

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of )  
)  
Qwest Wireless, LLC ) WT Docket No. 04-264  
and Cellco Partnership )  
d/b/a Verizon Wireless )  
Seek Commission Consent for the )  
Assignment of Sixty-Two Broadband )  
Personal Communications Services )  
Licenses )  
)

To: The Wireless Telecommunications Bureau

**INFORMAL REQUEST FOR COMMISSION ACTION**

CTC Telecom Inc., Eagle Telephone System, Incorporated, Farmers Mutual Telephone Company, and Rural Telephone Company d/b/a collectively as Snake River Personal Communications Services (“Snake River”), by its attorneys, and pursuant to Section 1.41 of the Rules and Regulations of the Federal Communications Commission (“FCC” or “Commission”),<sup>1</sup> hereby requests the FCC to investigate the roaming practices of Verizon Wireless prior to granting Verizon Wireless’s application to acquire the personal communications services (“PCS”) licenses and assets of Qwest Wireless.<sup>2</sup> As a small, rural Code Division Multiple Access (“CDMA”) Commercial Mobile Radio Service (“CMRS”) carrier, Snake River is concerned that the consolidation of the CMRS

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<sup>1</sup> 47 C.F.R. § 1.41.

<sup>2</sup> *In re Qwest Wireless, LLC and Cellco partnership d/b/a Verizon Wireless Seek Commission Consent for the Assignment of Sixty-Two Broadband Personal Communications Services Licenses*, WT Docket No. 04-265, Public Notice, DA 04-2254 (July 22, 2004).

industry, typified by Verizon Wireless's acquisition of Qwest Wireless's wireless assets, will result in a roaming "squeeze out" whereby the large, nationwide and super-regional CDMA carriers favor one another to the detriment of small, rural CDMA CMRS carriers and their subscribers.<sup>3</sup>

## **I. Background**

The above-referenced entities d/b/a collectively as Snake River PCS are all commercial mobile radio service ("CMRS") licensees. CTC Telecom, Inc. holds the PCS license for Boise-Nampa, ID (BTA050, submarket 13). Eagle Telephone System, Incorporated holds the PCS licenses for Boise-Nampa, ID (BTA050, submarkets 10 and 12, and BTA460, submarket 4). Farmers Mutual Cooperative Telephone Company holds the PCS licenses for Boise-Nampa, ID (BTA050, submarkets 4 and 15). Rural Telephone Company holds the PCS license for Boise-Nampa, ID (BTA050, submarket 8).

In the third quarter of 2000, Snake River purchased its FCC licenses from Qwest Wireless. Snake River then built out a CDMA network and entered into a favorable roaming arrangement with Qwest Wireless that allows Snake River's subscribers to utilize Qwest Wireless's wireless network at affordable prices. Likewise, Qwest Wireless subscribers are able to use Snake River's network at affordable prices. On August 4, 2003, Qwest Wireless announced that it had entered into a resale agreement with Sprint PCS to resell Sprint PCS service using the Sprint PCS network.<sup>4</sup> Qwest Wireless stated that it would shut down its wireless network and sell off its licenses and

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<sup>3</sup> Snake River does not oppose the acquisition and therefore did not file a petition to deny the transfer of licenses.

<sup>4</sup> Kansas City Star, *Qwest Wireless Customers to Use Sprint Network* (Aug. 4, 2003), at <http://www.kansascity.com/mld/kansascity/business/6455478.htm?1c>.

network assets.<sup>5</sup> On July 8, 2004, Qwest Wireless and Verizon Wireless applied to the Commission for permission for Qwest Wireless to sell its licenses and associated wireless network assets to Verizon Wireless.<sup>6</sup> Snake River recently learned that the roaming agreement in place between Snake River and Qwest Wireless is not being assigned to Verizon Wireless and is expected to terminate once the asset purchase closes. Qwest Wireless is also not doing any network upgrades while the sale is pending and Snake River is beginning to notice a marked deterioration in service quality on the Qwest Wireless network.

## **II. Request for Investigation**

Snake River entered into a roaming agreement with Verizon Wireless on February 16, 2002. This roaming agreement is subject to nondisclosure provisions that prohibit Snake River from disclosing the terms and conditions of the agreement unless an authorized government agency requests that it be submitted for review. Snake River believes that given the likely and imminent action to be taken on the Verizon Wireless/Qwest Wireless application by the FCC that Snake River may be irreparably harmed by this consolidation of the CDMA CMRS market in Idaho and that before any action is taken on the application, the Commission should investigate Verizon Wireless's roaming practices with regard to small wireless carriers such as Snake River before acting upon the pending application.

In Snake River's Idaho and Oregon markets, there are many places where Snake River is the *sole* CMRS provider. Snake River markets its service to consumers located in areas that are generally unserved by large, nationwide or regional carriers. Favorable

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<sup>5</sup> *Id.*

<sup>6</sup> Application, File No. 0001789538 (July 8, 2004).

roaming arrangements are crucial to making Snake Rivers' service offerings useful to the rural consumers who necessarily travel outside of Snake River's relatively small license area. Snake River has witnessed less and less favorable roaming arrangements as the CMRS industry matures and consolidates. The Commission needs to consider the impact on small, rural providers of allowing major market consolidation by large wireless carriers.

Unlike the large, nationwide carriers that have built out their networks providing service to the major population centers and connecting traffic arteries, Snake River has made significant investments to extend CMRS to the most rural parts of its license area. This degree of service is largely possible due to the favorable roaming arrangement Snake River has with Qwest Wireless. Without this favorable roaming arrangement being adopted by Verizon Wireless, Snake River will not be in a position to offer its subscriber base competitive terms and conditions. Many of Snake River's subscribers, while they live in Snake River's license area, commute to cities such as Boise, Idaho for work outside of the Snake River license area. Thus, these subscribers rely on having their calls from Boise to home be considered part of their "local" minutes.

In examining whether to grant the proposed Verizon Wireless/Qwest Wireless application, the Commission should fully consider the impact on rural wireless carriers such as Snake River that are often the only source for wireless service in the truly rural parts of the nation. At a minimum, the Commission should consider conditioning the Verizon Wireless/Qwest Wireless transfer on the following factors:



CERTIFICATE OF SERVICE

I, Linda Braboy, a paralegal with the law firm of Bennet & Bennet, PLLC, do hereby certify that I have on this 13<sup>th</sup> day of September, 2004, served copies of the foregoing “Informal Request for Commission Action” via electronic transmission to the following:

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