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*Louisiana Public Service Commission*

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- C. Dale Sittig, Vice Chairman  
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- Jimmy Field  
District II
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District I
- Foster L. Campbell  
District V

(MRS.) VON M. MEADOR  
Deputy Undersecretary

EVE KAHAO GONZALEZ  
General Counsel

June 29, 2004

**VIA FEDERAL EXPRESS**

Irene Flannery  
Vice President – High Cost  
& Low Income Division  
Universal Service Administrative  
Company  
2120 L Street, N.W.  
Suite 600  
Washington, D.C. 20037

Marlene H. Dortch  
Office of the Secretary  
Federal Communications Commission  
445 – 12th Street, S.W.  
Washington, D.C. 20554

Irene Flannery  
Vice President – High Cost  
& Low Income Division  
Universal Service Administrative  
Company  
444 Hoes Lane  
RRC 4A1060  
Piscataway, NJ 08854

**Re: CC Docket 96-45**  
**Certification Pursuant to 47 C.F.R. §§ 54.313 & 54.314**  
**SAC 273006**

Ms. Flannery and Ms. Dortch:

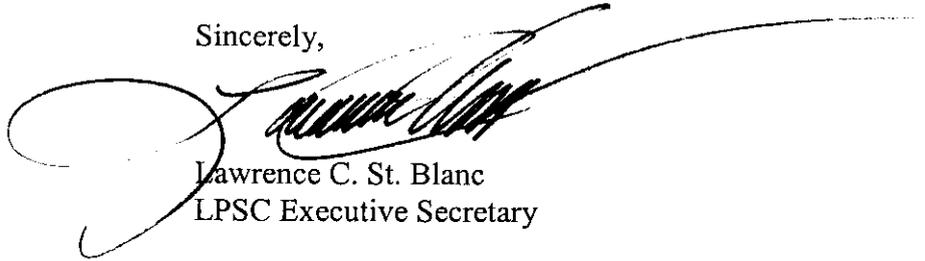
The Louisiana Public Service Commission ("LPSC") has received a letter from NPCR, Inc. d/b/a Nextel Partners (the "Company") certifying that all federal high cost universal service support received by the Company will be used pursuant to Section 254(e) of the Communications Act. A copy of the Company's certification is enclosed herewith as Exhibit A. Pursuant to 47 C.F.R. §§ 54.313 and 54.314, the LPSC therefore certifies that all federal high cost support received by the Company will be used only for the provision, maintenance and upgrading of facilities and services for which the support is intended. This certification applies only for support provided in calendar year 2004.

No. of Copies rec'd \_\_\_\_\_  
List ABCDE \_\_\_\_\_

The LPSC's Order U-27289, issued June 29, 2004, designating the Company as an eligible telecommunications carrier ("ETC") in the State of Louisiana is enclosed herewith as Exhibit B.

If you have any questions regarding this letter, please contact me at (225) 342-4427.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read 'Lawrence C. St. Blanc', with a long horizontal flourish extending to the right.

Lawrence C. St. Blanc  
LPSC Executive Secretary

Enclosures

cc: Gordon Polozola, Esq.  
Mark J. Ayotte, Esq.

**EXHIBIT A**

June 17, 2004

**VIA FEDERAL EXPRESS**

Louisiana Public Service Commission  
**Attn: Lawrence C. St. Blanc**  
Executive Secretary  
Galvez Building, 12th Floor  
602 North Fifth Street  
P. O. Box 91154  
Baton Rouge, LA 70821-9154

**Re: High Cost Certification of NPCR, Inc. d/b/n Nextel Partners  
LPSC Docket No. U-27289**

Dear Mr. St. Blanc:

This certification is provided pursuant to 47 C.F.R. §§ 54.313 and 54.314. On behalf of NPCR, Inc. d/b/a Nextel Partners (the "Company"), I hereby certify under penalty of perjury that all high-cost universal service support provided to the Company for the 2004 calendar year will be used only for the provision, maintenance and upgrading of facilities and services for which the support is intended, pursuant to Section 254(e) of the Telecommunications Act of 1996.

The Louisiana Public Service Commission ("LPSC") voted to approve the Company's Application for designation as an eligible telecommunications carrier ("ETC") in the State of Louisiana on June 9, 2004. While no written order has been issued at the time of the signing of this letter, the Company's eligibility to receive certain high cost universal service support for the fourth quarter of 2004 is dependent on the FCC and USAC receiving a certification from the LPSC on or before July 1, 2004. See 47 C.F.R. §§ 54.3131(d) and 54.314(d). Accordingly, the Company hereby requests that the LPSC transmit a letter to the FCC and USAC to provide for the certification. The letter will need to be received by the FCC and USAC on or before July 1 to be effective.

The Company has not been previously designated as an ETC in the State of Louisiana and has not previously received federal universal service support for the State of Louisiana. Immediately upon designation, the Company will provide all of the supported services required by 47 U.S.C. § 214(e) and the LPSC's Order. The Company is capable of providing, and will continue to provide, all of the supported services for the remainder of calendar year 2004. The Company will advertise the availability of and charges for the supported services as required by 47 U.S.C. § 214(e) and the LPSC's Order, and will continue to do so during calendar year 2004.

The Company will further submit an additional certification to the LPSC for calendar year 2005 prior to August 31, 2004.

STATE OF WASHINGTON )  
COUNTY OF King ) ss:

I certify under penalty of perjury under the laws of the State of Washington that I am authorized to make this certification on behalf of NPCR, Inc. d/b/a Nextel Partners and that the foregoing is true and correct.

NPCR, INC. d/b/a NEXTEL PARTNERS

By: Donald J. Marling  
Donald J. Marling  
Vice President and General Counsel

Subscribed and sworn to before  
me this 17<sup>th</sup> day of June, 2004.

William L. Veinema  
Notary Public



**EXHIBIT B**

# LOUISIANA PUBLIC SERVICE COMMISSION

ORDER NO. U-27289

NPCR, INC., D/B/A NEXTEL PARTNERS,  
EX PARTE

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*Docket No. U-27289 In re: Request for Authority for designation as an Eligible Telecommunications Carrier within the State of Louisiana, pursuant to Section 214(e)(6) of the Communications Act of 1934.*

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(Decided at the June 9, 2004 Business and Executive Session.)

## *Nature of the Case*

NPCR Inc., d/b/a Nextel Partners ("Nextel") filed a request April 24, 2003 seeking to be designated as eligible telecommunications carriers ("ETCs") pursuant to 47 U.S.C. § 214(e)(2) throughout its service area for purposes of receiving federal universal service support and high cost certification in Louisiana.<sup>1</sup> 47 U.S.C. § 214(e)(2) provides that the Louisiana Public Service Commission ("Commission"), upon request and consistent with the public interest, convenience, and necessity, may in an area served by a rural telecommunications carrier, and shall in all other areas, designate more than one common carrier as an ETC for a service area designated by the state commission, so long as the carrier meets the requirements of 47 U.S.C. § 214(e)(1).

## *Jurisdiction and Applicable Law*

The Commission exercises jurisdiction over public utilities in Louisiana pursuant to the Louisiana Constitution Article IV, Section 21(B), which states:

The commission shall regulate all common carriers and public utilities and have such other regulatory authority as provided by law. It shall adopt and enforce reasonable rules, regulations and procedures necessary for the discharge of its duties, and shall have other powers and perform other duties as provide by law.

Pursuant to the above authority, the Commission adopted the Regulations for Competition in the Local Telecommunications Market, as most recently amended in Appendix B to the General Order dated July 24, 2002. As defined therein in Section 101,

(6) Commercial Mobile Radio Service (CMRS) – a mobile service that is: (a)(1) provided for profit, i.e., with the intent of receiving compensation or monetary gain; (2) an interconnected service; and (3) available to the public, or to such classes of eligible users as to be effectively available to a substantial portion of the public; or (b) the functional equivalent of such a mobile service described in paragraph (a) of this definition. 47 CFR § 20.3, as amended. CMRS includes "Radio Common Carriers: as that term is defined and used in La. R.S. § 45:1500 *et seq.*

(7) Commercial Mobile Radio Service Provider – any person or entity engaged in the provision of a service that is a commercial mobile radio service. CMRS provider includes "Radio Common Carriers: as that term is defined and used in La. R.S. § 45:1500 *et seq.*

The Commission is given broad power to regulate telephone utilities and may adopt all reasonable and just rules, regulations, and orders affecting or connected with the service or

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<sup>1</sup> The application was erroneously filed under § 214(e)(6), which governs applications filed with the Federal Communications Commission seeking ETC status.

operation of such business.<sup>2</sup> As stated previously, 47 U.S.C. § 214(e)(2) grants the power to the state commissions to designate a common carrier that meets the requirements of 47 U.S.C. § 214(e)(1) as an ETC for a service area specified by the commission.

The requirements of 47 USC § 214(e) are as follows:

(1) Eligible telecommunications carriers - A common carrier designated as an eligible telecommunications carrier under paragraph (2), (3), or (6) shall be eligible to receive universal service support in accordance with section 254 of this title and shall, throughout the service area for which the designation is received—

(A) offer the services that are supported by federal universal service support mechanisms under section 254(c) of this title, either using its own facilities or a combination of its own facilities and resale of another carrier's services (including the services offered by another eligible telecommunications carrier); and

(B) advertise the availability of such services and the charges there for using media of general distribution.

(2) Designation of eligible telecommunications carriers - A State commission shall upon its own motion or upon request designate a common carrier that meets the requirements of paragraph (1) as an eligible telecommunications carrier for a service area designated by the State commission. Upon request and consistent with the public interest, convenience, and necessity, the State commission may, in the case of an area served by a rural telephone company, and shall, in the case of all other areas, designate more than one common carrier as an eligible telecommunications carrier for a service area designated by the State commission, so long as each additional requesting carrier meets the requirements of paragraph (1). Before designating an additional eligible telecommunications carrier for an area served by a rural telephone company, the State commission shall find that the designation is in the public interest.

Additionally, the supported services that must be provided as a requirement for ETC designation are contained in 47 C.F.R. § 54.101, which provides as follows:

- (a) Services designated for support. The following services or functionalities shall be supported by federal universal service support mechanisms:
- (1) Voice grade access to the public switched network. "Voice grade access" is defined as a functionality that enables a user of telecommunications services to transmit voice communications, including signaling the network that the caller wishes to place 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;
  - (2) Local usage. "Local usage" means an amount of minutes of use of exchange service, prescribed by the Commission, provided free of charge to end users;
  - (3) Dual tone multi-frequency signaling or its functional equivalent. "Dual tone multi-frequency" (DTMF) is a method of signaling that facilitates the transportation of signaling through the network, shortening call set-up time;

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<sup>2</sup> South Central Bell Tel. Co. v. Louisiana Public Service Commission, 352 So.2d 999, (La. 1977.)

- (4) Single-party service or its functional equivalent. "Single-party service" is telecommunications service that permits users to have exclusive use of a wireline subscriber loop or access line for each call placed, or, in the case of wireless telecommunications carriers, which use spectrum shared among users to provide service, a dedicated message path for the length of a user's particular transmission;
  - (5) Access to emergency services. "Access to emergency services" includes access to services, such as 911 and enhanced 911, provided by local governments or other public safety organizations. 911 is defined as a service that permits a telecommunications user, by dialing the three-digit code "911," to call emergency services through a Public Service Access Point (PSAP) operated by the local government. "Enhanced 911" is defined as 911 service that includes the ability to provide automatic numbering information (ANI), which enables the PSAP to call back if the call is disconnected, and automatic location information (ALI), which permits emergency service providers to identify the geographic location of the calling party. "Access to emergency services" includes access to 911 and enhanced 911 services to the extent the local government in an eligible carrier's service area has implemented 911 or enhanced 911 systems;
  - (6) Access to operator services. "Access to operator services" is defined as access to any automatic or live assistance to a consumer to arrange for billing or completion, or both, of a telephone call;
  - (7) Access to interexchange service. "Access to interexchange service" is defined as the use of the loop, as well as that portion of the switch that is paid for by the end user, or the functional equivalent of these network elements in the case of a wireless carrier, necessary to access an interexchange carrier's network;
  - (8) Access to directory assistance. "Access to directory assistance" is defined as access to a service that includes, but is not limited to, making available to customers, upon request, information contained in directory listings; and
  - (9) Toll limitation for qualifying low-income consumers. Toll limitation for qualifying low-income consumers is described in subpart E of this part.
- (b) Requirement to offer all designated services. An eligible telecommunications carrier must offer each of the services set forth in paragraph (a) of this section in order to receive federal universal service support.
  - (c) Additional time to complete network upgrades. A state commission may grant the petition of a telecommunications carrier that is otherwise eligible to receive universal service support under Sec. 54.201 requesting additional time to complete the network upgrades needed to provide single-party service, access to enhanced 911 service, or toll limitation. If such petition is granted, the otherwise eligible telecommunications carrier will be permitted to receive universal service support for the duration of the period designated by the state commission. State commissions should grant such a request only upon a finding that exceptional circumstances prevent an otherwise eligible

telecommunications carrier from providing single-party service, access to enhanced 911 service, or toll limitation. The period should extend only as long as the relevant state commission finds that exceptional circumstances exist and should not extend beyond the time that the state commission deems necessary for that eligible telecommunications carrier to complete network upgrades. An otherwise eligible telecommunications carrier that is incapable of offering one or more of these three specific universal services must demonstrate to the state commission that exceptional circumstances exist with respect to each service for which the carrier desires a grant of additional time to complete network upgrades.

Consistent with the above sections, the Commission issued a General Order dated May 20, 2004, which establishes specific public interest criteria applicable for applications seeking ETC designation in areas served by rural telecommunications carriers.

Finally, Rule 57 of the Louisiana Public Service Commission's Rules of Practice and Procedure, provides as follows,

Every ruling of an administrative law judge shall be subject to review by the Commission upon its own motion. **The Commission may also, upon its own motion, assert its original and primary jurisdiction and consider any question or issue pending before an Administrative Law Judge.** (Emphasis added).

#### ***Background and Procedural History***

Nextel filed an application with the Commission on April 24, 2003 seeking designation as an ETC pursuant to § 214(e)(6) of the Communications Act of 1934 for the purposes of receiving federal universal service support in Louisiana.<sup>3</sup> Notice of the application was published in the Commission's Official Bulletin dated May 9, 2003 with an intervention period of 25 days.

Timely interventions were filed by the following: The Small Company Committee ("SCC"); Lafourche Telephone Company, LLC; EATEL; Elizabeth Telephone Company; Cameron Telephone Company; CenturyTel of Northwest Louisiana, Inc.; CenturyTel of Central Louisiana, LLC; CenturyTel of Ringgold, LLC; CenturyTel of Southeast Louisiana, Inc.; CenturyTel of North Louisiana, LLC; CenturyTel of East Louisiana, LLC and CenturyTel of Southwest Louisiana, LLC; CenturyTel of Evangeline, LLC; CenturyTel of Chatham, LLC; Centennial Wireless, and Cox Louisiana Telecom.

On June 23, 2003 a status conference was held during which the parties agreed that the issues may be presented for decision to the tribunal through briefing, but scheduled a hearing date in the event it may be necessary. In accordance with the procedural deadlines established at the June 23, 2003 status conference, comments were received from the Small Company Committee and Cameron and Elizabeth Telephone, and reply comments from Nextel. A hearing was conducted before the Administrative Hearings Division on September 29, 2003, wherein the parties presented oral argument before the ALJ. Following this hearing, both the Small Company Committee and Nextel filed post-hearing briefs. Prior to any recommendation being issued by the ALJ, the Commission, at its March Business and Executive Session, directed the Administrative Hearings Division to stay all pending requests for ETC designation in rural areas until the Commission established specific public interest criteria applicable to such requests.

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<sup>3</sup> The Communications Act of 1934 was revised in 1996 and is now referred to as the Telecommunications Act of 1996.

Following the issuance of the General Order dated May 20, 2004, which established said public interest criteria, the Commission pursuant to its Rule 57 authority, exercised its primary jurisdiction over Nextel's request so that the matter might be considered at its June 9, 2004 Business and Executive Session.

### *Commission's Consideration*

Nextel's request was considered by the Commission, pursuant to Rule 57, at its June 9, 2004 Business and Executive Session. Commissioner Field presented the following motion on the request:

In accordance with Rule 57 of the Commission's Rules of Practice and Procedure, I move that the Commission assert its original and primary jurisdiction over Nextel Partner's application for federal ETC status, currently pending before the ALJ in Docket No. U-27289, and approve the application for the following reasons and subject to the following conditions:

- (1) Nextel Partner's filed its application for federal ETC status on April 24, 2003 - 14 months ago;
- (2) The parties in Docket No. U-27289 filed comments and briefs, and also held a hearing before the ALJ on September 29, 2003;
- (3) For Nextel Partners to meet the June 30, 2004 deadline established by federal law and be eligible to receive ETC funding for the last quarter of 2004 and start investing those funds in Louisiana, its ETC application must be considered at the June Business & Executive Session. Otherwise, Nextel Partners will be ineligible to receive any federal ETC support in 2004;
- (4) Based upon the record evidence, Nextel Partners meets all the criteria for ETC designation contained in Section 214(e)(1) of the Telecom Act, as it (1) is a common carrier, (2) currently provides each of the supported services required of an ETC under 47 C.F.R. Section 54.101(a), and will offer all of those services to its universal service customers once designated an ETC, (3) advertises the availability of the supported services and charges using media of general distribution, (4) offers the required services using its own facilities or a combination of its own facilities and another carrier's services, and (5) identified the service areas through which it will offer and advertise the supported services;
- (5) In addition to the criteria listed above, in Docket No. R-27841, the Commission established *Public Interest* criteria and conditions that must be applied on a case-by-case basis to carriers seeking ETC designation in rural service areas of the State, and issued General Order dated May 20, 2004, setting forth conditions that must be satisfied by and applied to each applicant applying for ETC status in the Rural ILEC areas of the State;
- (6) Granting Nextel Partners' ETC application is consistent with the Public Interest and Nextel Partners satisfies the Public Interest criteria set forth in Commission General Order dated May 20, 2004;
- (7) Nextel Partners' ETC status shall be subject to and conditioned upon Nextel's continued satisfaction of and compliance with each of the public interest criteria and conditions established by Commission General Order dated May 20, 2004;
- (8) In addition to the requirements and obligations set forth in Commission General Order dated May 20, 2004, Nextel Partners' ETC status will be subject to the following specific conditions and obligations:
- (9) Nextel Partners shall ensure a commitment to quality of service consistent with the public interest by committing to -

Respond to reasonable requests for service from customers within its designated service areas by implementing the following six-step procedure:

- A. If a request comes from a customer within its existing network, Nextel Partners will promptly provide service using customer equipment selected by the customer. In practice, if Nextel Partners receives a request for service prior to 4:00 P.M., the phone will be delivered by overnight mail the following morning.
- B. If a customer cannot be served by existing network facilities, Nextel Partners will allow the customer to make a written request for service in a

specific location. In response, Nextel Partners will take a series of steps to provide service:

- 1) Nextel Partners will determine whether the customer's equipment can be modified or replaced to provide service in a desired location.
- 2) Nextel Partners will determine whether the customer could be provided with other network equipment (booster, antenna, or 3-watt unit) to provide service in the requested location.
- 3) Nextel Partners will determine whether adjustments at the nearest cell site can be made to provide service.
- 4) Nextel Partners will determine whether there are any other adjustments to either the network or the customer's facilities that can be made to provide service.
- 5) Nextel Partners will explore the possibility of offering resold service of carriers that have facilities available to provide service in that location.
- 6) Nextel Partners will determine whether additional network infrastructure (additional cell site, extender or repeater) could be constructed to provide service, and evaluate the costs and benefits of using high-cost universal service support to serve a number of customers requesting service.

If, after these steps, the customer cannot be served, Nextel Partners will notify the customer and provide the Commission with an annual report of how many requests for service could not be filled.

- (10) Nextel Partners commits to construct and put into operation twelve (12) additional cell sites through July 2005 and twelve (12) additional cell sites through 2006 in the service areas where it is designated as an ETC. Nextel Partners has submitted to the Commission its preliminary build-out plans pursuant to Rule 12.1 governing trade secret, confidential and proprietary information for review by Staff and Commissioners. The specific parameters of the build-out plans may evolve over time as Nextel Partners responds to consumer demand. Nextel Partners will submit information to the Commission on a quarterly basis detailing its progress toward meeting its build-out plans in the service areas where it is designated as an ETC;
- (11) Nextel Partners will use all federal high-cost support provided to it within the State of Louisiana and only for the provision, maintenance and upgrading of facilities and services for which the support is intended as required by 47 U.S.C. Section 254(e) and 47 C.F.R. Section 54.313(a);
- (12) Nextel Partners seeks to serve the entire Rural Telephone Company study areas for rural areas where it is designated an ETC. Nextel Partners does not seek to redefine any Rural ILEC study areas.

Therefore, in light of the commitments made by Nextel Partners, and subject to each criteria and condition of Commission General Order dated May 20, 2004, I move that we grant Nextel Partners' application for federal ETC status.

Commissioner Blossman seconded Commissioner Field's motion, with Commissioner Campbell voting yes, Commissioner Sittig voting no, and Commissioner Dixon abstaining.

#### **IT IS THEREFORE ORDERED THAT**

1. Nextel be designated an Eligible Telecommunication Carrier as requested in its application in Docket U-27289, for the purpose of receiving Universal Service Funds in the areas set forth in "Attachment A", subject to the conditions in the above motion.
2. This Order shall be effective immediately.



**ATTACHMENT A**

**Nextel Partners Designated ETC Study Areas and Wire Centers**

1. Rural Telephone Company Study Areas

270423 Centurytel-Centr LA  
270424 Centurytel-SE LA  
270425 Cameron Tel Co-LA  
270426 Campti-Pleasant Hill  
270428 Delcambre Tel Co.  
270430 Elizabeth Tel Co  
270431 Centurytel-NW LA  
270432 Kaplan Tel Co.  
270434 Centurytel-Evangelin  
270435 Northeast Louisiana  
270436 Century North LA  
270439 Centurytel-Ringgold  
270441 Star Tel Co.  
270442 Centurytel-SW LA

2. Non-Rural ILEC Wire Centers

275183 BellSouth

22ABVLLAMA  
22ALXNLADV  
22ALXNLAMA  
22ALXNLATG  
22ARCDLAMA  
22BLNCLAMA  
22BNTNLAMA  
22BOYCLAMA  
22BRSSLAMA  
22BSTRLAMA  
22BUNKLAMA  
22CLFXLAMA  
22CLHNLAMA  
22CLMALAMA  
22CRNCLAMA  
22CRWYLAMA  
22CSHTLAMA  
22CWVLLAMA  
22DBCHLAMA  
22DELHLAMA  
22DRDRLAMA  
22DUSNLAMA  
22DYLNLAMA  
22EPPSLAMA  
22ERTHLAMA  
22EUNCLAMA  
22FRDYLAMA  
22GNWDLAMA  
22GRCNLAMA  
22GRNGLAMA  
22GYDNLAMA  
22HGTNLAKN  
22HGTNLAMA  
22HOMRLAMA  
22JNGSLAMA  
22JNRTLAMA  
22JNVLLAMA  
22KRSPLAMA



22KTCHLAMA

22KTVLLAMA

22LCMPLAMA

22LEVLLAFP

22LEVLLAMA

22LFYTLAMA

22LFYTLAVM

22LGPTLAMA

22LKARLAMA

22LKCHLADT

22LKCHLAMB

22LKCHLAMW

22LKCHLAUN

22LOVLLAMA

22LRVLLAMA

22LWTLAMA

22MKVLLAMN

22MNFDLAMA

22MNVLLAMA

22MONRLADS

22MONRLAMA

22MONRLAWM

22MRCYLAIN

22MTGMLAMA

22MYVLLAMA

22NTCHLAMA

22NWIBLAMA

22OKDLLAMA

22OLCYLAMA

22OPLSLATL

22PASNLABV

22PLLCLAMA

22PRPRLAMA

22PTBRLAMA

22RAYNLAMA

22RBLNLAMA

22RSTNLAMA

22RYVLLAMA

22SHPTLABS

22SHPTLAQL

22SHPTLAHD

22SHPTLAMA

22SHPTLAQB

22SHPTLASG

22SLPHLAMA

22SMVLLAMA

22STJSLAMA

22SWLKLAMA

22TLLHLAMA

22VNTNLAMA

22WASHLAMA

22WKISLAMA