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**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)
)
Federal-State Joint Board on)
Universal Service)
)
Virginia Cellular LLC)
)
Petition for Designation as an)
Eligible Telecommunications Carrier)
in the State of Virginia)

CC Docket No. 96-45

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

To: Common Carrier Bureau

**Petition for Designation as an Eligible Telecommunications Carrier
in the State of Virginia**

Virginia Cellular LLC ("Virginia Cellular"), by counsel and pursuant to Section 214(e)(6) of the Commission's Act of 1934, as amended, 47 U.S.C. §214(e)(6), hereby petitions the Commission for designation as an Eligible Telecommunications Carrier ("ETC") throughout its licensed service area in the State of Virginia. As demonstrated below, Virginia Cellular meets all the statutory and regulatory prerequisites for ETC designation, and designating Virginia Cellular as an ETC will serve the public interest.

I. Virginia Cellular's Universal Service Offering

Virginia Cellular is authorized as the "A-band" cellular carrier for the Virginia 6 Rural Service Area ("RSA") serving the counties of Rockingham, Augusta, Nelson, and Highland as well as the cities of Harrisonburg, Staunton and Waynesboro. The company has operated continuously for over 12 years and is locally owned and operated. Virginia Cellular has constructed an analog cellular system and plans to implement an upgrade to digital service in

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2002. This will add features to its system and speed the implementation of several federal and state health and safety initiatives, including E-911 and CALEA. With high cost support available from the federal government, Virginia Cellular can deliver high quality service to rural areas of its system, and offer customers a viable competitive alternative to the incumbent wireline network. A grant of this application will serve the citizens of Virginia.

Virginia Cellular currently provides all the services and functionalities supported by the federal universal service program, enumerated in Section 54.101(a) of the Commission's Rules, throughout its cellular service area in Virginia. Upon designation as an ETC, Virginia Cellular will make available to consumers a universal service offering over its cellular network infrastructure, using the same antenna, cell-site, tower, trunking, mobile switching, and interconnection facilities used by the company to serve its existing conventional mobile cellular service customers. Virginia Cellular will provide service to any customer requesting this service within the designated service area.

II. Virginia Cellular Satisfies All The Statutory And Regulatory Prerequisites For Designation As An ETC.

Virginia Cellular satisfies each of the five elements required for ETC designation by the FCC pursuant to Section 214(e)(6) set forth in the FCC's *Section 214(e)(6) Public Notice*¹, as shown below.

¹ *Procedures for FCC Designation of Eligible Telecommunications Carriers Pursuant to Section 214(e)(6) of the Communications Act, Public Notice*, 12 FCC Rcd 22947 (1997) ("*Section 214(e)(6) Public Notice*").

A. The Virginia State Corporation Commission Has Provided an Affirmative Statement That it Does Not Regulate CMRS Carriers.

As a CMRS carrier, Virginia Cellular is entitled to seek designation as an ETC.² Section 254(e) of Act, 47 U.S.C. §254(e), provides that “only an eligible telecommunications carrier designated under section 214(e) shall be eligible to receive specific Federal universal service support.” 47 U.S.C. §214(e). Pursuant to 47 U.S.C. §214(e)(6), the Commission may, upon request, designate as an ETC “a common carrier providing telephone exchange service and exchange access that is not subject to the jurisdiction of a State Commission.”

In the *Section 214(e)(6) Public Notice*, the Commission established that a carrier must demonstrate it “is not subject to the jurisdiction of a state commission.”³ In its *Twelfth Report and Order* in this docket, the Commission stated that where a carrier provides the Commission with an “affirmative statement” from the state commission or a court of competent jurisdiction that the state lacks jurisdiction to perform the designation, the Commission would consider requests filed pursuant to 214(e)(6).⁴

Virginia Cellular filed an application for designation as an ETC with the Virginia State Corporation Commission (“SCC”) on December 20, 2001. On April 9, 2002, the SCC issued an Order dismissing Virginia Cellular’s application and directing Virginia Cellular to file its ETC

² See *Federal-State Joint Board on Universal Service, CC Docket No. 96-45, First Report and Order*, 12 FCC Rcd 8776, 8858-59 (1997) (“*First Report and Order*”).

³ *Section 214(e)(6) Public Notice*, at 22948.

⁴ *Federal-State Joint Board on Universal Service; Promoting Deployment and Subscribership in Unserved and Underserved Areas, Including Tribal and Insular Areas, Twelfth Report and Order, and Further Notice of Proposed Rulemaking*, 15 FCC Rcd 12208, 12264 (2000).

application with the FCC. Specifically, the Commission held, “The Commission finds that §214(e)(6) of the Act is applicable to Virginia Cellular’s Application as this Commission has not asserted jurisdiction over CMRS carriers and that the Applicant should apply to the FCC for ETC designation.”⁵ The SCC has clearly indicated it does not intend to designate CMRS carriers as ETCs. Accordingly, Virginia Cellular requests ETC designation as “a common carrier providing telephone exchange service and exchange access that is not subject to the jurisdiction of a State commission.” 47 U.S.C. §214(e)(6).

B. Virginia Cellular Offers All Of The Services Supported By The Federal High-Cost Universal Service Program.

In order to be designated as an ETC, a carrier must be a common carrier and must offer and advertise the supported services throughout the designated service area. 47 U.S.C. §214(e)(1). The FCC has identified the following services and functionalities as the core services to be offered by an ETC and supported by federal universal service support mechanisms:

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.

47 C.F.R. § 54.101(a).

⁵Application of Virginia Cellular LLC, For designation as an eligible telecommunications provider under 47 U.S.C. §214(e)(2), Case No. PUC010263, Order (April 9, 2002), p. 4-5. A copy of the Order is attached hereto as Exhibit A.

According to the *Section 214(e)(6) Public Notice*, a certification that the carrier provides each of the supported services is required.⁶ As shown below and in the Declaration attached as Exhibit B hereto, Virginia Cellular now provides or will provide, upon designation, the required services.

1. Voice-grade access to the public switched telephone network. The FCC concluded that voice-grade access means the ability to make and receive phone calls, within a bandwidth of approximately 2700 Hertz within the 300 to 3000 Hertz frequency range.⁷ Virginia Cellular meets this requirement by providing voice-grade access to the public switched telephone network. Through its interconnection arrangements with local telephone companies, all customers of Virginia Cellular are able to make and receive calls on the public switched telephone network within the specified bandwidth.

2. Local Usage. Beyond providing access to the public switched network, an ETC must include local usage as part of a universal service offering. To date, the FCC has not quantified a minimum amount of local usage required to be included in a universal service offering, but has initiated a separate proceeding to address this issue.⁸ As it relates to local usage, the NPRM sought comments on a definition of the public service package that must be offered by all ETCs. Specifically, the FCC sought comments on how much, *if any*, local usage should be

⁶ *Section 214(e)(6) Public Notice*, at 22948.

⁷ *First Report and Order*, at 8810-11.

⁸ *See Federal-State Joint Board on Universal Service, Memorandum Opinion and Order and Further Notice of Proposed Rulemaking*, 13 FCC Rcd 21252 (1998) (“*October 1998 NPRM*”).

required to be provided to customers as part of a universal service offering.⁹ 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.¹⁰ Any minimum local usage requirement established by the FCC as a result of the *October 1998 NPRM* will be applicable to all designated ETCs, not simply wireless service providers. Virginia Cellular will comply with any and all minimum local usage requirements adopted by the FCC. Virginia Cellular will meet the local usage requirements by including a variety of local usage plans as part of a universal service offering.

3. Dual-tone, multi-frequency (“DTMF”) signaling, or its functional equivalent.

DTMF is a method of signaling that facilitates the transportation of call set-up and call detail information. Consistent with the principles of competitive and technological neutrality, the FCC permits carriers to provide signaling that is functionally equivalent to DTMF in satisfaction of this service requirement. 47 C.F.R. § 54.101(a)(3). Virginia Cellular currently uses out-of-band digital signaling and in-band multi-frequency (“MF”) signaling that is functionally equivalent to DTMF signaling. Virginia Cellular therefore meets the requirement to provide DTMF signaling or its functional equivalent.

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.¹¹ The FCC concluded that a wireless provider offers the equivalent of single-party service

⁹ *October 1998 NPRM*, at 21277-21281.

¹⁰ *First Report and Order*, at 8813. See also, *Western Wireless Corporation*, 16 FCC Rcd 48, 52-53 (2000), aff’d, FCC 01-311 (October 19, 2001); *Cellco Partnership*, 16 FCC Rcd 39, 42 (2000).

¹¹ *First Report and Order*, at 8810.

when it offers a dedicated message path for the length of a user's particular transmission.¹²

Virginia Cellular meets the requirement of single-party service by providing a dedicated message path for the length of all customer calls.

5. Access to emergency services. The ability to reach a public emergency service provider by dialing 911 is a required service in any universal service offering. 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 for the delivery of such information.¹³ Virginia Cellular currently provides all of its customers with access to emergency service by dialing 911 in satisfaction of this requirement.

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.¹⁴ Virginia Cellular meets this requirement by providing all of its customers with access to operator services provided by either the Company or other entities (*e.g.*, LECs, IXC, etc.)

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

¹² *Id.*

¹³ *See Id.*, at 8815-17.

¹⁴ *Id.*, at 8817-18.

service among the services supported by universal service mechanisms.”¹⁵ Virginia Cellular presently meets this requirement by providing all of its customers with the ability to make and receive interexchange or toll calls through direct interconnection arrangements the Company has with several IXCs. Additionally, customers are able to reach their IXC of choice by dialing the appropriate access code.

8. Access to directory assistance. The ability to place a call to directory assistance is a required service offering.¹⁶ Virginia Cellular meets this requirement by providing all of its customers with access to directory assistance by dialing “411” or “555-1212”.

9. Toll limitation for qualifying low-income consumers. An ETC must offer either “toll control” or “toll blocking” services to qualifying Lifeline 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).¹⁷ In particular, all ETCs must provide toll blocking, which allows customers to block the completion of outgoing toll calls.¹⁸ Virginia Cellular currently has no Lifeline customers because only carriers designated as an ETC can participate in Lifeline. See 47 C.F.R. §§ 54.400-415. Once designated as an ETC, Virginia Cellular will participate in Lifeline as required, and will provide toll blocking capability in satisfaction of the FCC’s requirement.

¹⁵ *Id.*, at 8819.

¹⁶ *Id.*, at 8821.

¹⁷ 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).

¹⁸ *First Report and Order*, at 8821-22.

C. Virginia Cellular Will Offer Supported Services Through its Own Facilities.

The Commission's *Section 214(e)(6) Public Notice* established that a carrier requesting designation must certify that it offers the supported services "either using its own facilities or a combination of its own facilities and resale of another carrier's services."¹⁹ Virginia Cellular will provide the supported services using its existing network infrastructure, which includes the same antenna, cell-site, tower, trunking, mobile switching, and interconnection facilities used by the company to serve its existing conventional mobile cellular service customers. *See also* Attachment B hereto.

D. Virginia Cellular Will Advertise its Universal Service Offering.

Virginia Cellular will advertise the availability of the supported services and the corresponding charges in a manner that fully informs the general public within the designated service area of the services and charges.²⁰ Virginia Cellular currently advertises its wireless services through several different media. Virginia Cellular will use media of general distribution that it currently employs to advertise its universal service offerings throughout the service areas designated by the Commission. Virginia Cellular will comply with all form and content requirements, if any, promulgated by the FCC in the future and required of all designated ETCs.

III. Virginia Cellular Requests Designation Throughout Its Licensed Service Area In Virginia.

Virginia Cellular is not a "rural telephone company" as that term is defined by 47 U.S.C. 153(37). Accordingly, Virginia Cellular is required to describe the geographic area in which it

¹⁹ *Section 214 Public Notice*, at 22949.

²⁰ *Id.*

requests designation.²¹ Virginia Cellular requests ETC designation for its entire licensed service area in Virginia, which is the boundary for the Virginia-6 rural Service Area. A map of Virginia Cellular's proposed ETC service area is attached hereto as Exhibit C.

A. Non-Rural Areas

For non-rural service areas, there are no restrictions on how a state commission defines the "service area" for purposes of designating a competitive ETC. Virginia Cellular's authorized service area covers a portion of the following non-rural telephone company service areas:

GTE South, Inc.
Bell Atlantic
Central Tel. Co. of Virginia

(See Exhibit D attached hereto for a list of specific wire centers served by these companies).

The FCC may designate Virginia Cellular as an ETC in the areas that Virginia Cellular serves, without redefining the service areas of the non-rural telephone companies set forth above.

B. Rural Areas

Virginia Cellular's authorized service area covers the following rural telephone company service areas in their entirety:

New Hope Telephone Company
North River Telephone Cooperative
Highland Telephone Cooperative

(See Exhibit E attached hereto for a list of specific wire centers served by these companies).

Virginia Cellular may be designated as an ETC in these rural telephone company service areas

²¹ *Id.*

upon a finding that such designation would serve the public interest.²² No redefinition of the incumbent telephone company service areas is required.

Virginia Cellular's authorized service area covers most, but not all, of the following rural telephone company service areas:

Shenandoah Tel. Co. ("Shenandoah")
Mountain Grove - Williamsville Tel. Co. ("MGW")
Clifton Forge Waynesboro Tel Co. ("CFW")

(See Exhibit F attached hereto for a list of specific wire centers served by these companies).

In addition to finding that the public interest would be served by designating Virginia Cellular as an ETC in these three rural telephone company service areas, the FCC must propose a redefinition of the incumbent LEC service areas, with which the Virginia Commission will be presumably required to concur.²³ Virginia Cellular hereby requests that the affected incumbent LEC service areas be redefined as set forth below.

i. Shenandoah and CFW

With respect to both Shenandoah and CFW, Virginia Cellular serves one complete wire center, as set forth in Exhibit F attached hereto. Both companies serve other wire centers in areas of the state where Virginia Cellular is not licensed to serve. Accordingly, Virginia Cellular requests the Commission to designate the wire centers listed in Exhibit F as one service area and the remaining areas served by Shenandoah and CFW as a separate service area.

²² See, 47 C.F.R. §54.207(c).

²³ Anticipating that it may have to decide whether to concur with the FCC's proposed redefinition of affected LEC service areas, the Virginia Commission has left Docket No. PUC010263 open for possible future proceedings. See, Application of Virginia Cellular LLC, For designation as an eligible telecommunications provider under 47 U.S.C. §214(e)(2), Case No. PUC010263, Order (April 9, 2002), p. 5.

ii. **MGW**

As shown on the map attached hereto as Exhibit C, Virginia Cellular is licensed to serve all but a small sliver of MGW's service area. The Commission may choose to redefine MGW's service area along wire center boundaries, or it may choose to not redefine MGW's service area, since such a small portion of it is unserved by Virginia Cellular.

In sum, Virginia Cellular requests that its ETC service area be defined to be contiguous with the Virginia - 6 Rural Service Area. Virginia Cellular also requests that the affected rural telephone company service areas of Shenandoah, CFW and MGW be redefined as set forth above.

IV. The Proposed Redefinition of Rural LEC Service Areas is Consistent With the Joint Board's Analysis.

Pursuant to 47 C.F.R. §54.207(c)(1), a petition to redefine a rural LEC service area must contain, "an analysis that takes into account the recommendations of any Federal-State Joint Board convened to provide recommendations with respect to the definition of a service area served by a rural telephone company." As set forth above, Virginia Cellular requests that the Commission redefine the service areas of MGW, CFW, and Shenandoah.

In the Recommended Decision which laid the foundation for the FCC's *First Report and Order*, the Federal-State Joint Board enumerated three factors to be considered when redefining a rural service area.²⁴ First, the Joint Board advised the state commission to consider whether the competitive carrier is attempting to "cream skim" by only proposing to serve the lowest cost

²⁴ *Federal-State Joint Board on Universal Service, Recommended Decision*, 12 FCC Rcd 87 (1996).

exchanges.²⁵ As a wireless carrier, Virginia Cellular is restricted to providing service in those areas where it is licensed by the FCC. Virginia Cellular is not picking and choosing the lowest cost exchanges. Virginia Cellular has based its requested ETC area solely on its licensed service area and proposes to serve its entire service area.

On or before May 15, 2002, the affected LECs will have an opportunity to disaggregate their study areas pursuant to the FCC's recent orders providing three disaggregation paths.²⁶ Assuming the carriers provide appropriate disaggregation plans, the level of support paid to competitive ETCs such as Virginia Cellular should more accurately reflect the costs within a particular area. Thus, when LEC study area disaggregation is complete, the issue of cream skimming should be dissolved.

Second, the Joint Board urged the Commission to consider the rural carrier's special status under the Telecommunications Act of 1996.²⁷ In deciding whether to award ETC status to Virginia Cellular, the Commission will weigh numerous factors and will consider how the public interest is affected by an award of ETC status pursuant to 47 U.S.C. § 214(e)(2). Congress mandated this public interest analysis in order to protect the special status of rural carriers in the same way it established special considerations for rural carriers with regard to interconnection,

²⁵ *Recommended Decision*, 12 FCC Rcd 87, at 180.

²⁶ *Federal-State Joint Board on Universal Service, Multi-Association Group (MAG) Plan for Regulation of Interstate Services of Non-Price Cap Incumbent Local Exchange Carriers and Interexchange Carriers, Fourteenth Report and Order*, FCC 01-157, Docket 96-45, 23 CR 1338, 1381 (May 23, 2001) ("*Fourteenth Report and Order*"); see also, *Multi-Association Group (MAG) Plan for Regulation of Interstate Services of Non-Price Cap Incumbent Local Exchange Carriers and Interexchange Carriers Federal-State Joint Board on Universal Service, Second Report and Order and Further Notice of Proposed Rulemaking*, 25 CR 1 (November 8, 2001).

²⁷ *Recommended Decision*, 12 FCC Rcd 87, at 180.

unbundling, and resale requirements.²⁸ Accordingly, if the Commission finds that Virginia Cellular's ETC designation is in the public interest, it has duly recognized the special status of the rural carrier for purposes of determining whether Virginia Cellular's service area designation should be adopted for federal universal service funding purposes. No action in this proceeding will affect or prejudice any future action this Commission or the Virginia SCC may take with respect to the LECs' status as a rural telephone company.

Finally, the Federal-State Joint Board recommended that the FCC consider the administrative burden a rural LEC would face by calculating its costs on a basis other than its entire study area.²⁹ In the instant case, Virginia Cellular is proposing to redefine rural LEC service areas solely for ETC designation purposes. Redefining service areas for ETC purposes will in no way impact the way the affected rural LECs calculate their costs, but it is solely to determine the LEC area in which Virginia Cellular is to be designated as an ETC. As set forth above, LECs may disaggregate their study areas to reallocate high cost loop support payments pursuant to the FCC's Fourteenth Report and Order.³⁰ Accordingly, redefining rural LEC service areas as proposed in this Petition will not impose any additional burdens on rural LECs.

V. A Grant of This Application Will Serve the Public Interest.

Because Virginia Cellular is seeking designation in areas served by rural LECs, the FCC

²⁸ *Id.*

²⁹ *Id.*

³⁰ *Fourteenth Report and Order; supra.* note 26.

must consider public interest factors prior to designating Virginia Cellular as an ETC.³¹

Designating Virginia Cellular as an ETC in Virginia would further the public interest by bringing the benefits of competition to an underserved marketplace.

The FCC has recognized the advantages wireless carriers can bring to the universal service program. In particular, the FCC has found that “imposing additional burdens on wireless entrants would be particularly harmful to competition in rural areas, where wireless carriers could potentially offer service at much lower costs than traditional wireline service.”³² One of the principal goals of the Telecommunications Act of 1996 was to “promote competition and reduce regulation in order to secure lower prices and higher quality services for American telecommunications consumers and encourage the rapid deployment of new telecommunications technologies.”³³ Competition drives down prices and promotes the development of advanced communications as carriers vie for a consumer’s business.

In its decision to designate Western Wireless as an ETC in the State of Wyoming, the FCC observed, “Designation of competitive ETCs promotes competition and benefits consumers in rural and high-cost areas by increasing customer choice, innovative services, and new technologies.”³⁴ Similarly, in designating the cellular carrier Smith Bagley, Inc. as an ETC in Arizona, the state commission found competitive entry to provide additional consumer choice

³¹ See 47 U.S.C. §214(e)(6).

³² *First Report and Order*, 12 FCC Rcd. 8776, 8881-8882.

³³ Telecommunications Act of 1996, Public Law, 104-104, 100 Stat. 56 (1996).

³⁴ *Western Wireless Corporation*, DA 00-2896 (released December 26, 2000) (“*Wyoming Order*”), 16 FCC Rcd 48, 55; *aff’d*, FCC 01-311 (released October 19, 2001), at ¶19.

and a potential solution to “health and safety risks associated with geographic isolation.”³⁵ More recently, in designating Guam Cellular and Paging, Inc. as an ETC in the territory of Guam, the Commission found that the designation of Guamcell as an ETC in the area served by the rural telephone company in Guam would serve the public interest “by promoting competition and the provision of new technologies to consumers in high cost and rural areas of Guam.”³⁶

Designating Virginia Cellular as an ETC will bring to consumers the benefits of competition, including increased choices, higher quality service, and lower rates. In a competitive market, rural consumers will be able to choose the services that best meet their communications needs. With a choice of service providers, the consumer is able to select a provider based on service quality, service availability, and rates.

The public interest standard under Section 214(e)(2) for designating ETCs in territories served by rural telephone companies emphasizes competition and consumer benefit, not incumbent protection. For example, the Commission has stated:

We do not believe that it is self-evident that rural telephone companies cannot survive competition from wireless providers. Specifically, we find no merit to the contention that designation of an additional ETC in areas served by rural telephone companies will necessarily create incentives to reduce investment in infrastructure, raise rates, or reduce service quality to consumers in rural areas. To the contrary, we believe that competition may provide incentives to the incumbent to implement new operating

³⁵ *Smith Bagley, Inc., Order*, Decision No. 63269, Docket No. T-02556A-99-0207 (Arizona, December 15, 2001), at p. 12.

³⁶ *Guam Cellular and Paging, Inc.*, DA 02-174, (released January 25, 2002).

efficiencies, lower prices, and offer better service to its customers.³⁷

Further, Congress has mandated that universal service provisions be “competitively neutral” and “necessary to preserve and advance universal service.” See, 47 U.S.C. §253(b). The failure to designate Virginia Cellular as an ETC would deprive rural consumers of the benefits of competition, including increased choices, higher quality service, and lower rates.

Virginia Cellular will provide consumers with the benefits of competition, including a variety of service plans, wide local calling areas, high quality mobile service, and competitive rates. With the introduction of competition, the incumbent provider will have an incentive to introduce new, innovative, or advanced service offerings.

Virginia Cellular commits to use available federal high cost support for its intended purposes - the construction, maintenance and upgrading of facilities serving the rural areas for which support is intended. As of this date, Virginia Cellular can conceive of no business plan for remote rural areas which supports deploying the type of robust wireless network required to compete on a level playing field with incumbent carriers. Wireless telephone service is today a convenience, but in most rural areas it cannot be counted on as a potential replacement for wireline service unless high cost loop support is made available to drive infrastructure investment. Indeed, without the high cost program it is doubtful that many rural areas would have wireline telephone service even today. Provision of high cost support to Virginia Cellular will begin to level the playing field with the incumbent LECs and make available for the first time a potential competitor for primary telephone service in remote areas of Virginia.

³⁷ *Wyoming Order*, 16 FCC Rcd at 57.

VI. High-Cost Certification

Under FCC Rule Sections 54.313 and 54.314, carriers wishing to obtain high-cost support must either be certified by the appropriate state commission or, where the state commission does not exercise jurisdiction, must self-certify with the FCC and the Universal Service Administrative Corporation (“USAC”) their compliance with Section 254(e) of the Federal Telecommunications Act of 1996. As explained above, the SCC does not exercise jurisdiction over CMRS carriers such as Virginia Cellular. Therefore, in accordance with Section 54.313(b) and 54.314(b), Virginia Cellular has submitted its high-cost certification with the FCC and USAC. A copy of this certification is attached hereto as Exhibit G. Virginia Cellular respectfully requests that the Commission issue a finding that Virginia Cellular has met the high-cost certification requirement and that Virginia Cellular is, therefore, entitled to begin receiving high-cost support as of the date it receives a grant of ETC status in order that funding will not be delayed.³⁸

VII. Anti-drug Abuse Certification

Virginia Cellular certifies that no party to this petition is subject to a denial of federal benefits, including FCC benefits, pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. §862. *See* Exhibit H hereto.

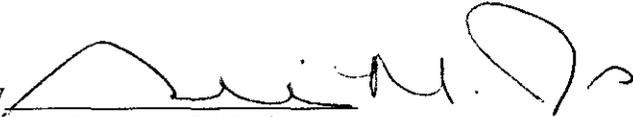
³⁸ *See* Guam Cellular and Paging, Inc., Petition for Waiver of FCC Rule Section 54.314, filed February 6, 2002.

VIII. Conclusion

Virginia Cellular respectfully requests the Commission to designate it as an ETC on an expedited basis.

Respectfully submitted,

Virginia Cellular LLC

By 

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April 26, 2002