

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of )  
Petition of NTUA WIRELESS, LLC for ) WC Docket No. 09-197  
Designation as an Eligible )  
Telecommunications Carrier Pursuant )  
to Section 214(e)(6) of the Communications )  
Act of 1934, as Amended )

**COMMENTS OF FRONTIER COMMUNICATIONS**

Frontier Communications Corporation (“Frontier”) hereby submits these comments in the above-captioned docket in response to the Federal Communications Commission’s (“Commission”) *Public Notice*<sup>1</sup> seeking comment on the petition of NTUA Wireless, LLC (“NTUA”) for designation as an eligible telecommunications carrier (“ETC”).<sup>2</sup> Frontier, which operates a telecommunications network across 27 states, is the largest provider of communications services focused on rural America. Frontier, through its subsidiary Citizens Telecommunications Company of the White Mountains (“White Mountains”) serves the Navajo Nation in northeastern Arizona. A portion of Frontier’s service territory in the White Mountains would be overlapped by NTUA Wireless, LLC (“NTUA”) should the FCC grant NTUA’s Petition.

Frontier provides these comments solely for the purpose of urging the Commission to deny NTUA’s request that “the Commission redefine the service areas of . . . Citizens—Frontier White Mountains . . . to those areas within the Navajo Nation and those areas outside of the

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<sup>1</sup> Wireline Competition Bureau Seeks Comment on NTUA Wireless, LLC Petition for Designation as an Eligible Telecommunications Carrier, *Public Notice*, WC Dkt. No. 09-197, DA 11-579 (rel. Mar. 30, 2011).

<sup>2</sup> Petition of NTUA Wireless, LLC for Designation as an Eligible Telecommunications Carrier on the Navajo Nation, WC Docket No. 09-197, 21 (filed Mar. 3, 2011) (“*Petition*”).

Navajo Nation.”<sup>3</sup> Contrary to the *Petition*’s claims, such a “redefinition” would place a significant administrative burden on Frontier; and is not necessary, for the reasons described below. Accordingly the request should be denied.

The Commission decided in its Federal-State Joint Board on Universal Service Recommended Decision that because rural telephone companies determine their cost at the study-area level, “it is reasonable to adopt the current study areas as the service areas for rural telephone companies rather than impose the administrative burden of requiring rural telephone companies to determine embedded costs on a basis other than study areas.”<sup>4</sup> Accordingly, NTUA correctly acknowledges that considering the “administrative burdens associated with redefinition” is an important element of any study area redefinition<sup>5</sup> and included it as part of a three-prong test to determine the appropriateness of redefinition.<sup>6</sup>

NTUA errs in its blanket assertion that there would be “no administrative burdens”<sup>7</sup> associated with redefining Frontier’s service area; redefinition would in fact cause Frontier significant administrative burdens. Following the Commission’s 2001 Rural Carrier High Cost Support Order<sup>8</sup> Frontier submitted to the Arizona Corporation Commission (“ACC”) its disaggregation plans for Citizens Mountains. The ACC reported that:

Citizens White Mountains proposed disaggregating its study area into three zones. Zone 1 is composed of six exchanges. Zone 2 is composed of three exchanges. Zone 3 is composed of six exchanges. Zone 1 has the lowest costs, Zone 2 has higher costs, and Zone 3 has the highest costs. . . . These plans comply with the above requirements of the Procedural Order. . . . It is therefore

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<sup>3</sup> *Id.* at 21.

<sup>4</sup> *In re*: Federal State Joint Board on Universal Service, *Recommended Decision*, CC Dkt. No. 96-45, 12 FCC Rcd. 87, 180.

<sup>5</sup> *Petition* at 22.

<sup>6</sup> *Id.* (“Redefinition is also in the public interest and consistent with the factors to be considered under 47 C.F.R. § 54.207 in that (1) there would be no cream-skimming; (2) it would not have any adverse impact on the rural telephone companies; and (3) there would be no administrative burdens associated with redefinition.”).

<sup>7</sup> *Id.* at 23

<sup>8</sup> *In re* Federal-State Joint Board on Universal Service; Multi-Association Group (MAG) Plan for Regulation of Interstate Services of Non-Price Cap Incumbent Local Exchange Carriers and Interexchange Carriers, *Fourteenth Report and Order, Twenty-Second Order on Reconsideration, and Further Notice of Proposed Rulemaking in CC Docket No. 96-45, and Report and Order in CC Docket No. 00-256*, 16 FCC Rcd. 11,244 (May 10, 2001).

ordered that the disaggregation plans of Citizens Telecommunications Company of the White Mountains d/b/a Frontier Communications of the White Mountains . . . are approved.<sup>9</sup>

This officially filed and approved disaggregation plan for White Mountains required significant analysis to determine costs at the wire center level, and no further partitioning of the study area is appropriate. In NTUA's request for partitioning, it does not appear to have taken into account that Frontier has already disaggregated costs into zones in the White Mountains service area. NTUA does not acknowledge that costs already have been disaggregated into zones, and a request for further partitioning, and NTUA has not taken into account the fact that partitioning, or further disaggregation, would cause significant administrative burden, both for Frontier, and for the ACC in conducting further proceedings. Indeed the *Petition* provides no analysis of the administrative burden at all. Instead, the *Petition* provides the conclusory statement that, "[r]edefinition also will not impose administrative burdens on any entity, including the rural telephone companies."<sup>10</sup> Further, regarding the administrative burdens associated with disaggregation, the *Petition* provides the inapt conclusion that "[w]hile rural telephone may seek to have their cost disaggregated to reflect the redefinition of their study areas, they are not required to do so and redefinition, by itself, would not compel the telephone companies to disaggregate their support."<sup>11</sup> NTUA's statements ignore the facts associated with White Mountains.

NTUA does not acknowledge that White Mountains has already disaggregated its costs on the wire center level. Accordingly, it fails to consider that any changes to the study area would require Frontier to engage in further disaggregation analysis at a *sub-wire center* level, as NTUA wishes to serve only a partial White Mountains wire center area. Any further

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<sup>9</sup> *In re: The Disaggregation of Rural Telephone Company Study Areas for Purposes of Federal Universal Service High Cost Support*, Order, ACC Docket No. T-0000D-01-0915, ¶¶ 15-16 (rel. Apr. 25, 2003).

<sup>10</sup> *Petition* at 23.

<sup>11</sup> *Id.*

disaggregation analysis would be a significant burden on Frontier’s resources—both financial and administrative. These burdens would be compounded by necessitating a sub-wire center level study. NTUA dismisses any potential disaggregation burdens as beyond consideration because “they are not required to do so”—ignoring the fact that Frontier has already made the business decision to engage in disaggregation and invested substantial resources in the process. NTUA further mistakenly rationalizes any disaggregation burdens as a small price to pay for the affected companies because “[i]n fact, disaggregation would likely result in increased support levels on the Navajo Nation.”<sup>12</sup> As stated above, Frontier has already completed its approved disaggregation plan as approved by ACC in its service area in the Navajo Nation. As a result, there are no further “increased support levels” to be gained on the Navajo Nation in areas served by Frontier by an FCC grant of NTUA’s request. In fact, the administrative burdens would be a pure drain on Frontier’s resources simply to benefit NTUA.

NTUA’s hasty assertions and justifications regarding the administrative burdens do not withstand scrutiny when applied to the facts associated with redefining White Mountain’s study area. NTUA acknowledges that the administrative burden associated with redefinition is one of three crucial elements for consideration in any study area redefinition. The facts involved show that there are significant administrative burdens with redefining White Mountains, therefore NTUA’s proposal fails its own test for redefinition. Accordingly, the Commission must deny the *Petition* to redefine White Mountains’ study area.

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<sup>12</sup> *Id.*

Respectfully submitted,

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By:

/s/

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