



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY PLEASE
REFER TO OUR FILE

February 2, 2010

Ms. Marlene Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, S.W.
Washington, DC 20554

Received & Inspected

FEB 16 2010
FCC Mail Room

Ms. Jennifer McKee, Acting Division Chief
Telecommunications Access Policy Division
445 12th Street, S.W.
Washington, DC 20554

Ms. Sharon Gillett, Bureau Chief
Wireline Competition Bureau
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Re: WC Docket No. 05-337 and CC Docket No. 96-45

Response of the Pennsylvania Public Utility Commission to FCC Request for Review and Approval of proposed redefinition of the service area for two rural carriers pursuant to Order issued May 1, 2008

Dear Secretary Dortch:

Pursuant to a request of the Federal Communications Commission (FCC), the Pennsylvania Public Utility Commission (PaPUC) hereby files this concurrence with the FCC's proposed redefinition of the service area for two rural carriers.

On August 22, 2008, the Federal Communications Commission (FCC) requested review and approval from the Pennsylvania Public Utility Commission (PaPUC) of the FCC's proposed redefinition of the service areas for two of the rural telephone companies. The FCC made that request pursuant to a prior Order of the FCC issued on May 1, 2008, at WC Docket No. 05-337 and CC Docket No. 96-45 (*May 2008 Order*). That correspondence is attached with this reply as Exhibit A.

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In the *May 2008 Order*, among other things, the FCC granted the petition of NEP Cellcorp, Inc. (NEP) for designation as an Eligible Telecommunications Carrier (ETC) in the Commonwealth of Pennsylvania consistent with federal law.

The FCC acted because the PaPUC had not exercised the authority to make wireless ETC designations. In February 2009, the PaPUC exercised that authority under Section 214(e)(2) of the Telecommunications Act. The FCC recognized that decision in Paragraph 2 of the *Virgin Mobile ETC Order* issued March 3, 2009, at Docket No. 96-45, FCC 09-18.

The FCC granted NEP's petition to facilitate NEP's ability to provide wireless service as an ETC designee in several rural exchanges. The FCC identified the rural exchanges for which it sought review and approval in Exhibit 14 of the *May 2008 Order*. That list is attached as Exhibit B in this response. The FCC requested PaPUC review as part of the ETC designation.

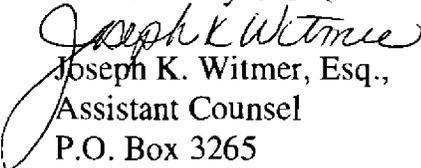
Upon consideration, the PaPUC concurs with the FCC's proposed reclassification of the exchanges attached as Exhibit 14 to the *May 2008 Order* to the extent that they facilitate NEP's ETC designation in the reclassified exchanges. The PaPUC's concurrence is limited to the *May 2008 Order* without regard to later NEP filings. This includes NEP's ETC designation petition dated July 17, 2008 and NEP's Compliance Filing dated December 19, 2009, both attached as Exhibit C herein.

The PaPUC recognizes that the PaPUC could request remand of the pending NEP ETC designation based on the February 2009 determination and the FCC's *Virgin Mobile Order*. However, the length of time these matters have been pending and the FCC's more intimate familiarity with the record on the complex issues under consideration warrant having the FCC address this remaining ETC petition for designation in the Commonwealth of Pennsylvania.

However, the PaPUC requests that the FCC, as part of its disposition of the pending matters related to NEP's ETC designation in the Commonwealth of Pennsylvania, direct NEP to provide the PaPUC with copies of any future ETC designation filings involving the Commonwealth of Pennsylvania consistent with Paragraphs 92 and 133 of the FCC's Report and Order issued in Docket No. 96-45.

Respectfully Submitted,

The Commonwealth of Pennsylvania
Public Utility Commission


Joseph K. Witmer, Esq.,
Assistant Counsel

P.O. Box 3265
Harrisburg, PA 17105-3265
(717) 787-3663

Enclosures

Exhibit A



Federal Communications Commission
Washington, D.C. 20554

Joe Spina
Don Edlund *GA*

RECEIVED

2008 AUG 27 AM 9:59

August 22, 2008

PA P.U.C.
LAW BUREAU

Elizabeth Barnes
Law Bureau
Pennsylvania Public Utility Commission
P.O. Box 3625
Harrisburg, PA 17105-3265

Re: Petition by the Federal Communications Commission, Pursuant to 47 C.F.R. § 54.207(d), for Pennsylvania Public Utility Commission (PUC) Agreement in Redefining the Service Areas of Citizens Telecommunications Co. of NY d/b/a Frontier Communications of New York and Verizon North Inc.- Quaker State.

Dear Ms. Barnes:

Attached is an order released by the Federal Communications Commission (Commission) on May 1, 2008. In the order, the Commission grants in part and denies in part the petition of NEP Cellcorp, Inc. (NEP) to be designated as an eligible telecommunications carrier (ETC) in the commonwealth of Pennsylvania pursuant to section 214(e)(6) of the Communications Act of 1934, as amended (the Act).¹

In accordance with section 214(e)(5) of the Act, the order proposes to redefine the service areas for two of the rural telephone companies for which NEP has been granted ETC status: Citizens Telecommunications Co. of NY d/b/a Frontier Communications of New York and Verizon North Inc.-Quaker State.² The wire centers affected by the reclassification are listed in Exhibit 14 of the order.

The Commission's decision to redefine the service areas of Citizens Telecommunications Co. of NY d/b/a Frontier Communications of NY and Verizon North Inc.- Quaker State is subject to the review and final agreement of the PUC.³ The Wireline Competition Bureau therefore requests that the PUC examine this redefinition based on its unique knowledge of the rural areas in question. Pursuant to section 54.207(d)(1) of the Commission's rules, the attached order includes the definition proposed by the Commission and contains the Commission's reasons for adopting the proposed redefinitions.⁴

The Commission requests that notice of the PUC's approval or other action be sent to: 1) Marlene H. Dortch, Secretary, Federal Communications Commission, Office of the Secretary,

¹ See 47 U.S.C. § 214(e)(6).

² See 47 U.S.C. § 214(e)(5); *High Cost Universal Service Support; Federal-State Board on Universal Service, Alltel Communications, et al. Petitions for Designation as Eligible Telecommunications Carriers*, WC Docket No. 05-337, CC Docket No. 96-45, Order, FCC 08-122, App. D, Ex. 28 (r el. May 1, 2008).

³ See 47 U.S.C. § 214(e)(5).

⁴ See 47 C.F.R. § 54.207(d)(1).

445 12th Street, S.W., Washington, DC 20554; and 2) Jennifer McKee, Acting Division Chief, Telecommunications Access Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Washington, DC 20554.

Thank you for your attention to this matter and please do not hesitate to contact me at (202) 418-1500 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Shaffer', with a long horizontal line extending to the right.

Dana R. Shaffer
Bureau Chief
Wireline Competition Bureau

Attachment

Exhibit B

EXHIBIT 13

Rural Wire Centers for Inclusion in NEP's Pennsylvania ETC Service Area

| LEC NAME | WIRE CENTER | CLLI |
|----------------------------|-------------|----------|
| Deposit Telephone Co. Inc. | SHERMAN | DPSTNYXA |
| Hancock Telephone Co. NY | WINTERDALE | HNCCNYXA |

EXHIBIT 14

**Service Areas Requiring Reclassification
Along Wire Center Boundaries for Inclusion
In NEP's Pennsylvania ETC Service Area**

| LEC NAME | WIRE CENTER | CLLI |
|--|-------------------|----------|
| Citizens Telecommunications Co. of NY d/b/a Frontier Communications of NY | BROOKLYN | BRKLPAXB |
| Citizens Telecommunications Co. of NY d/b/a Frontier Communications of NY | HALLSTEAD | HLSTPAXH |
| Citizens Telecommunications Co. of NY d/b/a Frontier Communications of NY | LAWSVILLE | LYCNPAXL |
| Citizens Telecommunications Co. of NY d/b/a Frontier Communications of NY | LITTLE MEADOWS-PA | LTMDPAXL |
| Citizens Telecommunications Co. of NY d/b/a Frontier Communications of NY | MONTROSE | MTRSPAXM |
| Citizens Telecommunications Co. of NY d/b/a Frontier Communications of NY | QUAKER LAKE-PA | QKLPAXQ |
| Citizens Telecommunications Co. of NY d/b/a Frontier Communications of NY | RUSH | RUSHPAXR |
| Citizens Telecommunications Co. of NY d/b/a Frontier Communications of NY | ST JOSEPH | STJSPAXS |
| Citizens Telecommunications Co. of NY d/b/a Frontier Communications of NY | SUSQUEHANNA | SSQHPAXS |
| Verizon North Inc.- Quaker State | GALILEE | GALLPAXG |

Exhibit C

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

FILED/ACCEPTED

DEC 18 2009

Federal Communications Commission
Office of the Secretary

In the Matter of)
)
Federal-State Joint Board on)
Universal Service) WC Docket No. 09-197
)
NEP Cellcorp, Inc.) CC Docket No. 96-45
)
Application for Designation as an)
Eligible Telecommunications Carrier)
in the State of Pennsylvania)
_____)

COMPLIANCE FILING OF NEP CELLCORP, INC.

NEP Cellcorp, Inc. ("NEP"), by its attorneys, and pursuant to Section 54.209 of the Federal Communications Commission's ("FCC" or "Commission") Rules¹ and Order in the above-referenced proceedings designating NEP as an eligible telecommunications carrier ("ETC"),² hereby submits information regarding: (1) its progress towards meeting its quality improvement plan; (2) the number of outages lasting at least thirty minutes in NEP's service area; (3) the number of requests for service from potential customers that were unfulfilled for the past year; (4) the number of complaints per 1,000 handsets or lines; and (5) applicable ETC certifications.

NEP, a Commercial Mobile Radio Service ("CMRS") carrier serving Susquehanna County and other rural areas of northeast Pennsylvania, was granted ETC status for several of the

¹ 47 C.F.R. § 54.209.

² *In re Federal-State Joint Board on Universal Service, Alltel Communications, Inc., et al. Petitions for Designation as Eligible Telecommunications Carriers, RCC Minnesota, Inc. and RCC Atlantic, Inc. New Hampshire ETC Designation Amendment*, CC Docket No. 96-45, Order, FCC 08-122, ¶¶ 22, 26 and 36 (May 1, 2008) ("ETC Order").

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study areas requested in its petition.³ In July 2008, NEP filed a petition to amend its ETC designation to include NEP as a designated ETC for the entire study area of rural telephone company and NEP parent company, The North-Eastern Pennsylvania Telephone Company (“NE PAT”).⁴ The Commission had previously denied ETC status for the NE PAT study area because it held that NEP was providing only partial coverage in the wire centers of Clifford and Forest City. At that time, the Commission was not aware of an informal arrangement with T-Mobile allowing NEP’s signal to extend into T-Mobile’s licensed area, allowing NEP to serve the entire Clifford and Forest City wire centers. NEP has since memorialized this consent agreement with T-Mobile allowing for the aforementioned border extension and NEP’s Amendment discussing this agreement currently remains pending before the Commission.

Recently, NEP has initiated efforts to further bolster its wireless coverage as it faces bandwidth constraints and increased demand for voice and data traffic in Susquehanna County. NEP recently filed an Ex Parte Letter seeking the Commission’s assistance with obtaining the rights to additional spectrum within NEP’s coverage area that is currently being warehoused.⁵

³ *In re Federal-State Joint Board on Universal Service, Alltel Communications, Inc., et al. Petitions for Designation as Eligible Telecommunications Carriers, NEP Cellcorp, Inc., Application for Designation as an Eligible Telecommunications Carrier in the State of Pennsylvania*, CC Docket No. 96-45, Petition of NEP Cellcorp, Inc. to be Designated as an Eligible Telecommunications Carrier (June 7, 2007) (“Petition”).

⁴ *In re Federal-State Joint Board on Universal Service, Alltel Communications, Inc., et al. Petitions for Designation as Eligible Telecommunications Carriers, NEP Cellcorp, Inc., Application for Designation as an Eligible Telecommunications Carrier in the State of Pennsylvania*, CC Docket No. 96-45, Petition of NEP Cellcorp, Inc. to Amend Designation as an Eligible Telecommunications Carrier in the State of Pennsylvania (July 17, 2008) (“Amendment”).

⁵ *Fostering Innovation and Investment in the Wireless Communications Market, Wireless Competition Docket*, GN Docket No. 09-157, WT Docket No. 09-66, Ex Parte Letter (November 30, 2009).

NEP intends to use the additional spectrum to enhance its existing coverage by offering 3G mobile broadband voice and data services that its rural customers demand.

To date, NEP has refrained from submitting line count reports for high-cost universal service support which it is eligible to receive since high-cost support in the areas where the FCC designated NEP as an ETC is nominal and the majority of support that will be available to NEP is in the NE PAT study area. As soon as the NE PAT study area at issue before the Commission is resolved, NEP will begin to seek universal service support to fund the further deployment of its wireless services. Such support would be especially valuable if NEP's recent effort to acquire fallow spectrum in NEP's rural coverage areas is successful.

I. Quality Improvement Plan

NEP has neither requested nor received universal service support over the past year while it awaits resolution of its Amendment. Accordingly, NEP has delayed full adoption of its quality improvement plan pending resolution of the NE PAT issue pertaining to NEP's ETC designation. Nevertheless, NEP has used its existing resources to deploy and expand its robust wireless voice and data coverage to its rural customers to the full extent possible. Additionally, and as noted above, NEP faces bandwidth constraints in its coverage area and is seeking additional spectrum to enhance wireless service to its rural customers. NEP is investing in upgrades in its service area in expectation that future high-cost support will be available to help pay off these network improvements. A map of NEP's coverage area is attached hereto as Exhibit 1.

II. Number of Service Outages

NEP did not experience any service outages lasting at least 30 minutes over the past year.

III. Number of Unfulfilled Service Requests

NEP has not had any unfulfilled service requests from potential customers over the past year.

IV. Number of Complaints Per 1,000 Handsets

NEP is not aware of and did not receive any complaints filed with the FCC or the Pennsylvania Public Utility Commission over the past year.

V. Certifications

NEP has neither requested nor received universal service support over the past year while it awaits resolution of its Amendment. Nevertheless, NEP certifies that it: (1) complies with applicable service quality standards and consumer protection rules; (2) is able to function in emergency situations; and (3) offers a local usage plan comparable to that offered by the incumbent LEC in the relevant service areas. NEP also acknowledges that the Commission may require NEP to provide equal access to long distance carriers in the event that no other ETC is providing equal access within the service area.

For any additional information regarding NEP's ETC compliance, please contact the undersigned counsel.

Respectfully submitted,

NEP CELLCORP, INC.

By:


Kenneth C. Johnson
Robert A. Silverman
Bennet & Bennet, PLLC
4350 East West Highway, Suite 201
Bethesda, MD 20814
(202) 371-1500

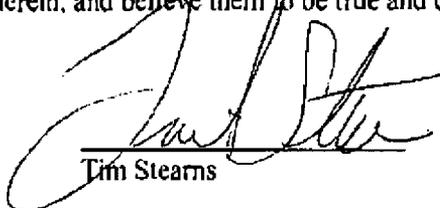
Its Attorneys

Dated: December 18, 2009

Declaration of Tim Stearns

I, Tim Stearns, do hereby declare under penalty of perjury the following:

1. I am the Vice President of Operations of NEP Cellcorp, Inc.
2. I have read the foregoing "Compliance Filing of NEP Cellcorp, Inc." I have personal knowledge of the facts set forth therein, and believe them to be true and correct.



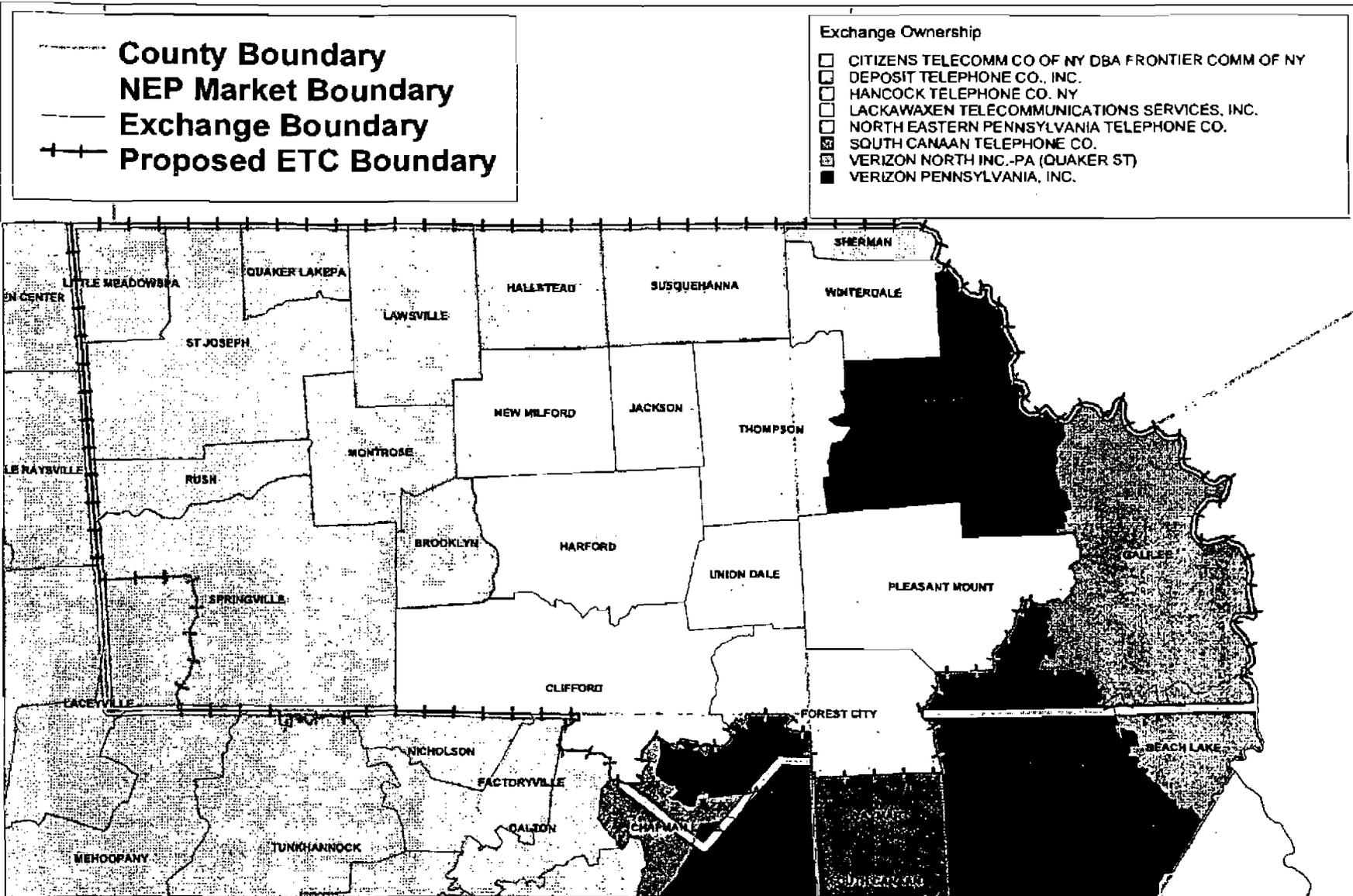
Tim Stearns

12-17-2009

Date

NEP Cellcorp, Inc.

EXHIBIT 1



June 6, 2007



© 2007 Bennet & Bennet, P.L.L.C.
18 G Street, N.E.
7th Floor
Washington, DC 20002
(202) 371-4400

**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 |) | |
| |) | |
| NEP Cellcorp, Inc. |) | |
| |) | |
| Petition to Amend Designation as an |) | |
| Eligible Telecommunications Carrier |) | |
| in the State of Pennsylvania |) | |

To: Wireline Competition Bureau

**Petition of NEP Cellcorp, Inc. to Amend Designation as an Eligible
Telecommunications Carrier in the State of Pennsylvania**

NEP Cellcorp, Inc. ("NEP"), by its attorneys, hereby respectfully requests that the Federal Communication Commission ("FCC" or "Commission") amend Appendix B, Exhibit 13 of its recent Order concerning the Eligible Telecommunications Carrier ("ETC") status of NEP, a Commercial Mobile Radio Service ("CMRS") carrier, in the Commonwealth of Pennsylvania.¹ Specifically, based on an understanding between T-Mobile and NEP which has now been memorialized in a formal written agreement, and relevant facts as discussed *infra*, NEP requests that the Commission amend Appendix B, Exhibit 13 of its Order to include NEP as a designated ETC for the entire study area of

¹ *In re Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, *Alltel Communications, Inc., et al. Petitions for Designation as Eligible Telecommunications Carriers, RCC Minnesota, Inc. and RCC Atlantic, Inc. New Hampshire ETC Designation Amendment*, Order, FCC 08-122 at ¶¶ 22, 26, and 36 (May 1, 2008) ("ETC Order").

The North-Eastern Pennsylvania Telephone Company (“NE PAT”), a rural telephone company.²

I. Discussion

In its Order, the Commission found “that designating NEP as an ETC in the North-Eastern Pennsylvania Telephone Co. study area in Pennsylvania would not be in the public interest because NEP only provides partial coverage in the wire centers of Clifford and Forest City.”³ However, this is not the case nor was it the case during the pendency of NEP’s ETC application. In its ETC application, NEP stated that, due to the partitioned license area it received through a license purchase agreement with T-Mobile, it was only licensed by the FCC to cover portions of the Clifford and Forest City wire centers in NE PAT’s service area.⁴ In its ETC application, NEP noted that it was working on a formal agreement with T-Mobile that would allow its radio signal to extend into these small portions⁵ of Clifford and Forest City so that the areas were recognized as being covered by NEP’s facilities.⁶ NEP notes that on June 19, 2008, it executed a

² 47 U.S.C. § 153(37).

³ *ETC Order* at ¶ 22.

⁴ *See Petition of NEP Cellcorp, Inc. for Designation as an Eligible Telecommunications Carrier in the Commonwealth of Pennsylvania*, CC Docket No. 96-45 at fn. 5, filed June 7, 2007 (“*NEP ETC Application*”).

⁵ NEP Market Boundary Map attached as Exhibit 1. Prior to this time, NEP and T-Mobile informally agreed that allowing NEP’s signal to extend into T-Mobile’s licensed area was permissible – the two parties had merely never memorialized this fact in writing.

⁶ *NEP ETC Application* at fn. 5.

formal Extension Agreement⁷ with T-Mobile that allows NEP's radio signals to cover the Clifford and Forest City study areas using its own facilities.⁸

At the time it filed its ETC application and throughout the time its ETC application was pending, NEP had been working on obtaining permission from T-Mobile to annex these areas to its existing license or, alternatively, to obtain an Extension Agreement. NEP and T-Mobile ultimately agreed upon the attached Extension Agreement. Based on these facts, NEP requests that the Commission amend Appendix B, Exhibit 13, as attached as Exhibit 3, and amend NEP's ETC status so that NEP is an ETC in the entire NE PAT study area as originally requested.

In its Order, the Commission determined that it was in the public interest to designate NEP as an ETC in areas where NEP was capable of serving an entire rural telephone company study area.⁹ NEP has always been able to serve and has had permission to serve the Clifford and Forest City study areas using its own facilities, it just did not have a written agreement with T-Mobile memorializing this fact. Accordingly, since NEP has always been capable of serving the entire NE PAT rural telephone company study area and meets the FCC's ETC standards,¹⁰ the Commission should amend Appendix B, Exhibit 13 to include the entire NEP study area.

⁷ Attached as Exhibit 2.

⁸ During the pendency of its ETC application through the present, NEP could also serve the portions of the Clifford and Forest City study areas not covered by its license through a roaming agreement with T-Mobile. T-Mobile provides coverage in these portions of Clifford and Forest City study areas that are not licensed to NEP.

⁹ *ETC Order* at § 36.

¹⁰ *See Procedures for FCC Designation of Eligible Telecommunications Carriers Pursuant to Section 214(e)(6) of the Communications Act*, CC Docket No. 96-45, Public

II. Conclusion

Given that NEP has always had the capability of serving all parts of the NE PAT rural telephone study area, NEP respectfully requests that the Commission amend Appendix B, Exhibit 13 of its Order to include the entire NE PAT study area as part of NEP's ETC designation. Amending Appendix B, Exhibit 13 of the Order is consistent with the Commission's decision to amend the RCC Minnesota, Inc. ("RCC") ETC grant based on additional information provided after the release of the decision and the intent of the applicant.¹¹

Respectfully submitted,

NEP Cellcorp, Inc.

By: /s/ Caressa D. Bennet
Caressa D. Bennet
Kenneth C. Johnson
Bennet & Bennet, PLLC
4350 East West Highway, Suite 201
Bethesda, MD 20814
(202) 371-1500

Its Attorneys

Dated: July 17, 2008

Notice, 12 FCC Rcd 22947, 22948 (1997) (*Section 214(e)(6) Public Notice*); see also *Virginia Cellular, LLC Petition for Designation as an Eligible Telecommunications Carrier for the Commonwealth of Virginia*, CC Docket No. 96-45, Memorandum Opinion and Order, 19 FCC Rcd 1563, 1564, 1565, 1575-76, 1584-85, ¶¶ 1, 4, 27, 28, 46 (2004) ("*Virginia Cellular Order*"); *Highland Cellular, Inc. Petition for Designation as an Eligible Telecommunications Carrier for the Commonwealth of Virginia*, CC Docket No. 96-45, Memorandum Opinion and Order, 19 FCC Rcd 6422, 6438, ¶¶ 1, 33 (2004) ("*Highland Cellular Order*").

¹¹ *ETC Order* at Appendix C, ¶ 1.

NEP Cellcorp, Inc.

EXHIBIT 1

NEP Cellcorp, Inc.

EXHIBIT 2

CONSENT AGREEMENT FOR BORDER EXTENSION

This Consent Agreement for Border Extension sets forth the terms and conditions between Omnipoint NY MTA License, LLC ("T-Mobile") and NEP Cellcorp., Inc. ("NEP"), regarding consent to field strengths in excess of 47 dBuV/m, as provided for in 47CFR 24.236, at locations within the New York Major Trading Area ("MTA"), Market MTA001-A13 by NEP via modification of its personal communications service radiotelephone system ("PCS") in the New York MTA, Market MTA001-A13 (here after referred to as "Extensions").

NEP hereby consents to the Extensions as proposed by T-Mobile into the New York MTA, Market MTA001-A13. The Extensions are calculated based on the engineering parameters associated with T-Mobile's cell sites listed in Attachment 1.1. The Extensions are illustrated in the coverage map which is attached to this Consent Agreement as Attachments 1.2a and 1.2b.

T-Mobile agrees to negotiate in good faith, at such future time as may be necessary, to permit NEP to exceed field strengths of 47 dBuV/m into T-Mobile's licensed service area along common borders.

Each party reserves the right, at its sole discretion, to terminate its consent and this agreement upon thirty (30) days written notice. Upon termination of the agreement, both parties must immediately reduce their field strengths along the common border to comply with the limits established by Section 24.236 of the Federal Communications Commission's rules.

In the event of termination, written notification shall be directed to:

Omnipoint NY MTA License, LLC
12920 SE 38th Street
Bellevue, WA 98006
425-383-4000
ATTN: Director --Legal Affairs

Omnipoint NY MTA License, LLC.
4 Sylvan Way
Parsippany NJ 07054
Attn: Director -- NE RF Engineering

NEP Cellcorp, Inc.
P.O. Box D
720 Main Street
Forest City, PA 18421
ATTN: RF Manager

With a copy (which shall not constitute notice) to:
Bennet & Bennet, PLLC.
4350 East West Highway, Suite 201
Bethesda, MD 20814
ATTN: Carri Bennet

T-Mobile may modify the cell sites and engineering parameters described above, provided that any modification shall not result in field strengths in excess of 47 dBuV/m at locations along the border of NEP's licensed service area beyond the Extensions. NEP may make modifications to its services and facilities within its licensed service areas; however, in an effort to maintain or equalize the signal strength along the common borders in the referenced service areas, each party agrees to coordinate with the other prior to making any modifications which would affect the Extensions governed by this Consent Agreement.

This Consent Agreement is not intended to give T-Mobile protected coverage area within NEP's licensed service area. This Consent Agreement does not preclude NEP from providing service within the Extensions.

The parties agree to coordinate frequency usage and to work together to eliminate any unacceptable interference resulting from the Extensions. In the event that the parties cannot agree on an acceptable method for eliminating such interference resulting from the Extensions, T-Mobile will modify its Extensions at the request of NEP to the extent required to eliminate the interference caused by the Extension.

This Consent Agreement shall inure to the benefit of and be binding upon the parties hereto and their respective legal representatives, successors, and assigns. It is specifically agreed that either party may transfer the rights acquired herein to a third party at its sole discretion, subject to any necessary FCC approvals.

This Consent Agreement constitutes the entire agreement between the parties pertaining to the subject matter contained herein and supersedes all prior and contemporaneous agreements, representations, and understandings of the parties. No supplement, modification, or amendment of this Consent Agreement shall be binding unless executed in writing by all parties.

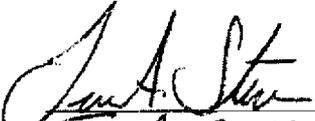
Should any provision of this Consent Agreement be determined to be invalid or unenforceable, it shall be deemed severed from this Consent Agreement, and such invalidity or unenforceability shall not affect the remaining provisions of this Consent Agreement, which shall remain in full force and effect.

This Consent Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which shall constitute one in the same instrument.

Accepted and agreed:

NEP Cellcorp, Inc.

Omnipoint NY MTA License, LLC (dba
« T-Mobile »)

By: 
Name: TIM A. STEARNS
Title: VP OPERATIONS
Date: 5/9/08

By: 
Name: IAN ELLIS
Title: INTERIM REGIONAL RF DIRECTOR
Date: 6/19/08

T-Mobile Sites Report

| Site ID | Site Name | Latitude | Longitude | GEL(ft) | Azimuth | Antenna | Height(ft) | DT | ERP(dBm) | ERP(Watts) |
|----------|-----------------|---------------|----------------|---------|---------|-----------------------|------------|-----|----------|------------|
| 2EA2094D | NYSEG Park | 42°06'11.39"N | 075°49'20.71"W | 951 | 135 | EMS # RR651800_P | 35 | 0.0 | 54.61 | 289 |
| | | | | | 275 | EMS # RR651800_P | 35 | 0.0 | 54.61 | 289 |
| 2CA2002A | Ufbergs | 41°27'18.05"N | 075°37'49.92"W | 761 | 35 | EMS # RR901700_P | 54 | 2.0 | 53.18 | 208 |
| | | | | | 145 | DAPA # 58000_58010 | 54 | 0.0 | 54.17 | 261 |
| | | | | | 270 | EMS # RR901700_P | 54 | 0.0 | 52.81 | 191 |
| | | | | | 5 | EMS # RR651504_PL2 | 52 | 4.0 | 52.31 | 170 |
| 2CA2029C | West mountain | 41°28'0.04"N | 075°41'7.93"W | 1906 | 160 | EMS # RR651504_PL2 | 52 | 4.0 | 49.11 | 81 |
| | | | | | 300 | EMS # RR90_17_04DP | 52 | 4.0 | 54.31 | 270 |
| | | | | | 20 | EMS # FV901602_P | 133 | 4.0 | 51.67 | 147 |
| 2CA2073M | Carbondale | 41°33'1.05"N | 075°27'27.96"W | 2234 | 115 | EMS # RR90_17_02DP | 133 | 4.0 | 52.67 | 185 |
| | | | | | 285 | DAPA # 56000_56010 | 133 | 5.0 | 48.87 | 77 |
| | | | | | 35 | EMS # RR651900_P | 170 | 2.0 | 54.44 | 278 |
| 2CA2074U | Ivy Park | 41°31'43.19"N | 075°38'46.00"W | 1562 | 200 | EMS # RR651900_P | 170 | 2.0 | 54.44 | 278 |
| | | | | | 270 | EMS # RR651900_P | 170 | 2.0 | 54.44 | 278 |
| | | | | | 0 | EMS # RR901700_P | 56 | 0.0 | 53.57 | 228 |
| 2CA2076A | Newton hill | 41°33'11.08"N | 075°39'9.95"W | 1286 | 170 | EMS # RR901700_P | 56 | 0.0 | 53.57 | 228 |
| | | | | | 180 | EMS # RR90_17_02DP | 100 | 2.0 | 52.92 | 196 |
| 2CA2077A | Supko hill | 41°37'28.04"N | 075°38'38.98"W | 1358 | 350 | EMS # RR90_17_02DP | 100 | 2.0 | 52.92 | 196 |
| 2CA2079A | East Benton | 41°34'21.30"N | 075°39'15.70"W | 1093 | 10 | EMS # RR651900_P | 192 | 2.0 | 54.31 | 270 |
| | | | | | 150 | EMS # RR651900_P | 192 | 2.0 | 54.31 | 270 |
| | | | | | 300 | EMS # RR651900_P | 192 | 2.0 | 54.31 | 270 |
| | | | | | 70 | EMS # RR901700_P | 77 | 0.0 | 54.19 | 262 |
| 2LA6333A | Downtown Carbon | 41°34'30.23"N | 075°30'3.27"W | 1201 | 190 | EMS # RR901700_P | 77 | 0.0 | 53.18 | 208 |
| | | | | | 305 | EMS # RR901700_P | 77 | 0.0 | 54.48 | 281 |
| | | | | | 45 | EMS # RR651800_P | 110 | 1.0 | 53.96 | 249 |
| 2LA6391D | Mayfield | 41°32'57.54"N | 075°32'1.99"W | 1076 | 140 | EMS # RR651800_P | 110 | 1.0 | 53.96 | 249 |
| | | | | | 230 | EMS # RR651800_P | 110 | 1.0 | 53.96 | 249 |
| | | | | | 100 | RFS # APXV_18206517LS | 140 | 8.0 | 54.60 | 288 |
| 2LA6399A | Turnpike north | 41°27'16.00"N | 075°41'3.00"W | 1263 | 220 | RFS # APXV_18206517LS | 140 | 6.0 | 54.60 | 288 |
| | | | | | 340 | RFS # APXV_18206517LS | 140 | 3.0 | 54.60 | 288 |
| | | | | | 0 | EMS # RR90_17_02DP | 170 | 3.0 | 55.56 | 360 |
| ZWN6340A | Honesdale | 41°34'9.54"N | 075°14'51.64"W | 1516 | 150 | EMS # RR90_17_02DP | 170 | 3.0 | 60.56 | 1138 |
| | | | | | 280 | EMS # RR90_17_02DP | 170 | 2.0 | 60.56 | 1138 |
| | | | | | 60 | EMS # RR651804_P | 230 | 5.0 | 52.94 | 197 |
| ZWN6353A | Waymart | 41°34'23.39"N | 075°26'27.18"W | 942 | 150 | EMS # RR901700_P | 230 | 3.0 | 51.94 | 156 |
| | | | | | 290 | EMS # RR90_17_02DP | 230 | 5.0 | 51.94 | 156 |

CONSENT AGREEMENT FOR BORDER EXTENSION

This Consent Agreement for Border Extension sets forth the terms and conditions between Omnipoint NY MTA License, LLC ("T-Mobile") and NEP Cellcorp., Inc. ("NEP"), regarding consent to field strengths in excess of 47 dBuV/m, as provided for in 47CFR 24.236, at locations within the New York Major Trading Area ("MTA"), Market MTA001-A13 by NEP via modification of its personal communications service radiotelephone system ("PCS") in the New York MTA, Market MTA001-A13 (here after referred to as "Extensions").

T-Mobile hereby consents to the Extensions as proposed by NEP into the New York MTA, Market MTA001-A13. The Extensions are calculated based on the engineering parameters associated with NEP's cell sites listed in Attachment 1.1. The Extensions are illustrated in the coverage map which is attached to this Consent Agreement as Attachment 1.2.

NEP agrees to negotiate in good faith, at such future time as may be necessary, to permit T-Mobile to exceed field strengths of 47 dBuV/m into NEP's licensed service area along common borders.

Each party reserves the right, at its sole discretion, to terminate its consent and this agreement upon thirty (30) days written notice. Upon termination of the agreement, both parties must immediately reduce their field strengths along the common border to comply with the limits established by Section 24.236 of the Federal Communications Commission's rules.

In the event of termination, written notification shall be directed to:

Omnipoint NY MTA License, LLC
12920 SE 38th Street
Bellevue, WA 98006
425-383-4000
ATTN: Director -Legal Affairs

Omnipoint NY MTA License, LLC.
4 Sylvan Way
Parsippany NJ 07054
Attn: Director - NE RF Engineering

NEP Cellcorp, Inc.
P.O. Box D
720 Main Street
Forest City, PA 18421
ATTN: RF Manager

With a copy (which shall not constitute notice) to:
Bennet & Bennet, PLLC.
4350 East West Highway, Suite 201
Bethesda, MD 20814
ATTN: Carri Bennet

NEP may modify the cell sites and engineering parameters described above, provided that any modification shall not result in field strengths in excess of 47 dBuV/m at locations along the border of T-Mobile's licensed service area beyond the Extensions. T-Mobile may make modifications to its services and facilities within its licensed service areas; however, in an effort to maintain or equalize the signal strength along the common borders in the referenced service areas, each party agrees to coordinate with the other prior to making any modifications which would affect the Extensions governed by this Consent Agreement.

This Consent Agreement is not intended to give NEP protected coverage area within T-Mobile's licensed service area. This Consent Agreement does not preclude T-Mobile from providing service within the Extensions.

The parties agree to coordinate frequency usage and to work together to eliminate any unacceptable interference resulting from the Extensions. In the event that the parties cannot agree on an acceptable method for eliminating such interference resulting from the Extensions, NEP will modify its Extensions at the request of T-Mobile to the extent required to eliminate the interference caused by the Extension.

This Consent Agreement shall inure to the benefit of and be binding upon the parties hereto and their respective legal representatives, successors, and assigns. It is specifically agreed that either party may transfer the rights acquired herein to a third party at its sole discretion, subject to any necessary FCC approvals.

This Consent Agreement constitutes the entire agreement between the parties pertaining to the subject matter contained herein and supersedes all prior and contemporaneous agreements, representations, and understandings of the parties. No supplement, modification, or amendment of this Consent Agreement shall be binding unless executed in writing by all parties.

Should any provision of this Consent Agreement be determined to be invalid or unenforceable, it shall be deemed severed from this Consent Agreement, and such invalidity or unenforceability shall not affect the remaining provisions of this Consent Agreement, which shall remain in full force and effect.

This Consent Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which shall constitute one in the same instrument.

Accepted and agreed:

NEP Cellcorp, Inc.

Omnipoint NY MTA License, LLC (dba
« T-Mobile »)

By:

Name:

Title:

Date:



Tom A. STEPHENS

VP OPERATIONS

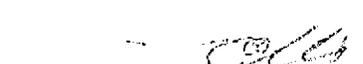
5/9/08

By:

Name:

Title:

Date:



Mark ELLIS

NORTH REGIONAL REP. DIRECTOR

6/19/08

EXTENSION COVERAGE MAP CELL SITE INFORMATION

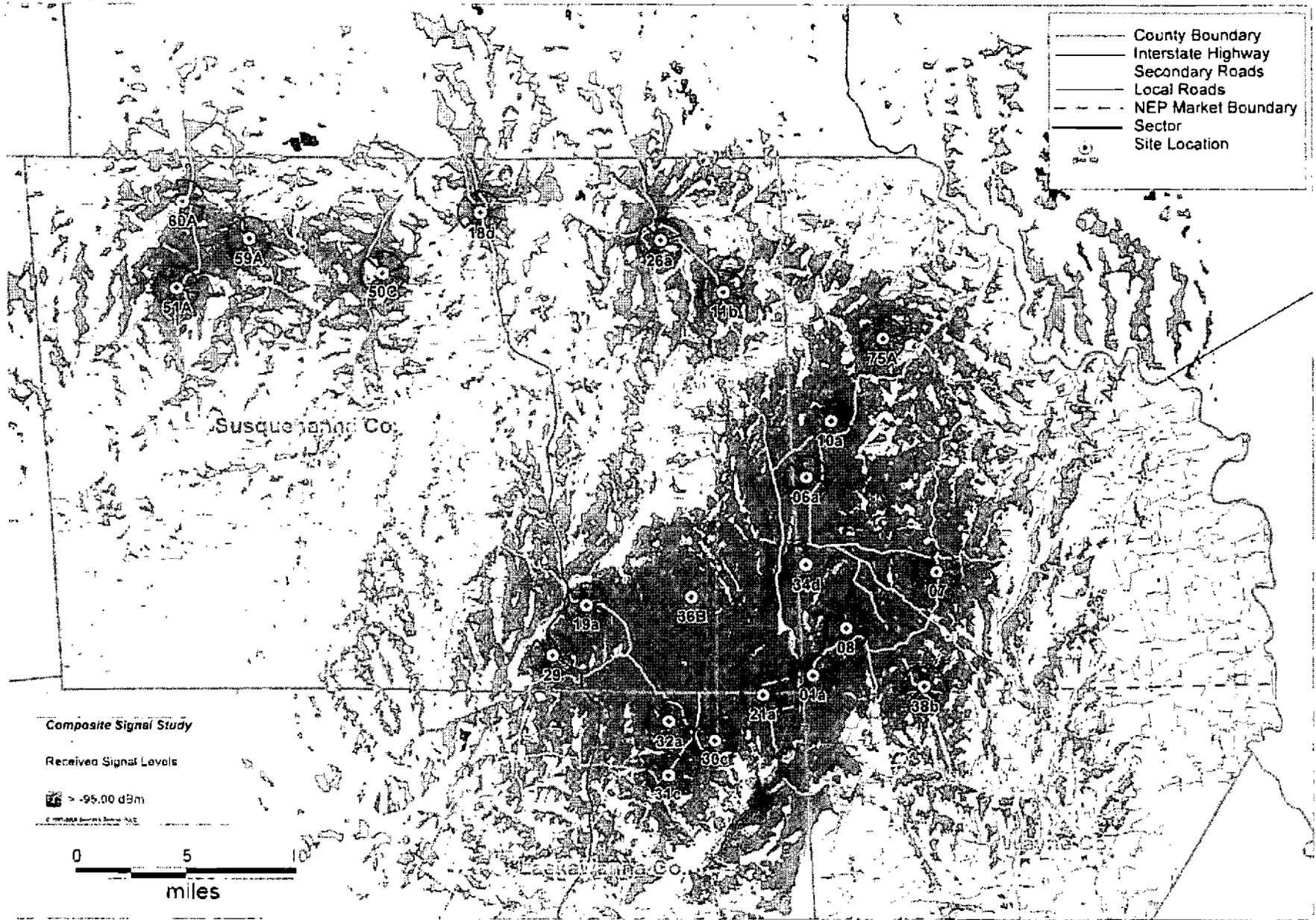
ATTACHMENT 1.1

NEP Cellcorp., Inc.

| Site ID | Site Location | Coordinates NAD-27 | Coordinates NAD-83 | GEL | Orient. | Antenna | CL | DT | Max ERP (dBw) | ERP (Watts) |
|-------------------------|-----------------------|-----------------------|-----------------------|------|---------|----------------------|-----|----|------------------|----------------|
| 01a | Forest City | 41 39 10.35 | 41 39 10.65 | 1593 | 30 | Powerwave 7184.42 | 178 | 0 | 20.6 | 115.08 |
| | | 75 27 17.08 | 75 27 15.72 | | 150 | Powerwave 7184.42 | 178 | 0 | 20.6 | 115.08 |
| | | | | | 270 | Powerwave 7184.42 | 178 | 0 | 20.6 | 115.08 |
| <i>FCC ASR: 1255651</i> | | | | | | | | | | |
| 06a | Maple Hill Farm | 41 47 7.20 | 41 47 7.50 | 2451 | 30 | Powerwave 7184.42 | 178 | 4 | 20.6 | 115.08 |
| | | 75 27 35.50 | 75 27 34.15 | | 150 | Powerwave 7184.42 | 178 | 4 | 20.6 | 115.08 |
| | | | | | 270 | Powerwave 7184.42 | 178 | 4 | 20.6 | 115.08 |
| <i>FCC ASR:</i> | | | | | | | | | | |
| 07 | Francis O'Neill Tower | 41 43 18.89 | 41 43 19.20 | 1720 | 30 | Powerwave 7184.42 | 235 | 4 | 24.1 | 257.04 |
| | | 75 20 44.66 | 75 20 43.30 | | 150 | Powerwave 7184.42 | 235 | 4 | 24.1 | 257.04 |
| | | | | | 270 | Powerwave 7184.42 | 235 | 2 | 25.5 | 357.27 |
| <i>FCC ASR: 1033127</i> | | | | | | | | | | |
| 08 | Maple Hill | 41 41 4.22 | 41 41 4.52 | 2087 | 30 | Powerwave 7184.42 | 178 | 0 | 20.6 | 115.08 |
| | | 75 25 29.44 | 75 25 28.09 | | 150 | Powerwave 7184.42 | 178 | 0 | 20.6 | 115.08 |
| | | | | | 270 | Powerwave 7184.42 | 178 | 4 | 20.6 | 115.08 |
| <i>FCC ASR: 1255645</i> | | | | | | | | | | |
| 10a | ILC Kids Camp | 41 49 23.16 | 41 49 23.46 | 2252 | 30 | Powerwave 7184.42 | 178 | 4 | 24.1 | 257.04 |
| | | 75 26 16.63 | 75 26 15.28 | | 150 | Powerwave 7184.42 | 178 | 4 | 24.1 | 257.04 |
| | | | | | 270 | Powerwave 7184.42 | 178 | 4 | 24.1 | 257.04 |
| <i>FCC ASR: 1255650</i> | | | | | | | | | | |
| 11b | Centerville | 41 54 33.57 | 41 54 33.87 | 1675 | 30 | Powerwave 7184.42 | 248 | 4 | 19.8 | 95.94 |
| | | 75 31 55.91 | 75 31 54.56 | | 150 | Powerwave 7184.42 | 248 | 4 | 24.1 | 257.04 |
| | | | | | 270 | Powerwave 7184.42 | 248 | 4 | 24.1 | 257.04 |
| <i>FCC ASR: 1255654</i> | | | | | | | | | | |
| 18d | Hallstead | 41 57 43.44 | 41 57 43.72 | 893 | 30 | Powerwave 7184.42 | 148 | 0 | 21 | 124.45 |
| | | 75 44 46.90 | 75 44 45.57 | | 150 | Powerwave 7184.42 | 148 | 0 | 21 | 124.45 |
| | | | | | 270 | Powerwave 7184.42 | 148 | 0 | 21 | 124.45 |
| <i>FCC ASR:</i> | | | | | | | | | | |
| 19a | Gunn Hill | 41 41 59.31 | 41 41 59.60 | 1495 | 30 | Powerwave 7184.42 | 243 | 4 | 19.9 | 98.4 |
| | | 75 39 15.82 | 75 39 14.50 | | 150 | Powerwave 7184.42 | 243 | 4 | 19.9 | 98.4 |
| | | | | | 270 | Powerwave 7184.42 | 243 | 4 | 19.9 | 98.4 |
| <i>FCC ASR: 1002709</i> | | | | | | | | | | |
| 21a | Dundaff | 41 38 23.00 | 41 38 23.30 | 1974 | 30 | Powerwave 7184.42 | 290 | 2 | 19.3 | 84.14 |
| | | 75 29 54.04 | 75 29 52.70 | | 150 | Powerwave 7184.42 | 290 | 2 | 19.3 | 84.14 |
| | | | | | 270 | Powerwave 7184.42 | 290 | 2 | 19.3 | 84.14 |
| <i>FCC ASR: 1245123</i> | | | | | | | | | | |

| Site ID | Site Location | Coordinates NAD-27 | Coordinates NAD-83 | GEL | Orient. | Antenna | CL | DT | Max ERP (dBw) (Watts) |
|-------------------------|----------------|-----------------------|-----------------------|------|---------|----------------------|-----|----|--------------------------|
| 26a | Susquehanna | 41 56 38.01 | 41 56 38.30 | 1574 | 30 | Powerwave 7184.42 | 168 | 6 | 20.7 118.03 |
| | | 75 35 14.04 | 75 35 12.70 | | 150 | Powerwave 7184.42 | 168 | 2 | 20.7 118.03 |
| | | | | | 270 | Powerwave 7184.42 | 168 | 8 | 20.7 118.03 |
| <i>FCC ASR:</i> | | | | | | | | | |
| 29 | Holly Hill | 41 39 59.12 | 41 39 59.40 | 1348 | 30 | Powerwave 7184.42 | 220 | 4 | 20.2 103.75 |
| | | 75 41 5.22 | 75 41 3.90 | | 150 | Powerwave 7184.42 | 220 | 2 | 20.2 103.75 |
| | | | | | 270 | Powerwave 7184.42 | 220 | 2 | 20.2 103.75 |
| <i>FCC ASR: 1231354</i> | | | | | | | | | |
| 30c | Shust | 41 36 33.80 | 41 36 34.09 | 1586 | 30 | Powerwave 7184.42 | 193 | 2 | 24.1 257.04 |
| | | 75 32 27.69 | 75 32 26.36 | | 150 | Powerwave 7184.42 | 193 | 2 | 24.1 257.04 |
| | | | | | 270 | Powerwave 7184.42 | 193 | 2 | 24.1 257.04 |
| <i>FCC ASR: 1256105</i> | | | | | | | | | |
| 31c | Route 107 | 41 35 9.14 | 41 35 9.43 | 1620 | 30 | Powerwave 7184.42 | 193 | 0 | 20.5 111.17 |
| | | 75 34 55.70 | 75 34 54.37 | | 150 | Powerwave 7184.42 | 193 | 0 | 20.5 111.17 |
| | | | | | 270 | Powerwave 7184.42 | 193 | 0 | 20.5 111.17 |
| <i>FCC ASR:</i> | | | | | | | | | |
| 32a | Maile Rd | 41 37 19.54 | 41 37 19.83 | 1669 | 30 | Powerwave 7184.42 | 193 | 0 | 20.5 111.17 |
| | | 75 34 54.14 | 75 34 52.81 | | 150 | Powerwave 7184.42 | 193 | 0 | 20.5 111.17 |
| | | | | | 270 | Powerwave 7184.42 | 193 | 0 | 20.5 111.17 |
| <i>FCC ASR: 1257018</i> | | | | | | | | | |
| 34d | Uniondale | 41 43 36.70 | 41 43 37.00 | 2183 | | | | | |
| | | 75 27 37.34 | 75 27 36.00 | | 225 | Powerwave 7184.42 | 193 | 4 | 20.5 111.17 |
| | | | | | 315 | Powerwave 7184.42 | 193 | 4 | 20.5 111.17 |
| <i>FCC ASR:</i> | | | | | | | | | |
| 36B | Elkdale | 41 42 18.71 | 41 42 19.00 | 2587 | 180 | Powerwave 7184.42 | 193 | 6 | 20.5 111.17 |
| | | 75 33 40.33 | 75 33 39.00 | | | | | | |
| <i>FCC ASR:</i> | | | | | | | | | |
| 38b | Aldenville | 41 38 44.04 | 41 38 44.35 | 1311 | 60 | Powerwave 7184.42 | 53 | 0 | 21.9 153.46 |
| | | 75 21 25.08 | 75 21 23.72 | | 180 | Powerwave 7184.42 | 53 | 0 | 21.9 153.46 |
| | | | | | 300 | Powerwave 7184.42 | 53 | 2 | 21.9 153.46 |
| <i>FCC ASR:</i> | | | | | | | | | |
| 50C | Franklin Forks | 41 55 18.90 | 41 55 19.18 | 1689 | 30 | Powerwave 7184.42 | 193 | 2 | 20.5 111.17 |
| | | 75 49 57.93 | 75 49 56.02 | | 150 | Powerwave 7184.42 | 193 | 2 | 20.5 111.17 |
| | | | | | 270 | Powerwave 7184.42 | 193 | 4 | 20.5 111.17 |
| <i>FCC ASR:</i> | | | | | | | | | |
| 51A | St. Joseph | 41 54 43.32 | 41 54 43.59 | 1719 | 30 | Powerwave 7184.42 | 193 | 2 | 20.5 111.17 |
| | | 76 0 49.97 | 76 0 48.69 | | 150 | Powerwave 7184.42 | 193 | 2 | 20.5 111.17 |
| | | | | | 270 | Powerwave 7184.42 | 193 | 2 | 20.5 111.17 |
| <i>FCC ASR:</i> | | | | | | | | | |

| Site ID | Site Location | Coordinates NAD-27 | Coordinates NAD-83 | GEL | Orient. | Antenna | CL | DT | Max ERP (dBw) (Watts) |
|-----------------|---------------|-----------------------|-----------------------|------|---------|----------------------|-----|----|--------------------------|
| 59A | Silver Lake | 41 56 41.15 | 41 56 41.42 | 1839 | 30 | Powerwave 7184.42 | 193 | 0 | 20.5 111.17 |
| | | 75 56 59.74 | 75 56 58.45 | | 150 | Powerwave 7184.42 | 193 | 0 | 20.5 111.17 |
| | | | | | 270 | Powerwave 7184.42 | 193 | 0 | 20.5 111.17 |
| <i>FCC ASR:</i> | | | | | | | | | |
| 60A | Coconut | 41 58 9.01 | 41 58 9.28 | 1255 | 30 | Powerwave 7184.42 | 193 | 0 | 20.5 111.17 |
| | | 76 0 28.77 | 76 0 27.49 | | 150 | Powerwave 7184.42 | 193 | 0 | 20.5 111.17 |
| | | | | | | | | | |
| <i>FCC ASR:</i> | | | | | | | | | |
| 75A | Lakewood | 41 52 41.99 | 41 52 42.30 | 2051 | 30 | Powerwave 7184.42 | 165 | 2 | 20.7 118.03 |
| | | 75 23 31.96 | 75 23 30.60 | | 150 | Powerwave 7184.42 | 165 | 2 | 20.7 118.03 |
| | | | | | 270 | Powerwave 7184.42 | 165 | 2 | 20.7 118.03 |
| <i>FCC ASR:</i> | | | | | | | | | |



May 30, 2008

The projected service area is based upon computer generated Radio Frequency coverage predictions. It is not a guarantee of actual service. Factors such as atmospheric conditions, man-made structures, and topographical characteristics may affect actual propagation. Received signal levels are presented in terms of statistical probability and a not a "guarantee" of actual received signal strength at any given location.

7
b3
7

NEP Cellcorp, Inc.

EXHIBIT 3

EXHIBIT 13

Rural Wire Centers for Inclusion in NEP's Pennsylvania ETC Service Area

| LEC NAME | WIRE CENTER | CLLI |
|--|--------------------|-------------|
| Deposit Telephone Co. Inc. | SHERMAN | DPSTNYXA |
| Hancock Telephone Co. NY | WINTERDALE | HNCCNYXA |
| North-Eastern Pennsylvania Telephone Company | CLIFFORD | CLIFPAXC |
| North-Eastern Pennsylvania Telephone Company | FOREST CITY | FRCYPAXF |
| North-Eastern Pennsylvania Telephone Company | HARFORD | HAFDPAXH |
| North-Eastern Pennsylvania Telephone Company | JACKSON | JKSNPAXJ |
| North-Eastern Pennsylvania Telephone Company | NEW MILFORD | NMFRPAXN |
| North-Eastern Pennsylvania Telephone Company | PLEASANT MOUNT | PLMTPAXP |
| North-Eastern Pennsylvania Telephone Company | THOMPSON | THSNPAXT |
| North-Eastern Pennsylvania Telephone Company | UNION DALE | UNDLPAXU |

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

FILED/ACCEPTED

DEC 18 2009

Federal Communications Commission
Office of the Secretary

In the Matter of)
)
Federal-State Joint Board on)
Universal Service) WC Docket No. 09-197
)
NEP Cellcorp, Inc.) CC Docket No. 96-45
)
Application for Designation as an)
Eligible Telecommunications Carrier)
in the State of Pennsylvania)
_____)

COMPLIANCE FILING OF NEP CELLCORP, INC.

NEP Cellcorp, Inc. ("NEP"), by its attorneys, and pursuant to Section 54.209 of the Federal Communications Commission's ("FCC" or "Commission") Rules¹ and Order in the above-referenced proceedings designating NEP as an eligible telecommunications carrier ("ETC"),² hereby submits information regarding: (1) its progress towards meeting its quality improvement plan; (2) the number of outages lasting at least thirty minutes in NEP's service area; (3) the number of requests for service from potential customers that were unfulfilled for the past year; (4) the number of complaints per 1,000 handsets or lines; and (5) applicable ETC certifications.

NEP, a Commercial Mobile Radio Service ("CMRS") carrier serving Susquehanna County and other rural areas of northeast Pennsylvania, was granted ETC status for several of the

¹ 47 C.F.R. § 54.209.

² *In re Federal-State Joint Board on Universal Service, Alltel Communications, Inc., et al. Petitions for Designation as Eligible Telecommunications Carriers, RCC Minnesota, Inc. and RCC Atlantic, Inc. New Hampshire ETC Designation Amendment*, CC Docket No. 96-45, Order, FCC 08-122, ¶¶ 22, 26 and 36 (May 1, 2008) ("ETC Order").

No. of Copies rec'd 0
List ABCDE

study areas requested in its petition.³ In July 2008, NEP filed a petition to amend its ETC designation to include NEP as a designated ETC for the entire study area of rural telephone company and NEP parent company, The North-Eastern Pennsylvania Telephone Company ("NE PAT").⁴ The Commission had previously denied ETC status for the NE PAT study area because it held that NEP was providing only partial coverage in the wire centers of Clifford and Forest City. At that time, the Commission was not aware of an informal arrangement with T-Mobile allowing NEP's signal to extend into T-Mobile's licensed area, allowing NEP to serve the entire Clifford and Forest City wire centers. NEP has since memorialized this consent agreement with T-Mobile allowing for the aforementioned border extension and NEP's Amendment discussing this agreement currently remains pending before the Commission.

Recently, NEP has initiated efforts to further bolster its wireless coverage as it faces bandwidth constraints and increased demand for voice and data traffic in Susquehanna County. NEP recently filed an Ex Parte Letter seeking the Commission's assistance with obtaining the rights to additional spectrum within NEP's coverage area that is currently being warehoused.⁵

³ *In re Federal-State Joint Board on Universal Service, Alltel Communications, Inc., et al. Petitions for Designation as Eligible Telecommunications Carriers, NEP Cellcorp, Inc., Application for Designation as an Eligible Telecommunications Carrier in the State of Pennsylvania*, CC Docket No. 96-45, Petition of NEP Cellcorp, Inc. to be Designated as an Eligible Telecommunications Carrier (June 7, 2007) ("Petition").

⁴ *In re Federal-State Joint Board on Universal Service, Alltel Communications, Inc., et al. Petitions for Designation as Eligible Telecommunications Carriers, NEP Cellcorp, Inc., Application for Designation as an Eligible Telecommunications Carrier in the State of Pennsylvania*, CC Docket No. 96-45, Petition of NEP Cellcorp, Inc. to Amend Designation as an Eligible Telecommunications Carrier in the State of Pennsylvania (July 17, 2008) ("Amendment").

⁵ *Fostering Innovation and Investment in the Wireless Communications Market, Wireless Competition Docket*, GN Docket No. 09-157, WT Docket No. 09-66, Ex Parte Letter (November 30, 2009).

NEP intends to use the additional spectrum to enhance its existing coverage by offering 3G mobile broadband voice and data services that its rural customers demand.

To date, NEP has refrained from submitting line count reports for high-cost universal service support which it is eligible to receive since high-cost support in the areas where the FCC designated NEP as an ETC is nominal and the majority of support that will be available to NEP is in the NE PAT study area. As soon as the NE PAT study area at issue before the Commission is resolved, NEP will begin to seek universal service support to fund the further deployment of its wireless services. Such support would be especially valuable if NEP's recent effort to acquire fallow spectrum in NEP's rural coverage areas is successful.

I. Quality Improvement Plan

NEP has neither requested nor received universal service support over the past year while it awaits resolution of its Amendment. Accordingly, NEP has delayed full adoption of its quality improvement plan pending resolution of the NE PAT issue pertaining to NEP's ETC designation. Nevertheless, NEP has used its existing resources to deploy and expand its robust wireless voice and data coverage to its rural customers to the full extent possible. Additionally, and as noted above, NEP faces bandwidth constraints in its coverage area and is seeking additional spectrum to enhance wireless service to its rural customers. NEP is investing in upgrades in its service area in expectation that future high-cost support will be available to help pay off these network improvements. A map of NEP's coverage area is attached hereto as Exhibit 1.

II. Number of Service Outages

NEP did not experience any service outages lasting at least 30 minutes over the past year.

III. Number of Unfulfilled Service Requests

NEP has not had any unfulfilled service requests from potential customers over the past year.

IV. Number of Complaints Per 1,000 Handsets

NEP is not aware of and did not receive any complaints filed with the FCC or the Pennsylvania Public Utility Commission over the past year.

V. Certifications

NEP has neither requested nor received universal service support over the past year while it awaits resolution of its Amendment. Nevertheless, NEP certifies that it: (1) complies with applicable service quality standards and consumer protection rules; (2) is able to function in emergency situations; and (3) offers a local usage plan comparable to that offered by the incumbent LEC in the relevant service areas. NEP also acknowledges that the Commission may require NEP to provide equal access to long distance carriers in the event that no other ETC is providing equal access within the service area.

For any additional information regarding NEP's ETC compliance, please contact the undersigned counsel.

Respectfully submitted,

NEP CELLCORP, INC.

By: 

Kenneth C. Johnson
Robert A. Silverman
Bennet & Bennet, PLLC
4350 East West Highway, Suite 201
Bethesda, MD 20814
(202) 371-1500

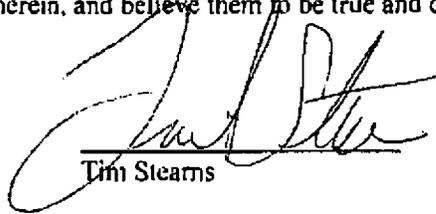
Its Attorneys

Dated: December 18, 2009

Declaration of Tim Stearns

I, Tim Stearns, do hereby declare under penalty of perjury the following:

1. I am the Vice President of Operations of NEP Cellcorp, Inc.
2. I have read the foregoing "Compliance Filing of NEP Cellcorp, Inc." I have personal knowledge of the facts set forth therein, and believe them to be true and correct.

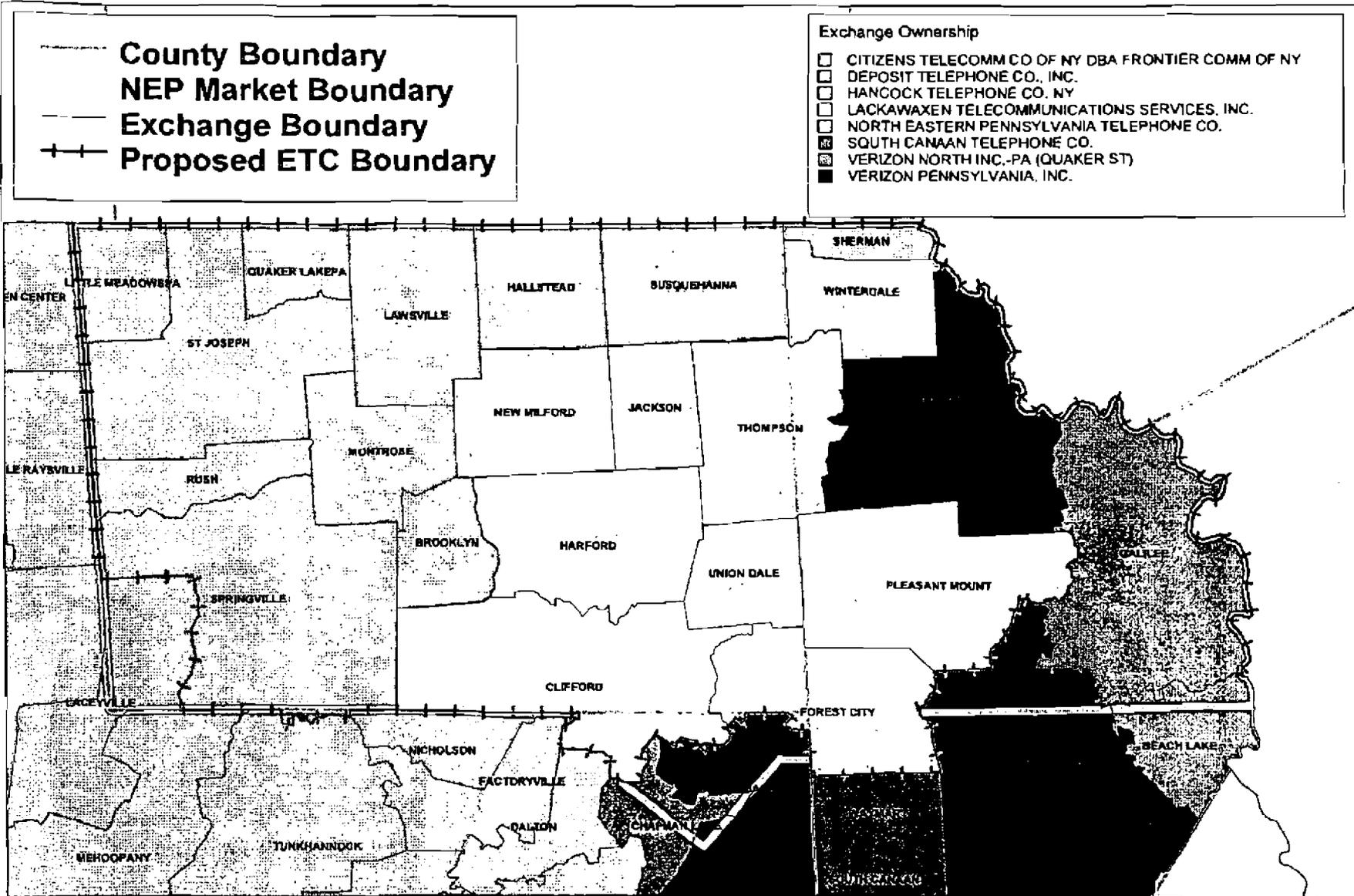


Tim Stearns

12-17-2009
Date

NEP Cellcorp, Inc.

EXHIBIT 1



June 6, 2007



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 10100 Lakeside, N.C.
 704-875-1000
 1400 Lakeside, D.C. 20045
 202-571-1100



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Of Counsel

Andrew Brown*

*Admitted in DC & PA Only

*Admitted in DC & VA Only

*Admitted in DC & WA Only

*Admitted in DC & ME Only

December 18, 2009

Via Hand Delivery

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

**Re: October 1st Compliance Filing of NEP Cellcorp, Inc.
WC Docket No. 09-197**

Dear Ms. Majcher:

NEP Cellcorp, Inc. ("NEP"), by its attorneys and pursuant to the Federal Communications Commission's ("FCC") Order designating NEP as an eligible telecommunications carrier ("ETC"), hereby submits its ETC post-designation compliance filing pursuant to Section 54.209 of the FCC's rules.

Also enclosed is a pink copy of NEP's compliance filing. Please date-stamp and return the pink copy to the courier.

If you have any questions regarding this information, please contact the undersigned.

Sincerely,

Kenneth C. Johnson

Enclosures

cc: Marlene H. Dortch, Secretary, FCC (via hand delivery and electronic filing)
Nicholas Degani, USAC (via email to USACChorders@usac.org)