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October 1, 2009

VIA ELECTRONIC FILING

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W., Room TW-A306
Washington, D.C. 20554

Re: Federal-State Joint Board on Universal Service
CC Docket No. 96-45

Dear Secretary Dortch:

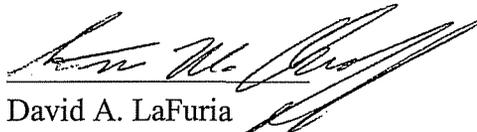
On behalf of Carolina West Wireless (SAC 239004) (“Carolina West”), please find attached a redacted, public version of Carolina West’s Annual ETC Report submitted under Section 54.209 of the Commission’s Rules (“ETC Report”). The attached ETC Report has been marked “**REDACTED – FOR PUBLIC INSPECTION.**”

Carolina West is also submitting, under separate cover, a confidential version of this ETC Report. The confidential version is marked “**CONFIDENTIAL – NOT FOR PUBLIC INSPECTION.**”

Marlene H. Dortch
Secretary
Federal Communications Commission
October 1, 2009
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Please contact the undersigned at 703-584-8666 if any questions arise concerning the above-referenced enclosures or if you require any additional information.

Sincerely,



David A. LaFuria
Steven M. Chernoff
John Cimko

Attorneys for:
Carolina West Wireless, Inc.

CC: Karen Majcher
Vice President, High Cost & Low Income Division
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2000 L St., N.W., Suite 200
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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)
Federal-State Joint Board on) CC Docket No. 96-45
Universal Service)
_____)

ANNUAL ETC REPORT OF
CAROLINA WEST WIRELESS, INC.

Carolina West Wireless, Inc. (“Carolina West” or the “Company”), a wireless service provider designated as an Eligible Telecommunications Company (“ETC”) in the State of North Carolina, hereby provides the Commission with its annual compliance filing containing information as set forth in the Commission’s *Report and Order* in the above-captioned proceeding (“*ETC Report and Order*”).¹

A. Construction Plan Progress and Use of Support.

Pursuant to the *ETC Report and Order*, an ETC must:

submit... progress reports on the ETC’s five-year service quality improvement plan, including maps detailing progress towards meeting its plan targets, an explanation of how much universal service support was received and how support was used to improve signal quality, coverage, or capacity; and an explanation regarding any network improvement targets that have not been fulfilled.²

Carolina West was first designated as an ETC in North Carolina on August 14, 2006.³

Attached hereto as Exhibit A is an updated five-year service quality improvement

¹ Federal-State Joint Board on Universal Service, *Report and Order*, 20 FCC Rcd 6371 (2005) (“*ETC Report and Order*”).

² See *ETC Report and Order*, 20 FCC Rcd at 6400.

³ North Carolina RSA 3 Cellular Tel. Co., CC Docket No. 96-45, *Order*, DA 06-1628 (Wireline Comp. Bur., rel. Aug. 14, 2006) (“*Order*”).

plan covering 2010-2014.⁴ For the 12-month time period from July 1, 2008, to June 30, 2009, the Company received a total of [BEGIN CONFIDENTIAL INFORMATION] [\$ [REDACTED]] [END CONFIDENTIAL INFORMATION] in Universal Service Support.

During the same period, Carolina West invested [BEGIN CONFIDENTIAL INFORMATION] [\$ [REDACTED]] [END CONFIDENTIAL INFORMATION] in capital improvements. Specifically, for the period between July 1, 2008, and June 30, 2009, Carolina West completed construction of [BEGIN CONFIDENTIAL INFORMATION] [REDACTED] [END CONFIDENTIAL INFORMATION]. Carolina West has also improved existing cell site coverage, performance, and reliability by upgrading antennas and switching equipment. Details of these expenditures are set forth in Tab 1 of Exhibit A.⁵

B. Outage Reporting.

Under the annual reporting rules adopted in the *ETC Report and Order*, an ETC must report any outages of at least 30 minutes in duration on the facilities it owns, operates, leases, or otherwise utilizes that potentially affect at least 10 percent of the end users served in its designated service area.⁶ Between July 1, 2008, and June 30, 2009, Carolina West has not had any outages of at least 30 minutes in duration on the facilities it owns, operates, leases, or otherwise utilizes that potentially affect at least 10 percent of

⁴ This information is proprietary and competitively sensitive; therefore, the entirety of Exhibit A being submitted under seal and is subject to Carolina West's request for confidential treatment.

⁵ The cap imposed by the Commission on high-cost support provided to wireless ETCs has reduced funding that otherwise would have been available to Carolina West by approximately 65 percent, necessitating delays in construction in areas that otherwise would have received service.

⁶ 47 C.F.R. § 54.209(a)(2).

the end users served in its designated service area in North Carolina, pursuant to the *ETC Report and Order*.⁷

C. Service Requests.

Between July 1, 2008, and June 30, 2009, there were no unfulfilled requests for service from potential customers within Carolina West's designated ETC service area. However, Carolina West hereby certifies that it continues to follow the six-step process for provisioning service to requesting customers set forth in the Commission's rules. Specifically, in response to such requests for service at a residence or business, Carolina West will take the following steps:

1. If a request comes from a customer within its existing network, Carolina West will provide service immediately using its standard customer equipment.
2. If a request comes from a customer residing in any area where Carolina West does not provide service, Carolina West will take a series of steps to provide service.
 - * First, it will determine whether the customer's equipment can be modified or replaced to provide acceptable service.
 - * Second, it will determine whether a roof-mounted antenna or other network equipment can be deployed at the premises to provide service.
 - * Third, it will determine whether adjustments at the nearest cell site can be made to provide service.
 - * Fourth, it will determine whether there are any other adjustments to network or customer facilities which can be made to provide service.
 - * Fifth, it will explore the possibility of offering the resold service of

⁷ *See id.*

carriers that have facilities available to that location.

* Sixth, Carolina West will determine whether an additional cell site, a cell-extender, or repeater can be employed or 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. If there is no possibility of providing service short of these measures, Carolina West will notify the customer and notify the Commission of how many requests for service could not be filled in its next annual certification report. The Commission will retain authority to resolve any customer complaints that Carolina West has refused to respond to a reasonable request for service.

D. Consumer Complaints.

Between July 1, 2008, and June 30, 2009, no consumer complaints were filed with either the Commission or the North Carolina Utilities Commission regarding Carolina West's service in the designated ETC service area.

E. Commitment to CTIA's Consumer Code for Wireless Services.

In the *ETC Report and Order*, the Commission reiterated that carriers must commit to abide by the CTIA Code.⁸ In submitting this report Carolina West certifies that it will continue to abide by the CTIA Code, as it may be amended from time to time, for all of its operations in North Carolina.

⁸ Under the CTIA Consumer Code, wireless carriers agree to: (1) disclose rates and terms of service to customers; (2) make available maps showing where service is generally available; (3) provide contract terms to customers and confirm changes in service; (4) allow a trial period for new service; (5) provide specific disclosures in advertising; (6) separately identify carrier charges from taxes on billing statements; (7) provide customers the right to terminate service for changes to contract terms; (8) provide ready access to customer service; (9) promptly respond to consumer inquiries and complaints received from government agencies; and (10) abide by policies for protection of consumer privacy. The CTIA Code can be viewed on the Web at <http://files.ctia.org/pdf/ConsumerCode.pdf>.

F. Ability to Remain Functional in Emergencies.

Under the rules adopted in the *ETC Report and Order*, an ETC applicant must:

demonstrate its ability to remain functional in emergency situations, including a demonstration that it has a reasonable amount of back-up power to ensure functionality without an external power source, is able to reroute traffic around damaged facilities, and is capable of managing traffic spikes resulting from emergency situations.⁹

Once designated, an ETC must certify annually to its emergency functionality.¹⁰

Carolina West is mindful of the importance of ensuring uninterrupted service so that law enforcement and public safety officials, as well as the general public, can make important calls in the event of a hurricane or other emergency. Carolina West hereby certifies that the company is capable to function in emergency situations as defined in the above-referenced *ETC Certification Order*.

G. Local Usage.

In the *ETC Certification Order*, the Commission concluded that each ETC must annually certify that it offers at least one local usage plan comparable to the one offered by the incumbent local exchange carrier (“LEC”) in the service areas for which the applicant seeks designation.¹¹ In the *ETC Certification Order* on which that requirement was based, Commission declined to adopt a specific local usage threshold or require that an applicant match the incumbent’s offering. Rather, the Commission concluded that the comparability of rate plans should be evaluated on a case-by-case basis, in consideration of the number of included minutes, the size of the “local” calling area, monthly price, and

⁹ *ETC Certification Order*, 20 FCC Rcd at 6382; 47 C.F.R. § 54.202(a)(2).

¹⁰ *ETC Report and Order*, 20 FCC Rcd at 6401; 47 C.F.R. § 54.209(a)(6).

¹¹ *See ETC Report and Order*, 20 FCC Rcd at 6385; 47 C.F.R. § 54.209(a)(7).

other factors. As examples, the Commission mentioned that an applicant may offer “a local calling plan that has a different calling area than the local exchange area provided by the LECs in the same region, or . . . a specified number of free minutes of service within the local service area.”¹² The Commission also envisioned cases where an applicant may offer an unlimited calling plan that bundles local minutes with long distance minutes.¹³

Carolina West satisfies the Commission’s local usage requirement in that consumers may choose from a variety of plans with different combinations of local calling areas, local calling scopes,¹⁴ included minutes (with one plan offering unlimited minutes), and monthly rates, to suit individual consumer needs. With the ability to choose rate plans that meet their calling patterns and preferences, Carolina West’s customers have the ability to select at least one rate plan that offers comparable or better value than the rate plans of the incumbent LECs in the same areas. For example, Carolina West offers an unlimited calling plan with a local calling scope consisting of the six-county area that makes up the Company’s North Carolina network footprint for \$50 per month, nationwide long distance without toll charges, and roaming charges of 50 cents per minute for calls made while traveling outside of the six-county home area. Carolina West offers lower-priced plans with varying amounts of included minutes and scopes, including a \$35 rate plan with 850 included minutes (45 cents per minute overage, 50 cents per minute roaming) covering the six-county network footprint, and a

¹² See *ETC Certification Order*, 20 FCC Rcd at 6385.

¹³ *Id.*

¹⁴ “Local calling scope” signifies the area in which a customer can make calls without incurring roaming charges, while “local calling area” signifies the area in which a customer can terminate calls without incurring per-minute toll charges.

\$45 rate plan with 1200 included minutes (40 cents per minute overage, 50 cents per minute roaming, unlimited nights and weekends, and unlimited mobile-to-mobile calling) covering western North Carolina and portions of Tennessee and Virginia. Free nationwide long distance – that is, the area within which calls can be completed without toll charges is the entire country for calls made from within the home coverage area – for all plans except the Company’s \$35 rate plan. For consumers who travel a lot, Carolina West offers several plans that include the ability to make calls from anywhere in the Company’s nationwide coverage area without per-minute roaming or toll charges. Prices for such plans range from \$40 per month for 450 included minutes (45 cents per minute overage, 50 cents per minute roaming) to \$80 per month for 1350 included minutes (35 cents per minute overage, 50 cents per minute roaming), and all nationwide plans include unlimited nights and weekends and unlimited mobile-to-mobile calling. All of the plans listed above incorporate several vertical features – including Caller ID, Call Waiting, Call Forwarding, Voice Mail, and Three-Way Calling – as standard features at no additional charge. Carolina West’s rate plans offer comparable or better value to consumers than those offered by the incumbent LECs in its proposed ETC service area.

Carolina West’s service offerings allow consumers to select a plan that provides them with equal or greater value than a wireline rate plan. Carolina West’s licensed area – its smallest ‘local’ calling area – is much larger than rural incumbent LEC local calling areas, which typically allow a consumer to reach only a few hundred or a few thousand people within an area made up of a handful of exchanges. Consumers who make calls primarily within Carolina West’s licensed area will benefit from unlimited local calling at a low monthly price. If they travel more or make many calls to relatives or business

associates beyond that area, they may benefit from one of the nationwide plans.

Providing deeper geographic reach delivers a significant benefit to the consumer, and the Commission has cited studies concluding that “wireless service is cheaper than wireline, particularly if one is making a long distance call or when traveling.”¹⁵

In sum, Carolina West certifies that it offers at least one plan that is comparable to incumbent LEC rate plans under the applicable Commission test.

H. Equal Access.

As required of ETCs designated by the Commission under the *ETC Report and Order*,¹⁶ Carolina West acknowledges that the Commission may require it to provide equal access to interexchange carriers in the event no other ETC is providing equal access in the designated ETC service area.

¹⁵ Implementation of Section 6002(b) of the Omnibus Budget Reconciliation Act of 1993, Annual Report & Analysis of Competitive Market Conditions with Respect to Commercial Mobile Servs., *Ninth Report*, 19 FCC Rcd. 20597, 20684, para. 214 (2004).

¹⁶ See *ETC Certification Order*, 20 FCC Rcd at 6386.

We trust that you will find this to be responsive to the compliance materials requested in the *ETC Report and Order*.

Respectfully submitted,



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Attorneys for:
Carolina West Wireless, Inc.

Dated: October 1, 2009

EXHIBIT A

UPDATED FIVE-YEAR SERVICE QUALITY IMPROVEMENT PLAN

THIS EXHIBIT IS WITHHELD FROM THE PUBLIC COPY
AS THE FILER HAS REQUESTED CONFIDENTIAL TREATMENT

DECLARATION UNDER PENALTY OF PERJURY

I, Slayton Stewart, hereby declare under penalty of perjury as follows:

1. I am the Chief Executive Officer of Carolina West Wireless, Inc. ("Carolina West").

2. This Affidavit is submitted in support of Carolina West's Annual Compliance Filing and Request for Recertification, pursuant to *Report and Order In the Matter of the Federal-State Joint Board on Universal Service*, FCC 05-46 (rel. March 17, 2005) and Sections 54.202 and 54.209 of the FCC's Rules.

3. I declare under penalty of perjury that the statements contained in the foregoing Annual Compliance Filing are true and correct to the best of my knowledge.

Executed on September 28, 2009



Slayton Stewart
Chief Executive Officer
Carolina West Wireless, Inc.

SUBSCRIBED, SWORN TO AND ACKNOWLEDGED before me this 28th day of September, 2009.


NOTARY PUBLIC

My Commission Expires: October 10, 2012

