

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

In the Matter of	)	
	)	
Petition of Cingular Wireless, LLC, for	)	CC Docket No. 96-45
Designation as an Eligible	)	DA 07-158
Telecommunications Carrier (ETC) in the	)	
State of Georgia Pursuant to Section 214(e)(6)	)	
of the Communications Act of 1934, As	)	
Amended	)	

**NATIONAL TELECOMMUNICATIONS COOPERATIVE ASSOCIATION  
REPLY COMMENTS**

The National Telecommunications Cooperative Association (NTCA)<sup>1</sup> submits these reply comments in response to initial comments filed on February 20, 2007, regarding the Federal Communications Commission's (Commission's or FCC's) Public Notice<sup>2</sup> seeking comment on Cingular Wireless, LLC's (Cingular) Petition seeking designation as an eligible telecommunications carrier (ETC) in the State of Georgia (Petition).<sup>3</sup> Silence on any positions or proposals raised by parties in this proceeding connote neither agreement nor disagreement

---

<sup>1</sup> NTCA is the premier industry association representing rural telecommunications providers. Established in 1954 by eight rural telephone companies, today NTCA represents more than 575 rural rate-of-return regulated telecommunications providers. All of NTCA's members are full service local exchange carriers (LECs) and many of its members provide wireless, cable, Internet, satellite and long distance services to their communities. Each member is a "rural telephone company" as defined in the Communications Act of 1934, as amended (Act). NTCA's members are dedicated to providing competitive modern telecommunications services and ensuring the economic future of their rural communities.

<sup>2</sup> *Wireline Competition Bureau Invites Parties To Comment on the Petition of Cingular Wireless, LLC for Designation as an Eligible Telecommunications Carrier in the State of Georgia*, DA 07-158 (rel. Jan. 23, 2007) (Public Notice).

<sup>3</sup> *Petition of Cingular Wireless, LLC Seeking Designation as an Eligible Telecommunications Carrier (ETC) in the State of Georgia*, CC Docket No. 96-45 (filed December 7, 2006) (Petition). As a result of the BellSouth / AT&T merger, Cingular was renamed "AT&T Mobility LLC." *Answer of AT&T Mobility LLC to TDS Telecommunications Corp.'s Freedom of Information Act Request and Motion for a Protective Order*, CC Docket No. 96-45 (Cingular Opposition) p. 1 (filed Feb. 21, 2007).

with their positions or proposals. NTCA affirms its view<sup>4</sup> that the Commission should deny the Cingular Petition and agrees with commenters that granting the Petition would increase the high-cost universal fund unnecessarily.<sup>5</sup> Furthermore, the Commission should grant TDS Telecommunications Corp.'s (TDS) Motion for Protective Order, Freedom of Information Act Request, and Request for Extension of Time (TDS Motion).<sup>6</sup>

### **I. The Commission Should Deny Cingular's Petition.**

Cingular's Georgia Petition seeks both high-cost support and low income support from the Universal Service Fund (USF)<sup>7</sup> in 23 rural study areas that are already served by rural ILECs.<sup>8</sup> Cingular (now AT&T Mobility) fails, however, to demonstrate the impact that granting the Petition will have on the Universal Service Fund. One commenter in this docket has estimated that annual impact at \$250 million.<sup>9</sup> If this is correct (or even close), then the Commission faces an irrefutable fact – granting the Petition will substantially increase the size of the USF. The Commission should deny Cingular's Petition. Other commenters agree with NTCA.<sup>10</sup>

NTCA agrees with Embarq that: "Were AT&T Mobility to receive [ETC] status, it would have a dramatic impact on the total amount of universal service funding because AT&T Mobility is the largest commercial mobile radio service (CMRS) provider."<sup>11</sup> Embarq estimates that granting AT&T Mobility's Georgia and Virginia ETC petitions will have a \$250 million annual

---

<sup>4</sup> NTCA Comment, p. 7 (filed Feb. 6, 2007).

<sup>5</sup> OPASTCO Comment, p. 2; Frontier Comment, p. 3.

<sup>6</sup> *TDS Telecommunications Corp.'s Motion for Protective Order, Freedom of Information Act Request, and Request for Extension of Time*, CC Docket No. 96-45 (filed Jan. 26, 2007) (TDS Motion).

<sup>7</sup> *Id.* at 2.

<sup>8</sup> Petition at Exhibit D.

<sup>9</sup> Embarq Feb. 15, 2007 Ex Parte, p. 1.

<sup>10</sup> Frontier Comment, p. 1; Verizon Comment, p. 1; TDS Comment, p. 2; OPASTCO Comment, p. 2.

<sup>11</sup> Embarq Feb. 15, 2007 Ex Parte, p. 4.

impact on the USF.<sup>12</sup> Embarq bases this estimate on the combined effect that Sprint Nextel and Alltel, two ETC carriers with a comparable number of subscribers, have on the USF.<sup>13</sup> While NTCA has no ability to verify that estimate, NTCA urges the Commission to consider that Cingular has not demonstrated otherwise. As discussed in the following section, Cingular has not revealed the impact that granting the Petition will have on the USF. Section 214(e) requires the Commission to consider the USF impact created by granting the Petition and that public interest analysis is crucial where, as in Georgia, one or more rural incumbent LECs already serve the targeted territory.<sup>14</sup> Embarq's analysis should alert the Commission that the USF impact is substantial. The Commission should exercise its authority to control the unjustifiable growth in the high-cost universal service fund by denying Cingular's Petition.

## **II. The Commission Should Not Permit Cingular To Hide Its USF Impact From Public Scrutiny.**

Cingular has offered to reveal its USF impact and other information contained in "Exhibit E" only through confidential disclosure via a protective order:

AT&T is willing to divulge, subject to a protective order, the total federal universal service support it would expect to receive in Georgia if this application were granted, the breakdown in how that support would be allocated between capital expenditures and operating expenses, and the number of new cell sites that would be constructed in the designated service area.<sup>15</sup>

Cingular's attempt to shield its total USF support from public view is not in the public interest and should not be permitted. There is nothing commercially sensitive about the overall impact amount, and this information is not protected under 5 U.S.C. § 552(b)(4). Furthermore, this information is routinely disclosed by the Universal Service Administrative Company (USAC) as

---

<sup>12</sup> "It appears that AT&T Mobility has a similar number of subscribers as Sprint Nextel and Alltel combined. Those two companies currently receive approximately \$246 million on an annualized basis in USF receipts. Therefore, it is not unreasonable to project that AT&T Mobility would have a similar impact on federal USF were it to be granted ETC status throughout the nation." *Ibid.*

<sup>13</sup> *Ibid.*

<sup>14</sup> 47 USC § 214(e)(2); ETC Order, ¶ 43.

<sup>15</sup> Cingular Opposition, pp. 1-2.

part of its routine reports on the disbursement of USF funds, and as such is frequently cited in public discussions.<sup>16</sup> Cingular is blatantly trying to conceal that which should not be concealed, obviously reluctant to expose its multi-million-dollar support request to public judgment. Given the high-profile political and financial debate over the escalating USF, the Commission should disregard Cingular's efforts to hide the total impact and its methods used to calculate that total amount of its USF impact.

Additionally, the Commission should scrutinize carefully the methods, formulas, inputs and assumptions that Cingular employs to reach that estimate. This information should be made available at least through a protective order or in response to TDS' FOIA request. Embarq's estimate of \$250 million may not be far off, and the Commission and others need the tools with which to evaluate the USF impact estimate.

---

<sup>16</sup> *See, e.g.*, Embarq Feb. 15, 2007 Ex Parte, p. 3.

**III. Conclusion.**

The Commission should deny Cingular's Georgia Petition because it is not in the public interest under Section 214 of the Act. The Commission should also require Cingular to publicly disclose the total federal universal service support Cingular expects to receive in Georgia if this application were granted.

Respectfully submitted,

NATIONAL TELECOMMUNICATIONS  
COOPERATIVE ASSOCIATION

By: /s/ Daniel Mitchell  
Daniel Mitchell

By: /s/ Karlen Reed  
Karlen Reed

*Its Attorneys*

4121 Wilson Boulevard, 10<sup>th</sup> Floor  
Arlington, VA 22203  
(703) 351-2000

February 27, 2007

## CERTIFICATE OF SERVICE

I, Rita H. Bolden, certify that a copy of the foregoing Reply Comments of the National Telecommunications Cooperative Association in CC Docket No. 96-45, DA 07-158 was served on this 27th day of February 2007 by U.S. postage mail and/or via electronic mail to the following persons:

Chairman Kevin J. Martin  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW, Room 8-B201  
Washington, D.C. 20554  
[Kevin.Martin@fcc.gov](mailto:Kevin.Martin@fcc.gov)

Commissioner Deborah Taylor Tate  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW, Room 8-A204  
Washington, D.C. 20554  
[Deborah.Tate@fcc.gov](mailto:Deborah.Tate@fcc.gov)

Commissioner Michael J. Copps  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW, Room 8-B115  
Washington, D.C. 20554  
[Michael.Copps@fcc.gov](mailto:Michael.Copps@fcc.gov)

Commissioner Jonathan S. Adelstein  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW, Room 8-A302  
Washington, D.C. 20554  
[Jonathan.Adelstein@fcc.gov](mailto:Jonathan.Adelstein@fcc.gov)

Commissioner Robert M. McDowell  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW, Room 8-C302  
Washington, D.C. 20554  
[Robert.McDowell@fcc.gov](mailto:Robert.McDowell@fcc.gov)

Best Copy and Printing, Inc.  
445 12th Street, SW  
Room CY-B402  
Washington, D.C. 20554  
[fcc@bcpiweb.com](mailto:fcc@bcpiweb.com)

Vickie Robinson  
Federal Communications Commission  
Telecommunications Access Policy  
Division, WCB  
445 12<sup>th</sup> Street, SW, Room 5-A441  
Washington, D.C. 20554  
[Vickie.robinson@fcc.gov](mailto:Vickie.robinson@fcc.gov)

Toni Stevens  
Federal Communications Commission  
Telecommunications Access Policy  
Division, WCB  
445 12<sup>th</sup> Street, SW, Room 5-B521  
Washington, D.C. 20554  
[Toni.stevens@fcc.gov](mailto:Toni.stevens@fcc.gov)

Gerard J. Waldron, Esq.  
John Blevins, Esq.  
Covington & Burling LLP  
TDS Telecommunications Corp.  
1201 Pennsylvania Ave., NW  
Washington, D.C. 20004

Michael P. Goggin  
Cingular Wireless  
1818 N. Street, NW, Suite 800  
Washington, D.C. 20004

Edward Shakin, Esq.  
Christopher M. Miller, Esq.  
VERIZON  
1515 North Courthouse Road, Suite 500  
Arlington, VA 22201-2909

Joshua Seidemann  
Director of Regulatory Policy  
ITTA  
975 F Street, NW, Suite 550  
Washington, D.C. 20004

Derrick Owens  
Director of Government Affairs  
Western Telecommunications Alliance  
317 Massachusetts Ave., NE, Suite 300  
Washington, D.C. 20002

Stuart Polikoff  
Director of Government Relations  
Brian Ford  
Policy Analyst  
OPASTCO  
21 Dupont Circle, NW, Suite 700  
Washington, D.C. 20036

Kenneth F. Mason  
Director of Federal Regulatory  
Gregg C. Sayre  
Associate General Counsel  
Frontier Communications  
180 South Clinton Avenue  
Rochester, NY 14646-0700

/s/ Rita H. Bolden  
Rita H. Bolden