

STATE OF ALASKA

DEPARTMENT OF COMMERCE
COMMUNITY AND ECONOMIC DEVELOPMENT
REGULATORY COMMISSION OF ALASKA

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September 15, 2006

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

Karen Majcher
Vice President – High Cost
& Low Income Division
Universal Service Administrative Company
2000 L Street, N.W., Suite 200
Washington, D.C. 20036

Re: **CC Docket No. 96-45**
Universal Service Support Certification (47 C.F.R. §§ 54.313-54.314)

Dear Ms. Dortch and Ms. Majcher:

This letter is submitted pursuant to 47 C.F.R. §§ 54.313 and 54.314, both of which require state regulatory commissions to annually certify the use of federal universal service support as a prerequisite for continued receipt of funding by eligible telecommunications carriers (“ETCs”). The Regulatory Commission of Alaska (“RCA”) governs local services and rates in Alaska and is the appropriate authority to issue the certification required under Sections 54.313 and 54.314.

By order dated August 2, 2006, the RCA designated Copper Valley Wireless, Inc. (“CVW”) as an ETC in certain areas in the state of Alaska pursuant to 47 U.S.C. § 214(e)(2). The RCA’s order designating CVW as an ETC is attached herewith as **Exhibit A**. Although CVW is a non-regulated wireless carrier, the RCA has directed CVW to file annual certifications with it concerning CVW’s use of universal service support. The RCA will regularly review CVW’s responses in this area.

This letter serves as a supplement to the RCA’s 2006 annual certification to the Federal Communications Commission (“FCC”) and the Universal Service Administrative Company (“USAC”) dated September 19, 2005. CVW was designated as an ETC in the Copper Valley Telephone Cooperative, Inc. study area on August 2, 2006 – after the annual certification deadline of October 1, 2005, set forth in 47 C.F.R. §§ 54.313(d) and 54.314(d) to allow CVW to receive high-cost universal support in 2006.

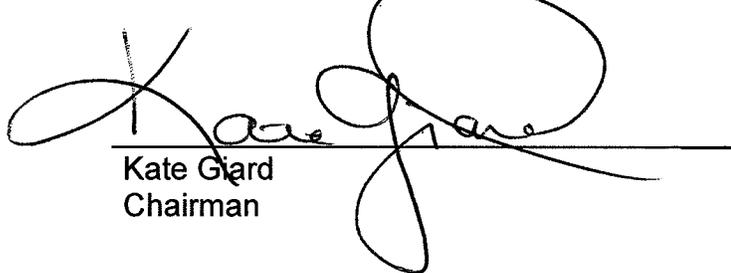


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Pursuant to FCC Rules 54.313(d)(3)(vi) and 54.314(d)(6), the RCA must certify CVW's use of support to the FCC and USAC within sixty (60) days of the carrier's ETC designation to ensure that CVW is eligible to receive high-cost universal service support commencing on the date of its ETC designation and for the remainder of 2006.

CVW has certified to the RCA that all federal high-cost universal service support received by it in Alaska will be used pursuant to 47 U.S.C. § 254(e). Accordingly, the RCA declares that, to the best of its knowledge and belief, all federal high-cost support to be received by CVW in the State of Alaska in calendar year 2006 will be used only for the provision, maintenance, and upgrading of facilities and services for which the support is intended, consistent with Section 254(e) of the Communications Act. Accordingly, the RCA certifies CVW's use of support in the state of Alaska for the 2006 calendar year so that CVW may receive high-cost universal service support effective the date of its ETC designation – August 2, 2006.

REGULATORY COMMISSION OF ALASKA



Kate Gard
Chairman

Attachment

Exhibit A

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STATE OF ALASKA

THE REGULATORY COMMISSION OF ALASKA

Before Commissioners:

Kate Giard, Chairman
Dave Harbour
Mark K. Johnson
Anthony A. Price
Janis W. Wilson

In the Matter of the Application by COPPER
VALLEY WIRELESS, INC. for Designation as a
Carrier Eligible to Receive Federal Universal
Service Support Under the Telecommunications
Act of 1996)

U-06-40

ORDER NO. 1

**ORDER APPROVING APPLICATION FOR ELIGIBLE TELECOMMUNICATIONS
CARRIER STATUS, REQUIRING FILINGS, AND CLOSING DOCKET**

BY THE COMMISSION:

Summary

We approve the application¹ filed by Copper Valley Wireless, Inc. (CVW) for status as an eligible telecommunications carrier (ETC) for purposes of receiving federal and state universal service funding throughout the study area served by Copper Valley Telephone Cooperative, Inc. (CVTC). We require CVW to file information annually describing its use of universal service funds (USF). We require CVW to report any instance in which it is incapable of providing service to any customer upon reasonable request, any instance in which it is unable to provide E911 service to a PSAP² upon request, and to notify us if it petitions the FCC for an extension of its current waiver of E911 requirements. We close the docket.

¹*Copper Valley Wireless, Inc.'s Application for Designation as an Eligible Telecommunications Carrier*, filed on April 25, 2006 (Application).

²Public Service Answering Point.

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Background

CVW submitted an application for designation as an ETC for purposes of receiving all available support from federal and state universal service funding in the area served by CVTC.³ We required CVW to file additional information to support its application⁴ which it filed on June 28, 2006.⁵ We noticed CVW's application to the public on May 8, 2006.⁶ We received one comment in support of the application during the notice period.⁷

Discussion

ETCs are eligible to receive support to provide, maintain, and upgrade facilities and services for which the support is intended.⁸ Under the Telecommunications Act of 1996 (the Act),⁹ state commissions decide whether requests for ETC designation should be granted.¹⁰ Under federal law, an ETC must provide the supported universal telecommunications services throughout a defined service area.¹¹ In addition, the applicant must meet the following criteria for ETC status: (a) demonstrate that it owns some facilities; (b) demonstrate that it is capable and committed to providing the nine basic services required by FCC regulation;¹²

³Application.

⁴Letter Order LO600363, dated June 14, 2006.

⁵Letter, filed June 28, 2006.

⁶Notice of Utility Application, dated May 8, 2006.

⁷Letter from George Kompkoff, filed June 6, 2006.

⁸47 U.S.C. § 254(e).

⁹Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56 (1996), amending the Communications Act of 1934, 47 U.S.C. §§ 151 *et seq.*

¹⁰47 U.S.C. § 214(e)(2); 47 C.F.R. § 54.201.

¹¹47 C.F.R. § 54.201(d).

¹²47 C.F.R. § 54.101.

1 (c) reasonably show that granting designation as an ETC is in the public interest; and
2 (d) show that upon obtaining ETC status, the applicant will be able to offer and will
3 advertise the availability of the services supported by the federal USF.¹³

4 Ownership of Facilities

5 CVW currently is licensed to provide cellular service, serving
6 approximately 1025 customers in the CVTC study area.¹⁴ CVW provided the locations
7 and status of its currently operational cell sites.¹⁵ CVW provided maps showing its
8 current coverage area in relation to its proposed ETC service area.¹⁶ While CVW's
9 current facilities do not cover the entire CVTC service area, CVW stated that access to
10 federal and state USF will enable it to upgrade and extend its network. CVW's lack of

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12 ¹³47 U.S.C. § 214(e)(1) and (2) of the Act provides:

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

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

23 (B) advertise the availability of such services and the
24 charges therefore using media of general distribution.

25 (2) Designation of eligible telecommunications carriers . . . Before
26 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.

¹⁴CVW's is a licensee of Cellular Radiotelephone Service Station KNKQ401, the
Frequency Block B cellular system serving segment B4 of the Alaska 2-Bethel Rural
Service Area (Alaska 2(B4)RSA).

¹⁵CVW has cell sites in Paxson, Glenallen, Tolsona Ridge, Lake Louise, Slana,
Willow, McCarthy, Sourdough, and Valdez. Attachment 1 to Application.

¹⁶Application at Exhibit A.

1 facilities throughout the proposed ETC service areas at this time does not, in and of
2 itself, make CVW ineligible for ETC status. We determine that CVW has demonstrated
3 that it meets the ownership of facilities test.

4 Capability and Commitment

5 CVW must demonstrate its ability to provide each of the nine basic
6 services designated by the FCC, including Lifeline and Link Up services,¹⁷ or obtain a
7 waiver.¹⁸ Although section 214(e)(1) of the Act requires an ETC to “offer” the services
8 supported by the federal universal service support mechanisms, this does not require a
9 competitive carrier to actually provide the supported services throughout the designated
10 service area before designation as an ETC.¹⁹ CVW must demonstrate its commitment
11 and plans to provide the supported services using either its own facilities or a
12 combination of its own facilities and resale.

13 In its application, CVW stated that it currently offers all nine basic services
14 to its existing customers and is committed to providing the services, including Lifeline
15 and Link Up services, throughout the CVTC study area upon receiving universal service
16 funds.²⁰ CVW stated it will provide these services using either its own facilities or resale
17 of another carrier’s services. CVW certified that it currently provides voice grade access
18 to the public switched network through interconnection arrangements with the local
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21 ¹⁷Link Up described at 47 C.F.R. § 54.411(a), and Lifeline described at
22 47 C.F.R. § 54.401(a).

23 ¹⁸The FCC allows a state commission to grant waiver of the requirement to
24 provide single-party access to Enhanced 911 (E911), and toll limitation services to allow
25 additional time for a carrier to complete network upgrades necessary to provide service.
26 47 C.F.R. § 54.101(c).

¹⁹*Federal-State Joint Board on Universal Service; Western Wireless Corporation
Petition for Preemption of an Order of the South Dakota Public Utilities Commission,
Declaratory Ruling, CC Docket No. 96-45, 15 FCC Rcd 15168, 15172-73 (2000).*

²⁰Application at 13-14, and 26-27.

1 telephone company, offers different rate plans which offer "local usage,"²¹ provides both
2 out-of-band and in-band multi-frequency signaling, the functional equivalent of dual tone
3 multi-frequency signaling, single party service, access to operator services, access to
4 interexchange services, access to directory services, access to emergency services²² to
5 the extent the local government has implemented 911 and E911 systems, and can
6 readily implement toll-limitation for qualifying low-income customers.²³

7 CVW obtained waivers of certain FCC requirements regarding
8 provisioning of E911 services.²⁴ CVW proposed system upgrades that will enable it to
9 meet the federal E911 requirements within a specific timeframe. Since CVW currently
10 provides 911 service and stated it has not received a request for E911 service from a
11 local PSAP, CVW is providing 911 service to the extent the local government has
12 implemented 911 systems and thus meets the requirements for ETC status.²⁵ However,
13 failure to complete its proposed system upgrades could result in CVW being unable to
14 accommodate a future PSAP request for E911 service. Should this situation arise, we
15 may be compelled to reevaluate CVW's eligibility for ETC status. Accordingly, we place
16 two conditions on our approval of CVW's application. First, CVW is required to notify us
17 if it petitions the FCC for further extensions of its waiver of E911 service requirements.
18 Second, CVW is required to notify us if it receives a request for E911 service from a
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20 ²¹Application at Exhibit D, Affidavit of Pamla R. Murphy.

21 ²²Access to emergency services includes access to services, such as 911 and
22 E911, provided by local governments or other public safety organizations.
23 47 C.F.R. § 54.101(a)(5).

24 ²³Application at 10-13 and Exhibit C, Affidavit of David Dengel, and Exhibit D,
25 Affidavit of Pamla R. Murphy.

26 ²⁴*Revision of the Commission's Rules to Ensure Compatibility with Enhanced
911 Emergency Calling Systems, Copper Valley Wireless, Inc. Petition for Waiver or
Temporary Stay*, CC Docket No. 94-102, Order , FCC 06-41, (rel. March 30, 2006).

²⁵47 C.F.R. § 54.101(a)(5) and 47 CFR 20.18(j)(l).

1 local PSAP and can not provide the E911 service. CVW's report should include the
2 PSAP request, whether or not CVW considers the request to be valid, and an
3 explanation of steps CVW would need to pursue to provide the E911 service.

4 CVW adopted the seven-step approach²⁶ to meet its ETC obligations²⁷ to
5 offer services, upon reasonable request, throughout the proposed service areas,
6 including areas where it does not currently have facilities.²⁸ If it is unable to provide
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8 ²⁶The seven-step plan for serving customers:

9 a) if CVW can serve within its existing network, CVW will
10 immediately serve the customer;

11 b) if the customer is not in an area where CVW currently provides
12 service, CVW will:

13 Step 1: determine whether the customer's equipment
14 can be modified or replaced to provide acceptable
15 service;

16 Step 2: determine whether a roof-mounted antenna or
17 other network equipment can be deployed at the
18 premises to provide service;

19 Step 3: determine whether adjustments at the nearest
20 cell site can be made to provide service;

21 Step 4: determine whether a cell-extender or repeater
22 can be employed to provide service;

23 Step 5: determine whether there are any other
24 adjustments to network or customer facilities that can
25 be made to provide service;

26 Step 6: explore the possibility of offering the resold
services of carriers with facilities available to that
location;

Step 7: determine whether an additional cell site can
be constructed to provide service, and evaluate the
costs and benefits of using scarce high-cost support to
serve the number of customers requesting service.

²⁷Application at 16-17.

²⁸We have accepted the seven step approach in other ETC application cases.
See Docket U-05-89, *In the Matter of the Request by ACS Wireless, Inc. for Designation
as a Carrier Eligible to Receive Federal Universal Service Support Under the
Telecommunications Act of 1996*; Docket U-05-41, *In the Matter of the Application of
Dobson Cellular Systems, Inc. for Designation as a Carrier Eligible to Receive Federal
Universal Service Support under the Telecommunications Act of 1996*.

1 service upon reasonable request without constructing a new cell site, CVW stated that it
2 will file a report with us estimating the cost of construction and stating its position on
3 whether the request for service is reasonable.²⁹

4 CVW committed to complying with the Cellular Telecommunications
5 Industry Association Consumer Code for Wireless Service (CTIA Consumer Code).³⁰
6 Additionally, CVW committed to complying with requirements set forth in the FCC ETC
7 Order³¹ regarding the ability to remain functional in an emergency situation.³²

8 We find that CVW's strategy for providing service throughout its proposed
9 ETC service area is reasonable. We require CVW to report to us if it is unable to
10 provide service to a customer in response to a reasonable request. The report must
11 state the reason service cannot be provided, possible solutions for providing service,
12 estimated cost of any needed construction, CVW's position on whether the request for
13 service is reasonable, and whether high-cost funds should be expended on the request.

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17 ²⁹Application at 17.

18 ³⁰Application at 18. CTIA, Consumer Code for Wireless Service, available at
19 http://files.ctia.org/pdf/The_Code.pdf. Under the CTIA Consumer Code, wireless
20 carriers agree to: (1) disclose rates and terms of service to customers; (2) make
21 available maps showing where service is generally available; (3) provide contract terms
22 to customers and confirm changes in service; (4) allow a trial period for new service; (5)
23 provide specific disclosures in advertising; (6) separately identify carrier charges from
24 taxes on billing statements; (7) provide customers the right to terminate service for
25 changes to contract terms; (8) provide ready access to customer service; (9) promptly
26 respond to consumer inquiries and complaints received from government agencies; and
(10) abide by policies for protection of consumer privacy.

³¹*Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, *Report and Order*, FCC 05-46 (rel. March 17, 2005) at ¶¶ 20 - 36 (FCC ETC Order).

³²CVW stated that it has deployed at least eight hours of battery backup at each cell site to ensure functionality in case of a power loss. Application at 19.

1 We have imposed this requirement on other ETCs.³³ We will address any CVW
2 requests to deny service on a case-by-case basis. If CVW unreasonably fails to serve
3 customers throughout its designated service area, we may be compelled to reevaluate
4 its eligibility for ETC status. Although we find that CVW has generally demonstrated
5 that it would be capable of providing the nine basic services, we conclude that two of
6 these services, access to emergency services and Lifeline and Link Up services,
7 warrant further discussion.

8 Emergency Services

9 In the Non-Nationwide Carriers Order, the FCC provided deployment
10 deadlines for wireless carriers implementing Phase II enhanced 911 (E911) emergency
11 services and reporting requirements for Tier III³⁴ carriers.³⁵ The FCC set deadlines by
12 which carriers employing handset-based location technology must sell and activate
13 location capable handsets in their coverage areas.

14 CVW proposes to use a handset-based E911 location technology and
15 plans to upgrade its analog network to CDMA.³⁶ CVW claimed that it will be unable to
16 comply with federal E911 requirements without upgrading its system. Although CVW

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18 ³³Order U-05-89(2), *Order Affirming Electronic Rulings, Requiring Filings, and*
19 *Finding Petitions to Intervene Moot*, dated April 11, 2006 at 13; Order U-04-110(1),
20 *Order Granting Eligible Telecommunications Carrier Status and Requiring Filings*, dated
21 November 18, 2005 at 7; Order U-03-56(3), *Order Approving Application for ETC*
22 *Status, Requiring Filings, and Closing Docket*, dated December 8, 2004 at 6, Docket
23 U-03-86, *In the Matter of the Request by Matanuska-Kenai Inc., d/b/a MTA Wireless, for*
24 *Designation as a Carrier Eligible to Receive Federal Universal Service Support Under*
25 *Telecommunications Act of 1996.*

26 ³⁴Tier III wireless carriers are those serving fewer than 500,000 subscribers.

³⁵*Revision of the Commission's Rules to Ensure Compatibility with Enhanced*
911 Emergency Calling Systems, Phase II Compliance Deadlines for Non-Nationwide
Carriers, CC Docket No. 94-102, Order to Stay (Non-Nationwide Carriers Order),
FCC 02-210 (rel. July 26, 2002) at 13, ¶ 34.

³⁶Code Division Multiple Access.

1 stated it has not yet received a request for Phase I or Phase II E911 service from a local
2 PSAP, the FCC granted CVW a temporary waiver³⁷ of certain Phase I and Phase II
3 E911 requirements.³⁸ CVW stated that, with USF support, it can meet these extended
4 federal timelines.³⁹

5 We find that CVW has proposed a reasonable plan for upgrading its
6 network to meet federal E911 requirements. We determine that ETC designation will
7 enable CVW to implement its plans so it is better positioned to comply with federal
8 requirements and continue providing service to its customers. However, we require
9 CVW to report to us if it receives a request for E911 service from a local PSAP and is
10 not able to provide the E911 service.

11 Lifeline and Link Up Services

12 CVW committed to providing Lifeline and Link Up services. CVW stated
13 that for its qualified customers, CVW will offer a basic Lifeline rate of one dollar while
14 Link Up customers will receive a credit of \$17.50 for the service activation charge.⁴⁰
15 CVW stated it will use our eligibility criteria provided in 3 AAC 53.390(b) as a means test
16 to offering Lifeline and Link Up assistance to customers.⁴¹ We find that CVW has
17 adequately demonstrated its commitment to provide and administer Lifeline and Link Up
18 services.

19 _____
20 ³⁷Copper Valley Wireless, Inc. Petition for Waiver or Temporary Stay, CC Docket
21 No. 94-102, Order, FCC 06-41, ¶¶ 14, 18 (rel. March 30, 2006).

22 ³⁸CVW must meet the location capable handset deployment requirements by
23 February, 25 2007 when upgrades to six of its current cell sites should be completed;
24 CVW must meet the requirements for 100 percent location capable handset activation
25 by February 25, 2008 when upgrades to its remaining 7 cell sites should be completed;
26 and CVW must meet the location capable handset 95 percent penetration requirement
by February 25, 2009. Application at 22.

³⁹Application at 12.

⁴⁰Application at 13–17 and Exhibit D.

⁴¹*Id.* at 15 and Exhibit D at 4.

1 Public Interest Determination

2 We agree with the FCC's statement in its Virginia Cellular order that
3 evaluation of the public interest requires review of a variety of factors and cannot simply
4 rest on "increased competition."⁴² We evaluate factors such as the availability of higher
5 quality service, mobility, new service choices, affordable service, service to underserved
6 and unserved customers, and improved public safety. CVW stated that its designation
7 as an ETC would promote these public interest factors.

8 CVW presented plans for upgrading its network to CDMA which would
9 allow it to provide a stronger signal, increase network capacity, and offer advanced
10 digital calling features.⁴³ CVW stated that it is the only wireless provider in McCarthy,
11 Slana, and Ellamar (in the Tatitlek exchange) and ETC designation would enable
12 continued service to these customers.⁴⁴ CVW asserted that system upgrades and the
13 addition of cell sites would allow it to expand its wireless services to underserved and
14 unserved communities.⁴⁵ CVW stated the upgrades would also increase network
15 capacity and range. CVW asserted that the upgrades would also allow it to comply with
16 federal LNP⁴⁶ and E911 requirements which it must be capable of meeting in 2007.
17 CVW asserted that these factors would improve public safety by providing better access

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19 ⁴²*Federal-State Joint Board on Universal Service, Virginia Cellular, LLC Petition*
20 *for Designation as an Eligible Telecommunications Carrier in the Commonwealth of*
21 *Virginia*, CC Docket No. 96-45, Memorandum Opinion and Order, FCC 03-338 (rel.
22 January 22, 2004) (Virginia Cellular).

23 ⁴³Application at 25.

24 ⁴⁴CVW stated that, absent USF support, it would be unable to upgrade its system
25 to comply with federal E911 requirements and would be forced to discontinue
26 operations. Application at 22-23.

⁴⁵CVW stated that Mentasta, Chitina, Tatitlek (except for Ellamar), portions of the
Valdez exchange and portions of the Glenallen exchange are currently not served by
any wireless carrier. Letter, filed June 28, 2006 at 2.

⁴⁶Local Number Portability (LNP).

1 to emergency services in locations unserved by any other wireless carrier.⁴⁷ CVW also
2 claimed that designation as an ETC would make wireless services more affordable and
3 low-income customers who otherwise would be unable to afford wireless service will be
4 able to obtain service using the Lifeline and Link Up discounts.

5 We find that it is in the public interest to designate CVW as an ETC. CVW
6 is the only provider of wireless services in some locations and we find it reasonable to
7 allow CVW access to USF support so that it may continue to serve these customers.
8 CVW proposed a five-year build-out plan that will enable it to comply with federal
9 requirements for access to essential emergency services. CVW's proposed build out
10 plans will provide other advantages such as improved system coverage and capacity,
11 as well as access to advanced digital services.

12 CVW committed to compliance with the CTIA Consumer Code and to
13 reporting to us the number of consumer complaints per 1,000 handsets on an annual
14 basis. We do not currently regulate the quality of service by CVW, and we do not have
15 sufficient evidence to define quality of service standards for wireless carriers. However,
16 if we receive customer complaints, we may examine whether CVW is meeting its ETC
17 obligations throughout the service area.

18 Advertising Services

19 Section 214(e)(1)(B) of the Act requires an ETC to advertise the
20 availability of the nine basic services, including Link Up and Lifeline and the charges for
21 the services using "media of general distribution." We require ETC's to meet the
22 following minimum advertising requirements to ensure appropriate and sufficient
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26 ⁴⁷Application at 27.

1 customer notification of its services.⁴⁸ CVW agreed to comply with these
2 requirements.⁴⁹

- 3 1. once every two years, perform community outreach through
4 appropriate community agencies by notifying those agencies of CVW's
5 available services;
- 6 2. once every two years, post a list of its services on a school or
7 community center bulletin board in each of the utility's exchanges;
- 8 3. once a year, provide a bill stuffer indicating its available services; and
- 9 4. once a year, advertise its services through the newspaper circulated in
10 the locations served by CVW.

11 In summary, we find that CVW has adequately demonstrated its capability
12 and commitment to meet the criteria for ETC status. We find that granting ETC status
13 to CVW is in the public interest and we approve CVW's application.

14 Conditions on ETC Status

15 Annual Certification

16 We monitor the continued appropriate use of universal service funding in
17 our rural markets by requiring annual certification by all designated ETCs, including
18 wireless carriers. Accordingly, we require CVW to file the same information required of
19 all other rural ETCs in Alaska through our annual use-of-funds certification process.

20 Build-out Plans

21 CVW provided its build-out and service improvement plans in its proposed
22 service areas. CVW stated that its build-out and service improvement plans will be
23 made possible by the receipt of federal high-cost universal service support. We will
24 monitor CVW's progress in its network expansion and upgrade based on the build-out
25 schedule provided in this application. We require CVW to notify us in the event it is

26 ⁴⁸In the following paragraphs addressing minimum advertising requirements,
"services" refer to those services for which CVW receives universal service support.
CVW need not advertise nonsupported services.

⁴⁹Application at 19 and Exhibit D at 5.

1 unable to provide service to a customer upon reasonable request as discussed in
2 greater detail elsewhere in this order.

3 E911

4 As discussed above, we require CVW to report to us if it receives a
5 request for E911 service from a local PSAP if CVW is not able to provide the service.
6 We also require CVW to notify us if it petitions the FCC for an extension of its current
7 waiver of E911 requirements.

8 Rulemaking Docket for ETC Designation

9 We opened a rulemaking docket to investigate the adoption of rules
10 pertaining to applications for ETC status.⁵⁰ Among other things, we will evaluate for use
11 in our own proceedings the possible adoption of some or all of the minimum eligibility
12 criteria adopted by the FCC for designation of an ETC. For instance, the FCC stated
13 that it would require an ETC applicant to submit a formal network improvement plan that
14 demonstrates how universal service funds will be used to improve its service coverage,
15 signal strength, or capacity.⁵¹ The FCC determined that an ETC applicant should
16 demonstrate its ability to remain functional in emergency situations, that it offer a local
17 usage plan comparable to the one offered by the ILEC in the service area.⁵²
18 Additionally, the FCC set the analytical framework it would use to determine whether the
19 applicant's ETC designation serves the public interest. We take notice that CVW has
20 agreed to comply with many of these FCC criteria even though we have not required it.
21 We advise CVW however that we may require existing ETCs to comply with the
22 standards we adopt in our rulemaking docket.

23
24 ⁵⁰R-06-3 entitled, *In the Matter of the Consideration of Regulations Regarding the
Designation of Eligible Telecommunications Carriers.*

25 ⁵¹FCC ETC Order ¶ 21.

26 ⁵²FCC ETC Order ¶ 68-72.

1 Final Order

2 This order constitutes the final decision in this phase of the proceeding.
3 This decision may be appealed within thirty days of the date of this order in accordance
4 with AS 22.10.020(d) and the Alaska Rules of Court, Rule of Appellate Procedure
5 (Ak. R. App. P.) 602(a)(2). In addition to the appellate rights afforded by
6 AS 22.10.020(d), a party has the right to file a petition for reconsideration as permitted
7 by 3 AAC 48.105. If such a petition is filed, the time period for filing an appeal is then
8 calculated under Ak. R. App. P. 602(a)(2).

9 Closing Docket

10 With this determination, no substantive or procedural issues remain in this
11 proceeding and there are no allocable costs under AS 42.05.651 and 3 AAC 48.157.
12 Therefore, we close this docket.

13 **ORDER**

14 THE COMMISSION FURTHER ORDERS:

15 1. The application filed by Copper Valley Wireless, Inc., for designation
16 as a carrier eligible to receive federal and state universal service support under the
17 Telecommunications Act of 1996 in the study areas of Copper Valley Telephone
18 Cooperative, Inc., is approved with conditions.

19 2. Copper Valley Wireless, Inc. shall file a report, as described in the
20 body of this order, if it receives a request for E911 service from a PSAP and is unable to
21 provide the required service.

22 3. Copper Valley Wireless, Inc. shall file notification if it intends to petition
23 the Federal Communications Commission for extension of its current waiver of E911
24 requirements.

25 4. Copper Valley Wireless, Inc. shall file a report, as described in the
26 body of this order, if it is unable to provide service to a customer upon reasonable
request.

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5. Copper Valley Wireless, Inc. shall advertise the supported services, including Lifeline and Link Up services, in accordance with the minimum criteria described in the body of this order.

6. Copper Valley Wireless, Inc. shall file as if it were a regulated carrier in response to our requests for information for the annual use-of-funds certification to the Federal Communications Commission.

7. Docket U-06-40 is closed.

DATED AND EFFECTIVE at Anchorage, Alaska, this 2nd day of August, 2006.

BY DIRECTION OF THE COMMISSION
(Commissioners Anthony A. Price and
Janis W. Wilson, not participating.)

(S E A L)