LUKAS, NACE, GUTIERREZ & SACHS, LLP

8300 GREENSBORO DRIVE, SUITE 1200
MCLEAN, VIRGINIA 22102
703 584 8678 • 703 584 8696 FAX

WWW.FCCLAW.COM

RUSSELL D. LUKAS
DAVID L. NACE
THOMAS GUTIERREZ*
ELIZABETH R. SACHS*
DAVID A. LAFURIA
PAMELA L. GIST
TODD SLAMOWITZ*
BROOKS E. HARLOW*
TODD B. LANTOR*
STEVEN M. CHERNOFF*
KATHERINE PATSAS NEVITT*

CONSULTING ENGINEERS
ALI KUZEHKANANI
LEILA REZANAVAZ

OF COUNSEL
GEORGE L. LYON, JR.
LEONARD S. KOLSKY*
JOHN CIMKO*
J. K. HAGE III*
JOHN J. MCAVOY*
HON. GERALD S. MCGOWAN*
TAMARA DAVIS BROWN*
JEFFREY A. MITCHELL*
ROBERT S. KOPPEL*
MARC A. PAUL*

*NOT ADMITTED IN VA

PUBLIC REFERENCE COPY

April 2, 2012

DL: (703) 584-8666
SC: (703) 584-8670
JC: (703) 584-8686
dlafuria@fcclaw.com
schernoff@fcclaw.com
jcimko@fcclaw.com

ORIGINAL

VIA ELECTRONIC FILING

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

FILED/ACCEPTED
APR - 2 2012
Federal Communications Commission
Office of the Secretary

VIA HAND DELIVERY

Karen Majcher
Vice President, High Cost & Low Income Division
USAC
2000 L Street, N.W., Suite 200
Washington, D.C. 20036

Re: Connect America Fund
WC Docket No. 10-90

Telecommunications Carriers Eligible for Universal Service Support

WC Docket No. 09-197

Dear Secretary Dortch:

On behalf of Cellular South Licenses, LLC (SAC 259004) ("Cellular South" or "the Company"), please find attached a redacted public version of Cellular South's Annual ETC Compliance Report under Section 54.313 of the Commission's Rules ("Annual Compliance Report"). The

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attached Annual Compliance Report has been marked "**REDACTED – FOR PUBLIC INSPECTION**."

Cellular South is also submitting to the Commission, under separate cover, a confidential version of the Annual Compliance Report. The confidential version is marked "**CONFIDENTIAL – NOT FOR PUBLIC INSPECTION**."

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:
Cellular South Licenses, LLC

Attachment

ATTACHMENT

REDACTED – FOR PUBLIC INSPECTION

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

FILED/ACCEPTED

APR - 2 2012

Federal Communications Commission
Office of the Secretary

In the Matter of	)	
	)	
Telecommunications Carriers Eligible for Universal Service Support	)	WC Docket No. 09-197
	)	
	)	
Connect America Fund	)	WC Docket No. 10-90

CELLULAR SOUTH LICENSES, LLC

ANNUAL REPORT

Cellular South Licenses, LLC ("Cellular South" or the "Company"), an Eligible Telecommunications Carrier ("ETC") in the State of Alabama,[1] hereby provides the Commission with its annual report containing information as set forth in Section 54.313 of the Commission's Rules[2] and in the Commission's Report and Order in the above-captioned WC Docket No. 10-90 proceeding.[3]

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[1] Cellular South was first designated as an ETC in Alabama on December 3, 2002. *Federal-State Board on Universal Service; Cellular South License, Inc., Petition for Designation as an Eligible Telecommunications Carrier Throughout Its Licensed Service Area in the State of Alabama*, CC Docket No. 96-45, Memorandum Opinion and Order, 17 FCC Rcd 24393 (WCB 2002), *app. for review denied*, Memorandum Opinion and Order, FCC 12-17 (rel. Feb. 10, 2012).

[2] 47 C.F.R. § 54.313. The Wireline Competition Bureau and the Wireless Telecommunications Bureau have clarified "that ETCs that have been designated by the Commission are still required to file . . . information [specified in 47 C.F.R. § 54.313(a)(2)-(6)] with respect to their provision of voice service during 2011." *Connect America Fund, et al.*, WC Docket No. 10-90, *et al.*, Order, DA 12-147 (WCB, WTB, rel. Feb. 3, 2012), 77 Fed. Reg. 14297 (Mar. 9, 2012) ("*February 3 Order*"), at para. 9.

[3] *Connect America Fund, et al.*, WC Docket No. 10-90, *et al.*, Report and Order and Further Notice of Proposed Rulemaking, FCC 11-161, 2011 WL 5844975 (rel. Nov. 18, 2011), 76 Fed. Reg. 73830 (Nov. 29, 2011), 76 Fed. Reg. 78384 (Dec. 16, 2011), 76 Fed. Reg. 81562 (Dec. 28, 2011) ("*CAF Order*"), *recon.*, FCC 11-189 (rel. Dec. 23, 2011), *further recon. pending, petitions for review pending, Direct Commc'ns Cedar Valley v. FCC*, No. 11-9581 (10th Cir. filed Dec. 18, 2011) (and consolidated cases).

1. Construction Plan Progress and Use of Support.

Pursuant to Section 54.313(a)(1) of the Commission's Rules, an ETC must provide:

> A progress report on its five-year service quality improvement plan pursuant to §54.202(a), including maps detailing its progress towards meeting its plan targets, an explanation of how much universal service support was received and how it was used to improve service quality, coverage, or capacity, and an explanation regarding any network improvement targets that have not been fulfilled in the prior calendar year.[4]

Cellular South provides its updated service quality improvement plan in Exhibit A.[5] For the period from January 1, 2011, through December 31, 2011, (the "Reporting Period"), the Company has received a total of **[BEGIN CONFIDENTIAL]** [redacted] **[END CONFIDENTIAL]** in Universal Service Support. Information provided below is as of December 31, 2011, which is the Company's most recent quarterly period for which accounting data is available.

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[4] 47 C.F.R. § 54.313(a)(1). *See CAF Order* at para. 580 (footnote omitted) (emphasis added) (concluding that "all ETCs must include in their annual reports the information that is currently required by section 54.209(a)(1)-(a)(6)—specifically, *a progress report on their five-year build-out plans*; data and explanatory text concerning outages; unfulfilled requests for service; complaints received; and certifications of compliance with applicable service quality and consumer protection standards and of the ability to function in emergency situations").

[5] The information submitted in Exhibit A is also proprietary and competitively sensitive. The information therefore is also being submitted under seal and is subject to Cellular South's request for confidential treatment. Exhibit A includes a progress report covering only two years in light of the fact that the Commission has indicated that:

> Recognizing that existing five-year build out plans may need to change to account for new broadband obligations set forth in this Order, we require all ETCs to file a new five-year build-out plan in a manner consistent with 54.202(a)(1)(ii) [of the Commission's Rules] by April 1, 2013. Under the terms of new section 54.313(a) [of the Commission's Rules], all ETCs will be required to include in their annual 54.313 reports information regarding their progress on this five-year broadband build-out plan beginning April 1, 2014.

CAF Order at para. 587. *See February 3 Order* at para. 6. In light of this requirement to submit a new five-year build-out plan as part of its April 2013 annual report, Cellular South has concluded that the progress report in the attached Exhibit A regarding its current service quality improvement plan should include projections only through 2013.

During the Reporting Period, Cellular South invested **[BEGIN CONFIDENTIAL]** [redacted] **[END CONFIDENTIAL]** in capital improvements.[6] Specifically, during the Reporting Period, Cellular South **[BEGIN CONFIDENTIAL]** [redacted] **[END CONFIDENTIAL]** Cellular South has also improved existing cellular facility site coverage, performance, and reliability by upgrading antennas, deploying generators, and installing microwaves.

2. Outage Reporting.

During the Reporting Period, Cellular South 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 the end users served in its designated service area in Alabama, or affect a 911 special facility.[7]

---

[6] This figure does not include operating expenses for high-cost cellular facility sites that were constructed in prior years. In addition, as outlined in its updated service quality improvement plan, Cellular South expects that capital expenditures and operating expenses for high-cost cellular facility sites to be constructed in the next several years will exceed the anticipated high-cost support.

[7] *See* 47 C.F.R. § 54.313(a)(2). With regard to 911 special facilities, Section 4.5(e) of the Commission's Rules provides as follows:

> An outage that potentially affects a 911 special facility occurs whenever:
>
> (1) There is a loss of communications to PSAP(s) potentially affecting at least 900,000 user-minutes and: The failure is neither at the PSAP(s) nor on the premises of the PSAP(s); no reroute for all end users was available; and the outage lasts 30 minutes or more; or
>
> (2) There is a loss of 911 call processing capabilities in one or more E–911 tandems/selective routers for at least 30 minutes duration; or
>
> (3) One or more end-office or MSC switches or host/remote clusters is isolated from 911 service for at least 30 minutes and potentially affects at least 900,000 user-minutes; or
>
> (4) There is a loss of ANI/ALI (associated name and location information) and/or a failure of location determination equipment, including Phase II equipment, for at least 30 minutes and potentially affecting at least 900,000 user-minutes (provided that the ANI/ALI or location determination equipment was

3. Service Requests.

During the Reporting Period, there were no unfulfilled requests for service from potential customers within the designated ETC service area.[8] However, Cellular South hereby certifies that it continues to follow a six-step process for provisioning service to requesting customers.[9]

Specifically, in response to any such requests for service at a residence or business, Cellular South will take the following steps:

1. If a request comes from a customer within its existing network, Cellular South will provide service immediately using its standard customer equipment.

2. If a request comes from a customer residing in any area where Cellular South does not provide service, Cellular South 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 customer's premises to provide service.
* Third, it will determine whether adjustments at the nearest cellular facility site can be made to provide service.

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then currently deployed and in use, and the failure is neither at the PSAP(s) or on the premises of the PSAP(s)).

47 C.F.R. 4.5(e).

[8] *See* 47 C.F.R. § 54.313(a)(3).

[9] This six-step process was formerly prescribed in Section 54.202(a)(1) of the Commission's Rules, but these provisions of Section 54.202 have been repealed by the Commission. *See CAF Order*, App. A (revising Section 54.202). Section 54.313(a)(3) of the Commission's Rules now requires that an ETC must "detail how it attempted to provide service to those potential customers" whose requests for service were unfulfilled in the prior calendar year. Cellular South followed the six-step process during the Reporting Period, and will continue to utilize the six-step process as a means of complying with the requirement established in Section 54.313(a)(3).

* Fourth, it will determine whether there are any other adjustments to network or customer facilities that can be made to provide service.
* Fifth, it will explore the possibility of offering the resold services of carriers that have facilities available to the customer location involved.
* Sixth, Cellular South will determine whether an additional cellular facility 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, Cellular South will notify the customer and notify the Commission of how many requests for service could not be filled in its next annual report filed pursuant to Section 54.313 of the Commission's Rules. Cellular South acknowledges that the Commission will retain authority to resolve any customer complaints alleging that Cellular South has refused to respond to a reasonable request for service.

4. Consumer Complaints.

During the Reporting Period, Cellular South **[BEGIN CONFIDENTIAL]** [redacted] **[END CONFIDENTIAL]**

5. Compliance with Service Quality and Consumer Protection Standards.

The Commission indicated in the *CAF Order* that ETCs must certify compliance with applicable service quality and consumer protection standards,[10] and also specifically noted that, if an ETC is complying with "the voluntary code of conduct concerning 'bill

[10] *CAF Order* at para. 580. *See* 47 C.F.R. § 54.313(a)(5).

shock'" or the CTIA–The Wireless Association® ("CTIA") Consumer Code for Wireless Service ("CTIA Code" or "Code"), it should so indicate in its annual report.[11]

Cellular South hereby certifies that it has reviewed its service quality and consumer protection practices, and that these practices ensure that Cellular South:

(1) Discloses rates and terms of service to customers.

(2) Makes available maps showing where service is generally available.

(3) Provides contract terms to customers and confirms changes in service.

(4) Allows a trial period for new service.

(5) Provides specific disclosures in advertising.

(6) Separately identifies carrier charges from taxes on billing statements.

(7) Provides customers the right to terminate service for changes to contract terms.

(8) Provides ready access to customer service.

(9) Promptly responds to consumer inquiries and complaints received from government agencies.

(10) Abides by policies for protection of consumer privacy.

(11) Provides consumers with free notifications for voice, data and messaging usage, and international roaming.

These service quality and consumer protection practice categories are the same as those included in the CTIA Code as currently in effect.[12] Cellular South notes that, with respect to the eleventh point listed above, CTIA has indicated the following:

[11] *CAF Order* at para. 580 n.956. The CTIA Code can be viewed on the CTIA website at http://www.ctia.org/consumer_info/service/index.cfm/AID/10352 (accessed Mar. 29, 2012).

> Each wireless provider will provide, at no charge: (a) a notification to consumers of currently-offered and future domestic wireless plans that include limited data allowances when consumers approach and exceed their allowance for data usage and will incur overage charges; (b) a notification to consumers of currently-offered and future domestic voice and messaging plans that include limited voice and messaging allowances when consumers approach and exceed their allowance for those services and will incur overage charges; and (c) a notification to consumers without an international roaming plan/package whose devices have registered abroad and who may incur charges for international usage. Wireless providers will generate the notifications described above to postpaid consumers based on information available at the time the notification is sent. Wireless consumers will not have to affirmatively sign up in order for these notifications to be sent. Each wireless provider shall provide its customers at least two of these alerts by October 17, 2012 and all of these alerts by April 17, 2013. Wireless providers will clearly and conspicuously disclose tools or services that enable consumers to track, monitor and/or set limits on voice, messaging and data usage.[13]

Cellular South hereby certifies that it intends to comply with the provisions of the eleventh point listed above, which is based upon the CTIA Code, pursuant to the implementation schedule established in the Code.

In connection with its review of its service quality and consumer protection practices, Cellular South has gathered various documentation demonstrating that these practices meet or exceed the requirements of the *CAF Order* and Section 54.313(a)(5) of the Commission's Rules in each of the practice categories enumerated above. Cellular South will make this documentation available to the Commission upon request.

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[12] Cellular South is not a member of CTIA, and therefore is not listed by CTIA as having implemented the provisions of the CTIA Code. Nonetheless, as Cellular South has explained in this report, its service quality and consumer protection practices are identical to those prescribed in the CTIA Code. The eleventh point to the CTIA Code, regarding free notifications to consumers, was added in October 2011.

[13] CTIA Code, http://www.ctia.org/consumer_info/service/index.cfm/AID/10352 (accessed Mar. 29, 2012).

6. Ability to Remain Functional in Emergencies.

Section 54.202(a)(2) of the Commission's Rules[14] requires that each ETC must "[d]emonstrate 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."[15] Section 54.313(a)(6) requires ETCs to certify that they are "able to function in emergency situations as set forth in §54.202(a)(2) . . . ."[16]

Cellular South 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. Cellular South hereby certifies that the Company is capable of functioning in emergency situations as defined in the above-quoted provisions of Section 54.202(a)(2) via the Company's generators and via temporary microwave facilities.

Conclusion

Cellular South trusts that the Commission will find this Annual Report to be responsive to the compliance materials requested in the *CAF Order*, in Section 54.313 of the Commission's Rules, and in the order designating Cellular South as an ETC in Alabama.

[14] 47 C.F.R. § 54.202(a)(2).

[15] 47 C.F.R. § 54.202(a). *See CAF Order* at para. 580.

[16] 47 C.F.R. § 54.313(a)(6).

REDACTED – FOR PUBLIC INSPECTION

Should the Commission have any questions or require any additional information, please contact:

David A. LaFuria, Esq.
Lukas, Nace, Gutierrez & Sachs, LLP
8300 Greensboro Drive
Suite 1200
McLean, Virginia 22102
(703) 584-8666
dlafuria@fcclaw.com

Respectfully submitted,

David A. LaFuria
Steven M. Chernoff
John Cimko

Lukas, Nace, Gutierrez & Sachs, LLP
8300 Greensboro Drive
Suite 1200
McLean, Virginia 22102
(703) 584-8666
dlafuria@fcclaw.com

Attorneys for:
Cellular South Licenses, LLC

April 2, 2012

EXHIBIT A

REDACTED – FOR PUBLIC INSPECTION

EXHIBIT A

UPDATED SERVICE QUALITY AND IMPROVEMENT PLAN

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

DECLARATION

DECLARATION UNDER PENALTY OF PERJURY

I, Judy White, do hereby declare under penalty of perjury as follows:

1. I am the Vice President of Accounting for Cellular South Licenses, LLC ("Cellular South").

2. This Affidavit is submitted in support of Cellular South's Annual Report, pursuant to the *Connect America Fund*, WC Docket No. 10-90, Report and Order and Further Notice of Proposed Rulemaking, FCC 11-161, 2011 WL 5844975 (rel. Nov. 18, 2011) and Section 54.313 of the Commission's Rules.

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

Executed on March 29, 2012.

Judy White
Vice President of Accounting
Cellular South Licenses, LLC

SUBSCRIBED, SWORN TO AND ACKNOWLEDGED before me this 29th day of March, 2012.

STATE OF MISSISSIPPI
MAGGIE L. HENDRICKS
ID No 69069
NOTARY PUBLIC
Comm Expires
July 17, 2012
HINDS COUNTY

NOTARY PUBLIC

My Commission Expires: July 17, 2012