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March 31, 2012

VIA ELECTRONIC FILING

Marlene H. Dortch
Office of the Secretary
Federal Communications Commission
445 12th Street, SW, Room TW-A306
Washington, DC 20554

Re: *In the Matter of Federal-State Joint Board on Universal Service*, CC Docket No. 96-45.

Dear Ms. Dortch,

On behalf of New Cingular Wireless PCS, LLC d/b/a AT&T Mobility ("AT&T Mobility"), and in accordance with sections 54.313(b) and 54.314(b) of the FCC's rules, this letter and the attached materials are being electronically filed in the above-referenced docket to certify that all federal high-cost support received by AT&T Mobility will only be used for the provision, maintenance and upgrading of facilities and services for which support is intended.

Should you have any questions regarding the above or the attached, please feel free to contact me directly.

Sincerely,

Attachment

AFFIDAVIT REGARDING THE USE OF FEDERAL HIGH-COST SUPPORT FOR THE 2013 CALENDAR YEAR

New Cingular Wireless PCS, LLC (SAC 619004)

STATE OF OREGON)
)
COUNTY OF CLACKAMAS)

The undersigned, Michael C. Maxwell, does hereby certify as follows:

1. I serve as Vice President and General Manager for AT&T Mobility LLC. I am authorized to make this certification on behalf of New Cingular Wireless PCS, LLC d/b/a AT&T Mobility ("AT&T Mobility").

2. I am a corporate officer of AT&T Mobility Corporation, the manager of New Cingular Wireless PCS, LLC.

3. On August 16, 2006, Dobson Cellular Systems of Alaska, LLC was designated as an eligible telecommunications carrier ("ETC") by the Regulatory Commission of Alaska ("RCA") for certain areas within the State of Alaska and, thus, is eligible to receive federal high-cost support.

4. AT&T Mobility files this affidavit in compliance with 47 C.F.R. §54.313(b) and 54.314(b) which requires carriers that are not subject to state jurisdiction to self-certify to the FCC and the Universal Service Administrative Company ("USAC") that all federal high-cost universal service support received by the carrier will only be used for the provision, maintenance and upgrading of facilities and services for which support is intended. Attached as **Exhibit A** is a true and correct copy of the Regulatory Commission of Alaska's (RCA) August 24, 2009 Order directing all wireless ETCs in the State of Alaska to self-certify to the FCC and USAC (p. 3).

5. AT&T Mobility hereby certifies that it will use all federal high-cost universal service support received during the 2013 calendar year only for the provision, maintenance, and upgrading of facilities and services for which the support is intended pursuant to section 254(e) of the federal Communications Act of 1934, as amended.

By:_____
Michael C. Maxwell
Vice President and General Manager

Subscribed and sworn to before
me this 19th day of March 2012.

Helen Lois Ball Notary Public

OFFICIAL SEAL
HELEN LOIS BALL
NOTARY PUBLIC - OREGON
COMMISSION NO. 455422
MY COMMISSION EXPIRES JANUARY 23, 2015

EXHIBIT A

STATE OF ALASKA

THE REGULATORY COMMISSION OF ALASKA

Before Commissioners:

Robert M. Pickett, Chairman
Kate Giard
Paul F. Lisankie
Anthony A. Price
Janis W. Wilson

In the Matter of the Commission Compliance with Federal Requirement to Certify Proper Use of 2010 Federal Universal Service Funds by Telecommunications Carriers	))))	U-09-94 ORDER NO. 1

ORDER OPENING DOCKET, REQUIRING DATA, DESIGNATING COMMISSION PANEL, AND APPOINTING ADMINISTRATIVE LAW JUDGE

BY THE COMMISSION:

Summary

We open this docket to consider the annual federal universal service fund certification with the Federal Communications Commission (FCC). We require rural regulated eligible telecommunications carriers (ETCs) and rural wireless ETCs to file information in accordance with the attached data response and affidavit form by September 18, 2009. The chairman designates a commission panel, and appoints an administrative law judge.

Background

We must file an annual certification with the FCC in order for rural Alaskan ETCs to receive federal universal service funds (USF).[1] The certification must be filed by October 1 for the ETCs to receive USF in the first, second, third, and fourth quarters

[1] 47 C.F.R. § 54.314(a).

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of the succeeding year.[2] The certification must state that all USF received by the rural Alaskan ETCs will be used only for the provision, maintenance, and upgrade of facilities and services for which the support is intended.[3]

Discussion

An ETC is eligible to receive support to provide, maintain, and upgrade facilities and services for which the support is intended.[4] Certification that funds will only be used for their intended purpose is required for continued receipt of certain federal USF by rural carriers. However, a regulated rural ETCs receipt of USF is contingent on our certification to the FCC that the ETC will use the funds only for their intended purpose. We annually issue a data request to obtain information to assist us in submitting the October certification with the FCC.[5] This order provides that data request.

[2] 47 C.F.R. § 54.314(d)(1).

[3] 47 C.F.R. § 54.314(a).

[4] 47 U.S.C. § 254(e).

[5] *See* Order U-08-94(1), *Order Opening Docket, Requiring Data, Addressing Timeline for Decision, Designating Commission Panel, and Appointing Administrative Law Judge*, dated August 4, 2008; Order U-07-83(1), *Order Opening Docket, Requiring Data, Addressing Timeline for Decision, Designating Commission Panel, and Appointing Administrative Law Judge*, dated July 23, 2007, as corrected by *Errata Notice to Order U-07-83(1)*, dated July 26, 2007; Order U-06-92(1), *Order Opening Docket, Requiring Data, Addressing Timeline for Decision, Designating Commission Panel, and Appointing Administrative Law Judge*, dated August 15, 2006; Order U-05-58(1), *Order Opening Docket and Requiring Data*, dated July 22, 2005 (Order U-05-58(1)); Order U-04-70(1), *Order Opening Docket, Requesting Data, and Inviting Comment*, dated August 9, 2004.

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A wireless ETC providing service in a rural service area is required to file certification directly with the FCC in order to continue to receive federal USF.[6] In light of this federal requirement, our process of 2007 and 2008 did not include wireless companies as part of our annual certification with the FCC. Some carriers however, were confused by the fact that we asked for data on use of funds in 2008, but did not list wireless carriers in our certification letter, thinking we would file certification on their behalf. To help eliminate confusion we revert back to our certification letter text of 2006, where we list wireless and wireline ETCs as having certified to us use of funds. We clarify that it is ultimately the wireless carrier's responsibility to file individual certifications with the FCC concerning use of funds by a non-regulated entity.[7]

Data Response and Affidavit Forms

We require rural regulated[8] ETCs operating in Alaska to file a completed Regulated ETC and Wireless ETC Data Response and Affidavit form, based on self-certification. Rural wireless ETCs[9] must likewise file a completed Regulated ETC

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[6] 47 C.F.R. § 54.314(b).

[7] For example, our September 29, 2006, certification letter to the FCC stated:

> We have included wireless ETCs on our list of carriers even though these carriers are not economically regulated by the Alaska Commission. We have done so as we directed the companies to file annual certifications with us concerning their use of funds and we plan to regularly review their responses in this area. These companies should be filing individual certifications with the FCC concerning use of funds by a non-regulated entity.

[8] For purposes of this order, companies that are economically regulated with respect to local exchange service are those entities required to maintain a service tariff on file with the Regulatory Commission of Alaska.

[9] A rural wireless ETC is a wireless carrier that has obtained ETC status for a rural area in Alaska. When granting ETC status, we require wireless ETCs to file data according to the same use-of-funds data form that applies to regulated Alaskan companies.

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and Wireless ETC Data Response and Affidavit form, based on self-certification. We attach the form to this order as an appendix.

Non-rural Certification

The FCC also has adopted regulations concerning annual certification of non-rural companies as a condition of continued receipt of forward-looking support and interim hold-harmless support.[10] Historically, we have not submitted such a certificate as we concluded it was unnecessary given conditions in Alaska's non-rural market.[11] We do not plan to submit such a non-rural certificate this year.

Commission Panel

The chairman designates Commissioners Kate Giard, Anthony A. Price and himself as the commission panel[12] and further designates himself as the commission docket manager.

Administrative Law Judge

Under AS 42.04.070(b), the chairman appoints Administrative Law Judge John P. Wood to facilitate conduct of the docket. The administrative law judge will issue procedural orders in this docket including discovery orders, unless the commission docket manager determines that a particular procedural order should be issued by the commission panel.[13] Orders issued by the administrative law judge will be considered

[10] 47 C.F.R. § 54.313.

[11] Order U-05-58(1) at 3.

[12] Under AS 42.04.080(a), the chairman designates a commission panel to hear, or, if a hearing is not required, to otherwise consider and decide docketed matters.

[13] The commission docket manager, after consultation with other members of the panel, may delegate to the administrative law judge whatever authority to issue procedural orders he or she considers necessary or advisable in this docket. *See* 3 AAC 48.165(b).

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orders of the commission for purposes of petitions for reconsideration under AS 42.05.171.[14]

ORDER

THE COMMISSION FURTHER ORDERS:

1. By 4 p.m., September 18, 2009, rural eligible telecommunications carriers subject to economic regulation shall file a completed Regulated ETC and Wireless ETC Data Response and Affidavit form.

2. By 4 p.m., September 18, 2009, rural wireless eligible telecommunications carriers shall file a completed Regulated ETC and Wireless ETC Data Response and Affidavit form.

3. The commission panel shall consist of Kate Giard, Anthony A. Price, and Robert M. Pickett.

4. Commissioner Robert M. Pickett is designated as the commission docket manager.

[14]AS 42.05.171 states, in pertinent part:

> A party may file a petition for reconsideration of, or an administrative appeal of, a decision by a hearing examiner, an arbitrator, a mediator, or an administrative law judge that has been approved by the commission, or a decision of a hearing panel.

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5. John P. Wood is appointed as administrative law judge in this proceeding.

DATED AND EFFECTIVE at Anchorage, Alaska, this 24th day of August, 2009.

BY DIRECTION OF THE COMMISSION
(Commissioners Paul F. Lisankie and Janis W. Wilson, not participating.)

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