as well as the Administration's goal of improving access to telephones, computers, and the Internet for Indians on reservations. ^{7/} As Western Wireless has actively sought to advance both of these objectives, ^{8/} we support Smith Bagley's Petition seeking designation as an ETC.

^{7/} See National Telecommunications and Information Administration Fact Sheet, "Native Americans Lacking Information Resources" in FALLING THROUGH THE NET: DEFINING THE DIGITAL DIVIDE, July 1999 (at <http://www.ntia.doc.gov/ntia-home/digitaldivide/factsheets/native-americans.htm>).

^{8/} Western Wireless currently provides service on 51 Native American reservations, and is seeking to expand its coverage on these and other reservations. See, e.g., Western Wireless Corporation Testimony, S.401, TO PROVIDE FOR BUSINESS DEVELOPMENT AND TRADE PROMOTION FOR NATIVE AMERICANS, 106th Cong. (1999) (reciting Western Wireless' appreciation and support for "the objectives of this legislation to guard and preserve tribal sovereignty by fostering strong tribal self-governance capabilities and . . . healthy, self-sustainable tribal economics [through, *inter alia*,] efficient, reliable and affordable telecommunications"), offered on May 6, 1999.

For the foregoing reasons, the Commission should grant Smith Bagley's Petition for designation as an ETC for the company's Arizona and New Mexico Indian reservation service areas.

Respectfully submitted,

**WESTERN WIRELESS
CORPORATION**

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