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May 14, 2012

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VIA HAND DELIVERY

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

Re: Petition of Carolina West Wireless, Inc., for Designation as an Eligible Telecommunications Carrier in Additional Service Areas in the State of North Carolina

WC Docket No. 09-197, AU Docket No. 12-25, WT Docket No. 10-208

Dear Secretary Dortch:

On behalf of Carolina West Wireless, Inc. (SAC 239004) ("Carolina West" or the "Company"), please find enclosed a redacted public version of Carolina West's Petition for Designation as an Eligible Telecommunications Carrier in Additional Service Areas in the State of North Carolina ("Petition"), submitted pursuant to the *February 24 Public Notice* released by the Commission.* The enclosed Petition has been marked "**REDACTED –FOR PUBLIC INSPECTION.**"

Carolina West is also submitting to the Commission, by hand delivery, a confidential version of the Petition. The confidential version has been marked "**CONFIDENTIAL – NOT FOR PUBLIC INSPECTION.**"

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* *Eligible Telecommunications Carrier Designation for Participation in Mobility Fund Phase I*, Public Notice, DA 12-271 (rel. Feb. 24, 2012), 77 Fed. Reg. 14012 (Mar. 8, 2012) ("*February 24 Public Notice*").

PUBLIC REFERENCE COPY

Four copies of this filing are enclosed. An additional copy of the filing also has been provided, which you are requested to date-stamp and return in the envelope provided.

Please contact the undersigned at 703-584-8686 if any questions arise concerning the above-referenced enclosure or if you require any additional information.

Sincerely,

David A. LaFuria
Steven M. Chernoff
John Cimko

Attorneys for:
Carolina West Wireless, Inc.

Enclosure

ENCLOSURE

REDACTED – FOR PUBLIC INSPECTION

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

Telecommunications Carriers Eligible To Receive Universal Service Support	)	WC Docket No. 09-197
Mobility Fund Phase I Auction	)	AU Docket No. 12-25
Universal Service Reform – Mobility Fund	)	WT Docket No. 10-208
Carolina West Wireless, Inc.	)	
Petition for Designation as an Eligible Telecommunications Carrier in the State of North Carolina	)	

PETITION OF CAROLINA WEST WIRELESS, INC., FOR DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER IN ADDITIONAL SERVICE AREAS IN THE STATE OF NORTH CAROLINA

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REDACTED -- FOR PUBLIC INSPECTION

TABLE OF CONTENTS

I. BACKGROUND. 4

A. Carolina West Wireless, Inc. 4

B. Designation of Eligible Telecommunications Carriers. 7

C. Description of Carolina West's Proposed Additional ETC Service Areas. 7

II. NORTH CAROLINA DOES NOT REGULATE CMRS CARRIERS FOR ETC DESIGNATION PURPOSES 10

III. CAROLINA WEST SATISFIES ALL OF THE STATUTORY AND REGULATORY PREREQUISITES FOR DESIGNATION AS AN ETC. 12

A. Carolina West Is a Common Carrier. 12

B. Carolina West Will Provide the Supported Services Through a Combination of Facilities-Based Service and (If Necessary) Resale. 12

C. Carolina West Will Offer All of the Services and Functionalities Supported by the Universal Service Program. 13

1. Voice-Grade Access to the Public Switched Telephone Network. 14

2. Minutes of Use for Local Service at No Additional Charge. 15

3. Access to Emergency Services. 15

4. Lifeline; Toll Limitation. 15

D. Carolina West Will Advertise the Availability of and Charges for Its Universal Service Qualifying Offerings 16

E. Carolina West Will Satisfy Its Additional Obligations as an ETC. 17

1. Compliance with Service Requirements and Service Improvement Plan. 17

a. Compliance with Service Requirements. 17

b. Service Improvement Plan. 18

2. Ability To Remain Functional in Emergency Situations. 19

3. Consumer Protection. 20

4. Financial and Technical Qualifications. 22

5. Protections Against Fraud, Waste, and Abuse. 22

IV. DESIGNATING CAROLINA WEST AS AN ETC WILL SERVE THE PUBLIC INTEREST. 22

A. Carolina West's Designation Will Bring Improved Coverage and Service Quality. 24

B. Carolina West's Investment of USF Support in Its Proposed ETC Service Area Will Lead to Significant Health and Safety Benefits. 25

C. Carolina West's Designation Will Enhance Service Availability for Low-Income Consumers 26

D. Benefits of Competition. 27

E. Carolina West's Designation as an ETC Will Not Result in "Cream-Skimming." 29

V. HIGH-COST CERTIFICATION. 30

VI. ANTI-DRUG ABUSE CERTIFICATION. 31

VII. CONCLUSION. 31

Exhibit A – North Carolina Utilities Commission Certification Order

Exhibit B – List of Rural and Non-Rural Study Areas and Wire Centers To Be Served by Carolina West in Its Proposed Additional ETC Service Areas

Exhibit C – Carolina West Certification

Exhibit D – Carolina West's Service Improvement Plan

REDACTED – FOR PUBLIC INSPECTION

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

Telecommunications Carriers Eligible To Receive Universal Service Support	)	WC Docket No. 09-197
Mobility Fund Phase I Auction	)	AU Docket No. 12-25
Universal Service Reform – Mobility Fund	)	WT Docket No. 10-208
Carolina West Wireless, Inc.	)	
Petition for Designation as an Eligible Telecommunications Carrier in the State of North Carolina	)	

PETITION OF CAROLINA WEST WIRELESS, INC.,
FOR DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER
IN ADDITIONAL SERVICE AREAS IN THE STATE OF NORTH CAROLINA

1. Carolina West Wireless, Inc. ("Carolina West" or the "Company"), pursuant to Section 214(e) of the Communications Act of 1934 ("Act")[1] and Sections 54.201 through 54.207 of the Commission's Rules,[2] hereby submits this Petition for designation as an Eligible Telecommunications Carrier ("ETC") in additional areas of North Carolina for the purpose of participating in the High-Cost Universal Service Fund ("USF") support mechanism, including the newly established Mobility Fund,[3] and in the Lifeline support

[1] 47 U.S.C. § 214(e).

[2] 47 C.F.R. § 201-207.

[3] *Connect America Fund, et al.*, WC Docket No. 10-90, *et al.*, Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd 17663, 17798-99 (paras. 389-392) ("*CAF Order*"), *recon.*, FCC 11-189 (rel. Dec. 23, 2011), *further recon. pending, Connect America Fund et al.*, 77 Fed. Reg. 3635 (Jan. 25, 2012) (providing public notice of petitions for reconsideration), *petitions*

mechanism for low-income customers ("Petition").[4] Carolina West seeks this expansion of its ETC designation to be conditioned upon its winning support in the Mobility Fund Phase I reverse auction scheduled for September 27, 2012 ("Auction 901").[5] Such a condition is contemplated and permitted in the *CAF Order*[6] and the Commission's rules.[7]

2. As set forth in the *CAF Order*, designation as an ETC is a requirement prior to participating in Auction 901.[8] As demonstrated in this Petition, Carolina West meets all of the statutory and regulatory prerequisites for ETC designation for the purpose of bidding in Auction 901, and designation of the Company as an ETC for this pur-

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for review pending, Direct Commc'ns Cedar Valley v. FCC, No. 11-9581 (10th Cir. filed Dec. 18, 2011) (and consolidated cases).

[4] 47 C.F.R. § 400-422.

[5] *Mobility Fund Phase I Auction Scheduled for September 27, 2012; Comment Sought on Competitive Bidding Procedures for Auction 901 and Certain Program Requirements*, Public Notice, DA 12-121 (rel. Feb. 2, 2012), 77 Fed. Reg. 7152 (Feb. 10, 2012) ("*February 2 Public Notice*"), at para. 1. The Commission noted in the *February 2 Public Notice* that:

> Phase I of the Mobility Fund will provide up to $300 million in one-time support to address gaps in mobile services by supporting the build-out of current-and next-generation mobile networks in areas where these networks are unavailable. . . . The support offered under Phase I of the Mobility Fund is in addition to any ongoing support provided under existing high-cost universal service program mechanisms.

Id. at para. 6 (footnotes omitted). *See CAF Order*, 26 FCC Rcd at 17831 (para. 517).

[6] *CAF Order*, 26 FCC Rcd at 17799 (para. 391 n.665), 17809 (para. 439).

[7] *See* 47 C.F.R. §54.1003(a) (stating that "[t]he applicant's designation as an Eligible Telecommunications Carrier may be conditional subject to the receipt of Mobility Fund support"); *Mobility Fund Phase I Auction Scheduled for September 27, 2012, Notice and Filing Requirements and Other Procedures for Auction 901*, AU Docket No. 12-25, Public Notice, DA 12-641 (rel. May 2, 2012) ("*May 2 Public Notice*"), at para. 94.

[8] *CAF Order*, 26 FCC Rcd at 17798 (para. 389). *See May 2 Public Notice* at para. 94; *Eligible Telecommunications Carrier Designation for Participation in Mobility Fund Phase I*, Public Notice, DA 12-271 (rel. Feb. 24, 2012), 77 Fed. Reg. 14012 (Mar. 8, 2012) ("*February 24 Public Notice*") (setting forth the requirements for ETC designation to participate in Auction 901 for Mobility Fund Phase I support), *as modified by* Erratum, FCC Public Notice, DA 12-271 (rel. Feb. 27, 2012); 47 C.F.R. § 54.1003(a) (stating that "an applicant shall be an Eligible Telecommunications Carrier in an area in order to receive Mobility Fund Phase I support for that area").

pose in the areas requested in North Carolina will serve the public interest by enabling Carolina West to participate in Auction 901 and, if Carolina West is successful in the reverse auction, to use Mobility Fund Phase I support to deploy third generation ("3G") service in service areas in which such service currently is not available.

3. Sections 214(e) and 254 of the Act[9] expressly authorize the Commission to designate Carolina West as an ETC. Section 214(e)(6) of the Act[10] provides that the Commission may designate a common carrier as an ETC where, as here, that carrier's services are not subject to the jurisdiction of a state commission. Carolina West is providing with this Petition an affirmative statement from the North Carolina Utilities Commission that it lacks jurisdiction over wireless providers for purposes of ETC designations.[11]

4. Carolina West respectfully requests that the Commission grant this Petition expeditiously so that the Company may participate in Auction 901 in the expanded areas described herein,[12] and so that more North Carolina residents are able to benefit from the high-quality and high-value services that the Company offers in the state. As noted above, wireless carrier wishing to participate in Auction 901 must be designated as

[9] 47 U.S.C. §§ 214(e), 254.

[10] 47 U.S.C. §§ 214(e)(6).

[11] See Exhibit A.

[12] *See February 24 Public Notice* at para 2 (encouraging any party "that wishes to participate in Auction 901 with respect to an area for which it is not already designated an ETC [to] initiate the designation process as soon as possible to increase the likelihood that the process will be completed prior to the deadline for submitting an application for Auction 901").

an ETC at the time it submits its short-form application.[13] The deadline for short-form applications for Auction 901 is July 11, 2012.[14]

I. BACKGROUND.

A. Carolina West Wireless, Inc.

5. Carolina West, headquartered in Wilkesboro, North Carolina, is a commercial mobile radio service ("CMRS") carrier licensed by the Commission to provide mobile service[15] throughout portions of North Carolina. The Company has constructed a digital network in North Carolina, and has operated continuously in western markets in the state for nearly two decades.[16] Carolina West is owned by three rural telephone companies with long histories of providing quality service in their market areas. As consumers in rural America seek faster broadband speeds, Carolina West, through participation

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[13] See para. 2, *supra*.

[14] *May 2 Public Notice* at para. 113.

[15] The Act defines "mobile service" as follows:

> The term "mobile service" means a radio communication service carried on between mobile stations or receivers and land stations, and by mobile stations communicating among themselves, and includes:
>
> (A) both one-way and two-way radio communication services,
>
> (B) a mobile service which provides a regularly interacting group of base, mobile, portable, and associated control and relay stations (whether licensed on an individual, cooperative, or multiple basis) for private one-way or two-way land mobile radio communications by eligible users over designated areas of operation, and
>
> (C) any service for which a license is required in a personal communications service established pursuant to the proceeding entitled "Amendment to the Commission's Rules to Establish New Personal Communications Services" (GEN Docket No. 90-314; ET Docket No. 92-100), or any successor proceeding.

47 U.S.C. § 153(27).

[16] *See* North Carolina RSA 3 Cellular Telephone Company, Petition for Designation as an Eligible Telecommunications Carrier in the State of North Carolina, CC Docket No. 96-45 (filed June 8, 2004), at para. 5.

in USF support mechanisms such as the Mobility Fund Phase I funding mechanism, is committed to delivering 3G data services and, eventually, fourth generation ("4G") data services, throughout rural, underserved markets in which it operates.[17]

6. Carolina West was first designated as an ETC in North Carolina on August 14, 2006.[18] In ordering the designation of Carolina West as an ETC, the Wireline Competition Bureau ("Bureau") found that "Carolina West's universal service offering will provide a variety of benefits to customers including consumer choice and advantageous service offerings. For instance, universal service support will enable Carolina West to construct facilities to improve quality of service and extend telephone service to people who have no choice of telephone provider[,]"[19] and that "Carolina West will use support to offer a basic universal service package to subscribers who are eligible for Lifeline support and Carolina West has made detailed commitments to provide high quality service throughout the proposed service areas for which it seeks designation."[20] The Bureau also noted that:

> The mobility of Carolina West's wireless service will provide further benefits to consumers, such as access to emergency services in geographically isolated areas. Carolina West's designation as an ETC also will potentially allow its customers to be subject to fewer toll charges and provide cus-

[17] *See CAF Order*, 26 FCC Rcd at 17781 (para. 322) (stating that "[t]he goal of the Mobility Fund Phase I is to extend the availability of mobile voice service on networks that provide 3G or better performance and to accelerate the deployment of 4G wireless networks in areas where it is cost effective to do so with one-time support").

[18] *Federal-State Joint Board on Universal Service, North Carolina RSA 3 Cellular Telephone Company, Petition for Designation as an Eligible Telecommunications Carrier in the State of North Carolina*, CC Docket No. 96-45, Order, 21 FCC Rcd 9151 (Wireline Comp. Bur. 2006).

[19] *Id.* at 9156 (para. 17).

[20] *Id.* at 9156 (para. 18) (footnote omitted).

tomer access to premium services such as numeric paging, call forwarding, and call waiting.[21]

7. Carolina West has access to the spectrum necessary to satisfy the applicable performance requirements established by the Commission.[22] Carolina West currently holds the following licenses and leases for various radio services in North Carolina:

RADIO SERVICE	CALL SIGN	MARKET
Advanced Wireless[1]	WQBG254	CMA166 – Hickory, NC (all counties)
Advanced Wireless	WQGB255	CMA183 – Asheville, NC (all counties)
Advanced Wireless	WQGB256	CMA565 – North Carolina 1 – Cherokee (all counties)
Advanced Wireless	WQGB257	CMA566 – North Carolina 2 – Yancey (all counties)
Advanced Wireless	WQGB258	CMA567 – North Carolina 3 – Ashe (all counties)
Advanced Wireless	WQGB259	CMA568 – North Carolina 4 – Henderson (all counties)
Cellular	KNKN881	CMA566 – North Carolina 2 – Yancey (certain counties)[2]
Cellular	KNKN693	CMA567 – North Carolina 3 – Ashe (all counties)
PCS Broadband	WQCZ723	BTA189 – Hickory-Lenoir-Morganton, NC (all counties)
PCS Broadband	WQHG463	BTA020 – Asheville-Hendersonville, NC (all counties)
PCS Broadband	L000007757[3]	BTA074 – Charlotte-Gastonia, NC
PCS Broadband	L000007758[4]	BTA177 – Greenville-Spartanburg, SC (one county)

[1] Carolina West has not yet undertaken any deployment of facilities in any North Carolina areas in which it holds advanced wireless service licenses.

[2] Avery County and Watauga County, North Carolina.

[3] Lease agreement with SprintCom, Inc. (licensee).

[4] Lease agreement with WirelessCo, L.P. (licensee).

8. Carolina West also is a member-owner of Clear Stream Communications, LLC ("CSC"), a limited liability company formed under the laws of North Carolina, which participates in Verizon Wireless's "LTE in Rural America" program. Pursuant to this program, Verizon Wireless and CSC have entered into a leasing agreement for the purpose of allowing CSC to use Verizon Wireless's spectrum rights for a new commercial broadband wireless service offering in the following markets in North Carolina: Alleghany County, Ashe County, and Surry and Wilkes Counties.

[21] *Id.* at 9156-57 (para. 18) (footnotes omitted).

[22] *See CAF Order*, 26 FCC Rcd at 17798-17801 (paras. 388-399); 47 C.F.R. § 54.1003(b).

B. Designation of Eligible Telecommunications Carriers.

9. Sections 214(e) and 254 of the Act[23] expressly authorize the Commission to designate Carolina West as an ETC. Section 214(e)(6) of the Act provides that the Commission may designate a common carrier as an ETC where, as here, that carrier's services are not subject to the jurisdiction of a state regulatory commission.[24] That provision further states that the Commission may, in the case of any area served by a rural telephone company, and shall, in the case of any other area, designate more than one common carrier as an ETC, provided the requesting carrier (1) offers services that are supported by federal universal service support mechanisms; and (2) advertises the availability of such services.[25] The Commission's rules impose additional requirements on a common carrier seeking designation as an ETC. As demonstrated in the following sections,[26] Carolina West satisfies each of these requirements.

C. Description of Carolina West's Proposed Additional ETC Service Areas.

10. Carolina West, in its capacity as a provider of cellular service and broadband Personal Communications Service, is not a "rural telephone company" as that term is defined in Section 3(37) of the Act.[27] Accordingly, Carolina West is required to de-

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[23] 47 U.S.C. §§ 214(e), 254.

[24] 47 U.S.C. § 214(e)(6). The North Carolina Utilities Commission has confirmed that wireless communications carriers, such as Carolina West, are not subject to state jurisdiction for purposes of ETC designation. See Exhibit A.

[25] 47 U.S.C. § 214(e)(6).

[26] See Sections III and IV, *infra*.

[27] 47 U.S.C. § 153(37). Section 3(37) of the Act provides that:

> The term "rural telephone company" means a local exchange carrier operating entity to the extent that such entity—

scribe the geographic area in which it requests designation.[28] In this Petition, Carolina West requests ETC designation in certain areas served by incumbent local exchange carriers ("LECs") classified as "non-rural" and "rural," respectively. These areas are set forth in Exhibit B.[29]

11. Pursuant to Section 54.207 of the Commission's Rules,[30] a "service area" is a "geographic area established by a state commission for the purpose of determining

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> (A) provides common carrier service to any local exchange carrier study area that does not include either—
>
> > (i) any incorporated place of 10,000 inhabitants or more, or any part thereof, based on the most recently available population statistics of the Bureau of the Census; or
> >
> > (ii) any territory, incorporated or unincorporated, included in an urbanized area, as defined by the Bureau of the Census as of August 10, 1993;
>
> (B) provides telephone exchange service, including exchange access, to fewer than 50,000 access lines;
>
> (C) provides telephone exchange service to any local exchange carrier study area with fewer than 100,000 access lines; or
>
> (D) has less than 15 percent of its access lines in communities of more than 50,000 on the date of enactment of the Telecommunications Act of 1996.

Carolina West does not meet any of the criteria established in the definition.

[28] *See* 47 U.S.C. § 214(e); *February 24 Public Notice* at para. 6.

[29] See Exhibit B (List of Rural and Non-Rural Study Areas and Wire Centers To Be Served by Carolina West in Its Proposed Additional ETC Service Area). To the extent that any wire centers have been inadvertently excluded from Exhibit B, the Company seeks designation in certain wire centers in the study areas of the following non-rural incumbent LECs: BellSouth Telecomm Inc., d/b/a Southern Bell Tel. & Tel. and Verizon South Inc.-NC (Contel). The Company seeks designation throughout the entire study areas of the following rural LECs: Barnardsville Tel. Co., Citizens Tel. Co., Saluda Mountain Tel. Co.; and Surry Tel. Membership Corp. (within the sole wire center not covered by the Company's existing ETC designation). Lastly, the Company seeks designation in certain wire centers of the following rural incumbent LECs: Central Tel. Co. of NC and Windstream North Carolina, Inc. As discussed in paragraph 13 of this Petition, these rural LECs' service areas were already redefined at the wire-center level; accordingly, no further redefinition is required and the Commission's designation of Carolina West in these areas would take effect immediately.

[30] 47 C.F.R. § 54.207.

universal service obligations and support mechanisms."[31] In an area served by a rural telephone company, the Commission's rules define "service area" to mean the LEC study area unless a different definition of service area is established for the rural company.[32] As set forth herein and in Exhibit B, the Commission may designate Carolina West throughout its proposed ETC service area without the need for redefinition.

12. First, Carolina West's requested ETC service area includes wire centers of non-rural incumbent LECs and entire study areas of rural incumbent LECs. The Company seeks designation in certain wire centers in the study areas of the following non-rural incumbent LECs: BellSouth Telecomm Inc., d/b/a Southern Bell Tel. & Tel. and Verizon South Inc.-NC (Contel). Also, the Company seeks designation throughout the entire study areas of the following rural LECs: Barnardsville Tel. Co., Citizens Tel. Co., Saluda Mountain Tel. Co.; and Surry Tel. Membership Corp. (within the sole wire center not covered by the Company's existing ETC designation).[33]

13. Second, the Carolina West's proposed ETC service area includes portions of rural incumbent LEC service areas[34] that have already been redefined pursuant to the process set forth in Section 54.207 of the Commission's Rules.[35] Specifically, the Com-

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[31] 47 C.F.R. §54.207(a).

[32] 47 C.F.R. §54.207(b). *See Multi-Association Group (MAG) Plan for Regulation of Interstate Services of Non-Price Cap Incumbent Local Exchange Carriers and Interexchange Carriers,* CC Docket Nos. 96-45, 00-256, Fourteenth Report and Order, Twenty-Second Order on Reconsideration, Further Notice of Proposed Rulemaking, Report and Order, 16 FCC Rcd 11244 (2001).

[33] To the extent that any wire centers of these incumbent LECs have been inadvertently excluded from Exhibit B, the Company clarifies that it commits to offer and advertise the supported services throughout the entire study area of each of Barnardsville Tel. Co., Citizens Tel. Co., Saluda Mountain Tel. Co.; and Surry Tel. Membership Corp.

[34] Only entire wire centers are included within the Carolina West's proposed ETC service area.

[35] 47 C.F.R. §. 54.207.

pany seeks designation in certain wire centers of the following rural incumbent LECs: Central Tel. Co. of NC and Windstream North Carolina, Inc. These rural LECs' service areas have already been redefined at the wire-center level by the Commission and the relevant state authorities.[36] Accordingly, no further redefinition is required and the Commission's designation of Carolina West in these areas would take effect immediately.[37]

II. NORTH CAROLINA DOES NOT REGULATE CMRS CARRIERS FOR ETC DESIGNATION PURPOSES.

14. Section 254(e) of the Act provides that "only an eligible telecommunications carrier designated under Section 214(e) shall be eligible to receive specific universal service support."[38] The Act reserves the authority to designate entities as ETCs to state public utility commissions.[39] Pursuant to Section 214(e)(6), however, the Commission may designate as an ETC "a common carrier providing telephone exchange service and

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[36] *Designation of Carrier Eligible for Universal Service Support – Petition of North Carolina RSA 3 Cellular Telephone Company, d/b/a Carolina West Wireless for Commission Concurrence in Redefining Certain Rural Service Areas*, Docket No. P-100, SUB 133e, Order of Concurrence (N.C. Util. Comm'n, Dec. 1, 2008); *Petition by Carolina West Wireless for NCREA Concurrence in Redefining Certain Rural Service Areas*, Docket No. TMC 6, Sub 2, Order of Concurrence (N.C. Rural Electrif. Auth., Nov. 17, 2008); *Designation of Carriers Eligible for Universal Service Support – Petition of US Cellular for Commission Concurrence in Redefining Certain Service Areas*, Docket No. P-100, SUB 133e, Order of Concurrence (N.C. Util. Comm'n, Oct. 31, 2008); *Petition of U.S. Cellular for Concurrence in Redefining Certain Rural Service Areas*, Docket Nos. TMC-3, SUB 3, TMC-4, SUB 2, and TMC-9, SUB 2, Order of Concurrence (N.C. Rural Electrif. Auth., Nov. 17, 2008).

[37] *See High-Cost Universal Service Support, Federal-State Joint Board on Universal Service, Alltel Communications, et al. Petitions for Designation as Eligible Telecommunications Carriers, RCC Minnesota, Inc. and RCC Atlantic, Inc. New Hampshire ETC Designation Amendment,* WC Docket No. 05-337 and CC Docket No. 96-45, Order, 23 FCC Rcd 8834, 8864-67 (paras. 24, 28, 29, 31, 43) (2008) (subsequent history omitted).

[38] 47 U.S.C. § 254(e).

[39] *Id.*

exchange access that is not subject to the jurisdiction of a state commission . . . ."[40] The Commission has established that a carrier must demonstrate that it "is not subject to the jurisdiction of a state commission" before the Commission will review any ETC designation application.[41] The Commission also has stated that any carrier seeking ETC designation from the Commission must provide an "affirmative statement" from the state commission involved that it lacks jurisdiction to perform the ETC designation.[42]

15. The North Carolina Utilities Commission has affirmatively stated that it lacks jurisdiction over wireless providers for purposes of ETC designations. The Order attached as Exhibit A meets the FCC's requirements for an "affirmative statement" from a state commission that requests for ETC designation are not within its jurisdiction and should be sought from the FCC.[43] Accordingly, Carolina West requests that the Commission designate it as "a common carrier providing telephone exchange service and exchange access that is not subject to the jurisdiction of a State commission. . . ."[44]

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[40] 47 U.S.C. § 214(e)(6).

[41] *Procedures for FCC Designation of Eligible Telecommunications Carriers Pursuant to Section 214(e)(6) of the Communications Act*, Public Notice, 12 FCC Rcd 29947, 29948 (1997).

[42] *See Federal-State Joint Board on Universal Service; Promoting Deployment and Subscribership in Unserved and Underserved Areas, Including Tribal and Insular Areas*, Twelfth Report and Order and Further Notice of Proposed Rulemaking, 15 FCC Rcd 12208, 12264 (para. 113) (2000) ("*Twelfth Report and Order*"); *February 24 Public Notice* at para. 5.

[43] *See Twelfth Report and Order*, 15 FCC Rcd at 12214 (para. 7).

[44] 47 U.S.C. § 214(e)(6).

III. CAROLINA WEST SATISFIES ALL OF THE STATUTORY AND REGULATORY PREREQUISITES FOR DESIGNATION AS AN ETC.

16. As demonstrated in the following sections, Carolina West satisfies each of the statutory and regulatory prerequisites for designation as an ETC, as set forth in the Act and the Commission's rules.

A. Carolina West Is a Common Carrier.

17. Section 3(10) of the Act, defines a common carrier as "any person engaged as a common carrier for hire, in interstate or foreign communications by wire or radio . . . ."[45] Carolina West meets the definition of a person, offers interstate communications by radio, and is a common carrier for hire. As a CMRS carrier, Carolina West is regulated as a common carrier.[46]

B. Carolina West Will Provide the Supported Services Through a Combination of Facilities-Based Service and (If Necessary) Resale.

18. In accordance with Section 214(e)(l)(A) of the Act,[47] Carolina West will provide the supported services specified in Section 54.101(a) of the Commission's Rules[48] in the expanded areas using the same infrastructure and in the same manner in which it provides the supported services in its existing North Carolina ETC service area. Specifically, Carolina West will provide the supported services: (1) by using Carolina West's existing cellular network infrastructure, which consists of switching, trunking, cellular sites, and network equipment, together with any expansions and enhancements to

[45] 47 U.S.C. § 153(10). *See* 47 U.S.C. § 214(e)(1); 47 C.F.R. § 54.201(d).

[46] 47 C.F.R. § 20.9(a).

[47] 47 U.S.C. § 214(e)(1)(A). *See* 47 C.F.R. §§ 54.201(d)(1), 54.405.

[48] 47 C.F.R. § 54.101(a).

that network;[49] and (2) should it become necessary, through the resale of another carrier's service. The Company may consider the use of resale as an option only. Carolina West has the technical capability to maintain its facilities in emergencies. Upon designation as an ETC, Carolina West will report annually any expansions and enhancements to its network within its proposed ETC designation area at the same time it submits its reports and annual certification required under the Commission's Rules.[50] Therefore, Carolina West meets the requirement that it provide the supported services using its own facilities.[51]

C. Carolina West Will Offer All of the Services and Functionalities Supported by the Universal Service Program.

19. To be designated an ETC, the Act requires carriers to certify that they provide each of the supported services.[52] Attached as Exhibit C is a sworn declaration that Carolina West offers, "or will be able to offer, all of the services designated for support by the Federal Communications Commission"[53] in the expanded areas requested herein. Since its designation in 2006, Carolina West has offered the supported services through-

[49] *See* 47 U.S.C. § 214(e)(1)(A); 47 C.F.R. § 54.201(d)(1).

[50] 47 C.F.R. §§ 54.313, 54.314.

[51] 47 U.S.C. § 214(e)(1)(A). *See February 24 Public Notice* at para. 5; *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Report and Order, 12 FCC Rcd 8776, 8870-71 (1997) (subsequent history omitted) (noting that "[w]e conclude, therefore, that, if a carrier uses its own facilities to provide at least one of the designated services, and the carrier otherwise meets the definition of 'facilities' adopted above, then the facilities requirement of section 214(e) is satisfied"); *id.* at 8871 (indicating that "section 214(e) does not mandate the use of any particular level of a carrier's own facilities").

[52] *See, e.g.*, 47 U.S.C. §§ 214(e)(1)(A), 254(c); 47 C.F.R. § 54.201(d)(1); *February 24 Public Notice* at para. 5.

[53] *Designation of Fort Mojave Telecommunications, Inc., at al., as Eligible Telecommunications Carriers Pursuant to Section 214(e)(6) of the Communications Act*, AAD/USB File No. 98-28, Memorandum Opinion and Order, 13 FCC Rcd 4547, 4552 (para. 11) (1998) ("*Fort Mojave Order*"). In the *Fort Mojave Order*, the Commission made it clear that it will designate carriers as ETCs, pursuant to Section 214(e)(6) of the Act, upon finding that they "offer or will be able to offer" the supported services throughout the service areas involved.

out its designated ETC service area. Upon a grant of this Petition, Carolina West will offer all of the supported services as set forth in the Commission's rules, as recently modified by the *Lifeline Reform Order*,[54] throughout the expanded areas in which Carolina West is requesting designation as an ETC.[55] In addition, Carolina West will use Mobility Fund Phase I support to offer a basic universal service package to subscribers who are eligible for Lifeline support.[56] Carolina West is committed to providing high quality universal service offerings in North Carolina and will ensure that the supported services are available throughout the designated service area to all customers who make a reasonable request for service.

1. Voice-Grade Access to the Public Switched Telephone Network.

20. Carolina West offers customers voice grade access to the Public Switched Telephone Network, as required by Section 54.101(a)(1) of the Commission's Rules.[57] "Voice grade access" permits a telecommunications user to transmit voice communications, including signaling the network that the caller wishes to place a call, and to receive

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[54] *Lifeline and Link Up Reform and Modernization,* WC Docket No. 11-42, Report and Order and Further Notice of Proposed Rulemaking, FCC 12-11 (rel. Feb. 6, 2012), 77 Fed. Reg. 12952 (Mar. 2, 2012) ("*Lifeline Reform Order*").

[55] *See* 47 C.F.R. §54.101(a). As recently modified, the Commission's rules have identified the following services and functionalities as the core services to be offered by an ETC and supported by federal universal service support mechanisms:

> Eligible voice telephony services must provide voice grade access to the public switched network or its functional equivalent; minutes of use for local service provided at no additional charge to end users; access to the emergency services provided by local government or other public safety organizations, such as 911 and enhanced 911 systems . . . ; and toll limitation services to qualifying low-income consumers as described in subpart E of this part.

47 C.F.R. § 54.101(a) (as modified by the *Lifeline Reform Order*).

[56] *See* 47 C.F.R. § 54.405(a); *Lifeline Reform Order.*

[57] 47 C.F.R. § 54.101(a)(1).

voice communications, including receiving a signal that there is an incoming call. Carolina West will provide its customers with "voice grade access" by providing mobile voice communications service and by enabling such customers to make and receive calls on the Public Switched Telephone Network.

2. Minutes of Use for Local Service at No Additional Charge.

21. Carolina West's service in North Carolina includes local usage that allows customers to originate and terminate calls within a local calling area without incurring toll charges. Carolina West will continue to offer service plans that include varying amounts of local usage. Carolina West will comply with any and all minimum local usage requirements the Commission may adopt with respect to universal service offerings. Therefore, Carolina West satisfies the local usage criterion for ETC designation.

3. Access to Emergency Services.

22. Carolina West will provide access to emergency services in conformance with the Commission's requirements. All of the handset devices that Carolina West will distribute to subscribers will be capable of delivering automatic numbering information and automatic location information, and otherwise satisfy applicable enhanced-911 requirements. Carolina West also will meet all requests for E911 service received from Public Service Answering Points.

4. Lifeline; Toll Limitation.

23. Certain low-income consumers in North Carolina will be eligible to pay reduced monthly fees under the Federal Lifeline program in which Carolina West will participate. A description of the Company's Lifeline program may be accessed at http://www.carolinawest.com/lifeline-phone-service/.

24. Carolina West will offer toll limitation services, which may be in the form of "toll control" or "toll blocking" services, to qualifying Lifeline customers.[58] Toll blocking allows customers to block the completion of outgoing toll calls. Toll control allows the customer to limit the toll charges a subscriber may incur during a billing period. Upon designation as an ETC in the additional service areas described in this Petition, Carolina West will offer toll limitation services to Lifeline customers in those areas, at no charge. Therefore, Carolina West meets the ETC requirement of offering toll limitation services to Lifeline customers.

D. Carolina West Will Advertise the Availability of and Charges for Its Universal Service Qualifying Offerings

25. In accordance with Section 214(e)(1)(B) of the Act[59] and Section 54.201(d)(2) of the Commission's Rules,[60] Carolina West will advertise the availability of the supported services detailed above, and the corresponding rates and charges, in a manner designed to inform the general public within its expanded North Carolina ETC service area.[61]

26. This advertising will occur through a combination of media channels, such as television and radio, newspaper, magazine, and other print advertisements, outdoor advertising, direct marketing, and the Internet. In addition, Carolina West will advertise the availability of Lifeline benefits throughout its expanded ETC service area by includ-

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[58] 47 C.F.R. § 54.101(a). *See Federal-State Joint Board on Universal Service,* CC Docket Nos. 96-45, 96-262, 94-1, 91-213, 95-72, Fourth Order on Reconsideration, Report and Order, 13 FCC Rcd 5318 (1997).

[59] 47 U.S.C. § 214(e)(1)(B).

[60] 47 C.F.R. § 54.201(d)(2).

[61] *See id.*; 47 U.S.C. § 214(e)(1)(B); *February 24 Public Notice* at para. 5.

ing mention of such benefits in advertising and reaching out to community health, welfare, and employment offices to provide information to those people most likely to qualify for Lifeline benefits.

E. Carolina West Will Satisfy Its Additional Obligations as an ETC.

27. In addition to those requirements set forth in Section 54.201 of the Commission's Rules,[62] Carolina West will satisfy other ETC requirements adopted by the Commission. In particular:

1. Compliance with Service Requirements and Service Improvement Plan.

28. Section 54.202(a)(1) of the Commission's Rules[63] requires an ETC applicant to: (1) certify that it will comply with the service requirements applicable to the support it receives; and (2) submit a service improvement plan that describes proposed improvements or upgrades to the applicant's network throughout its proposed service area.[64]

a. Compliance with Service Requirements.

29. Carolina West certifies that it will comply with the service requirements applicable to the support that it receives.[65] It will provide service throughout the proposed designated ETC area using its standard customer equipment and service offerings where available.

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[62] 47 C.F.R. § 54.201.

[63] 47 C.F.R. § 54.202(a)(1) (as modified by the *Lifeline Reform Order*).

[64] 47 C.F.R. § 54.202(a)(1)(i)-(ii). *See February 24 Public Notice* at para. 5.

[65] *See* 47 C.F.R. § 54.202(a)(1)(i).

b. Service Improvement Plan.

30. Carolina West submits its proposed Service Improvement Plan ("Plan"), attached hereto as Exhibit D, in accordance with Section 54.202(a)(l)(ii) of the Commission's Rules.[66] Because the Plan contains highly confidential information, the Company is confidential treatment of Exhibit D in accordance with the Commission's Rules. The Plan describes the projected improvements in the additional service areas in the State of North Carolina in which the Company seeks ETC designation in this Petition.

31. The Plan reflects capital expenditures that exceed the level of expenditures Carolina West would be able to commit in the absence of Mobility Fund Phase I support. Moreover, as set forth in the Plan, the Company will incur expenses in order to upgrade and maintain its existing network in the areas in which the Company seeks designation, in order to provide 3G service in those areas.

32. Carolina West's Plan is contingent upon receiving funding through Mobility Fund Phase I. Further, the Plan must be flexible in order to respond to general consumer demand, changes in technology, and other appropriate factors, and, thus, the Plan, including the priority of construction of each cellular site, is subject to change for these reasons. The Company commits to provide the Commission with annual progress reports consistent with Section 54.213(a)(l) of the Commission's Rules.[67]

33. The Plan satisfies the ETC designation requirements and constitutes a good faith estimate of the universal service benefits, including expanded coverage and improved signal and service quality, which citizens of the State of North Carolina will

[66] 47 C.F.R. § 54.202(a)(l)(ii).
[67] 47 C.F.R. § 54.213(a)(l).

enjoy if the Commission designates Carolina West as an ETC in the additional requested service areas and the Company is successful in obtaining Mobility Fund Phase I support.

2. Ability To Remain Functional in Emergency Situations.

34. Carolina West will be able to remain functional in emergency situations in the expanded area, as it is in its existing ETC service area.[68] The Company's network is designed to remain functional in emergency situations. Specifically, Carolina West (1) will have adequate amounts of back-up power to ensure functionality without an external power source; (2) will be able to reroute traffic around damaged facilities; and (3) will be capable of managing traffic spikes resulting from emergency situations.[69]

35. Carolina West's system is reinforced by the presence of fixed power generator backups at remote sites, and by six-hour battery-powered back-up generators at all sites. In addition, the Company maintains a fleet of portable generators that can be moved to individual cellular sites, as needed. The Company also has ready access to alternate generators if the need for such generators should arise.

36. Carolina West's switch connectivity to the public switched voice network is based on a protected ring topology and is redundant—traffic can be re-routed if necessary. All cellular sites are covered by the availability of emergency support on a 24-hours-per-day, seven-days-per-week basis. Response time to an outage report is normally less than 30 minutes.

[68] *See* 47 C.F.R. § 54.202(a)(2); *February 24 Public Notice* at para. 6.

[69] *See* 47 C.F.R. § 54.202(a)(2).

37. In accordance with Section 54.313(a)(6) of the Commission's Rules,[70] Carolina West will annually certify that it is able to function in emergency situations. The Company will also fulfill the annual outage reporting requirement described in Section 54.313(a)(2), which requires an ETC applicant to submit detailed information on any outage of at least thirty (30) minutes in duration that potentially affects (1) at least 10 percent of the end users served in a designated area; or (2) a 911 special facility, as defined in Section 4.5(e) of the Commission's Rules.[71]

38. As required by the Commission's Rules, the outage report will include information detailing: (1) the date and time of onset of the outage; (2) a brief description of the outage and its resolution; (3) the particular services affected; (4) the geographic areas affected by the outage; (5) steps taken by Carolina West to prevent a similar situation in the future; and (6) the number of customers affected.[72] Therefore, Carolina West meets the requirement that its facilities and equipment will remain functional in emergency situations.

3. Consumer Protection.

39. Section 54.202(a)(3) of the Commission's Rules states that an ETC applicant must "demonstrate that it will satisfy applicable consumer protection and service quality standards."[73] A commitment by wireless applicants to comply with the Consumer Code for Wireless Service adopted by CTIA–The Wireless Association® ("CTIA Code")

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[70] 47 C.F.R. § 54.313(a)(6).

[71] *Id.*; 47 C.F.R. § 4.5(e).

[72] 47 C.F.R. § 54.313(a)(6).

[73] 47 C.F.R. § 54.202(a)(3). *See February 24 Public Notice* at para. 6.

satisfies this requirement.[74] Carolina West is committed to abide by the CTIA Code, as it may be amended from time to time, throughout its service area.[75]

40. Moreover, if designated as an ETC for the purpose of receiving Mobility Fund Phase I support, Carolina West will abide by the requirements of Sections 54.313(a)(4) and 54.313(a)(5) of the Commission's Rules.[76] Specifically, the Company will, on an annual basis, certify its compliance with the CTIA Code and report the number of customer complaints per thousand handsets. Accordingly, Carolina West meets the consumer protection requirements.

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[74] *Id.* The CTIA Code can be viewed on the Web at http://files.ctia.org/pdf/Consumer Code.pdf.

[75] CTIA amended the CTIA Code in October 2011 to provide that wireless carriers agree to provide consumers with free notifications for voice, data and messaging usage, and international roaming. In explaining this "bill shock" provision, CTIA has indicated the following:

> 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.

CTIA Code, http://www.ctia.org/consumer_info/service/index.cfm/AID/10352. Carolina West certifies that it intends to comply with the provisions of the eleventh point of the CTIA Code pursuant to the implementation schedule established in the Code.

[76] 47 C.F.R. §§ 54.313(a)(4), 54.313(a)(5) (as modified by the *CAF Order*).

4. Financial and Technical Qualifications.

41. Carolina West certifies that it is financially and technically qualified to provide, and intends to provide, broadband services meeting the Commission's requirements, *i.e.*, either 3G service in the supported areas within two years after the date Carolina West is authorized to receive Mobility Fund Phase I support, or 4G service within three years after such date.[77]

5. Protections Against Fraud, Waste, and Abuse.

42. Carolina West will take all steps necessary to prevent fraud, waste, and abuse in connection with its use of Mobility Fund Phase I support, and will comply with all applicable Lifeline requirements adopted by the Commission for purposes of preventing fraud, waste, and abuse.[78]

IV. DESIGNATING CAROLINA WEST AS AN ETC WILL SERVE THE PUBLIC INTEREST.

43. For Carolina West to be designated as an ETC in a rural service area, the Commission must find that the grant of ETC status to Carolina West in the rural service area would serve the public interest.[79] In cases decided by the Commission, the question of whether it is in the public interest to designate a wireless carrier in areas served by rural incumbent LECs has been decided in the affirmative.[80]

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[77] *See CAF Order*, 26 FCC Rcd at 17801 (paras. 400-403); 47 C.F.R. §§ 54.1003(c), 54.1006.

[78] *See Lifeline Reform Order*.

[79] *See* 47 U.S.C. § 214(e)(2). No public interest finding is required where a carrier is seeking ETC designation in a non-rural service area. *Id.*

[80] *See, e.g., Carolina West Order*; *Corr Wireless Communications, LLC,* CC Docket No. 96-45, Order, 21 FCC Rcd 1217 (Wireline Comp. Bur. 2006); *RCC Minnesota, Inc. and RCC Atlantic, Inc.,* CC Docket No. 96-45, Order, 20 FCC Rcd 15833 (Wireline Comp. Bur. 2005); *Virginia Cellular LLC,* CC Docket No. 96-45, Memorandum Opinion and Order, 19 FCC Rcd 1563

44. The Telecommunications Act of 1996 ("1996 Act"), and the Commission in its enabling orders, provide guidance for determining the public interest.[81] The over-arching principles embodied in the 1996 Act are to "promote competition and reduce regulation[,] . . . secure lower prices and higher quality services[,] . . . and encourage the rapid deployment of new telecommunications technologies."[82]

45. In conformity with the Act and the Commission's rules, the Commission has repeatedly found that wireless carriers satisfy the federal requirements for ETC designation, and has cautioned state commissions against imposing artificial barriers to competitive entry by wireless carriers, particularly in rural areas where wireless carriers are best positioned to compete with wireline carriers.[83]

46. Although the Commission's rules do not provide specific public interest criteria, the Commission has previously enunciated a framework of five factors for consideration in ETC designations. In determining the public interest, the Commission has indicated that the following should be considered:

- The benefits of increased competitive choice;
- The impact of designation on the federal USF;

(2004) ("*Virginia Cellular Order*"); *NPCR, Inc., d/b/a Nextel Partners,* 19 FCC Rcd 16530 (2004); *Highland Cellular, Inc.,* CC Docket No. 96-45, Memorandum Opinion and Order, 19 FCC Rcd 6422 (2004).

[81] *See, e.g., Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Report and Order, 12 FCC Rcd 8776, 8801 (para. 47) (1997) ("*Universal Service First Report and Order*") (subsequent history omitted); *Federal-State Joint Board on Universal Service,* CC Docket No. 96-45, Ninth Report and Order and Eighteenth Order on Reconsideration, 14 FCC Rcd 20432, 20480 (para. 90) (1999) ("*Universal Service Ninth Report and Order*").

[82] 1996 Act (preamble).

[83] *See Federal-State Joint Board on Universal Service*, CC Docket Nos. 96-45, 96-262, Seventh Report and Order, 14 FCC Rcd 8078 (1999).

- The unique advantages and disadvantages of the competitor's service offering;
- Any commitments made regarding the quality of telephone service; and
- The likelihood that cream-skimming will result from the designation.[84]

47. Carolina West sets forth below specific facts demonstrating how its designation will advance the public interest in the service areas requested in this Petition.

A. Carolina West's Designation Will Bring Improved Coverage and Service Quality.

48. Through participation in the Mobility Fund Phase I support mechanism, Carolina West will operate, maintain, and expand its communications infrastructure in North Carolina to provide advanced wireless services, improve signal coverage, enhance wireless call quality, and provide more advanced services to North Carolina consumers. These investments will be above and beyond other investments Carolina West undertakes with internally generated capital. If it is granted ETC status in the proposed ETC service areas, and is successful in securing funding in Auction 901, Carolina West intends to bring and expand 3G wireless services to the area, and eventually 4G services.

49. Carolina West states on information and belief that there are areas within its proposed ETC service areas in which 3G or better broadband service is unavailable.[85] As set forth above, Carolina West commits to provide service to consumers upon reasonable request, and to use Mobility Fund Phase I support to upgrade and expand its network

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[84] *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Report and Order, 20 FCC Rcd 6371, 6390-96 (paras. 44-57) (2005) ("*ETC Designation Requirements Order*").

[85] *See February 2 Public Notice* at para. 2 (indicating that "Auction 901 will award one-time support to carriers that commit to provide 3G or better mobile voice and broadband services in areas where such services are unavailable").

to provide improved coverage and capacity. The mobility of the Company's wireless service will assist "consumers in rural areas who often must drive significant distances to places of employment, stores, schools, and other critical community locations."[86]

50. Carolina West employs an experienced engineering and technical support team that will monitor service quality and service outages across the Company's planned network, providing on-call emergency support 24 hours a day, seven days a week. Carolina West's response time to an outage report will normally be less than 30 minutes.

51. In areas where signal strength is weak and where no business plan supports construction of new facilities, Carolina West will use Mobility Fund Phase I support to construct facilities capable of providing 3G service, which will improve signal strength and serve consumers with the same top quality mobile service that urban consumers enjoy today.

B. Carolina West's Investment of USF Support in Its Proposed ETC Service Area Will Lead to Significant Health and Safety Benefits.

52. People in rural areas depend on mobile phones more and more to provide critical communications needs. Designating Carolina West as an ETC in the areas requested in this Petition will provide additional consumer choice and a potential solution to health and safety risks associated with the rural nature of these areas.[87] If Carolina West is successful in obtaining Mobility Fund Phase I support, then its deployment of 3G

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[86] *Virginia Cellular Order,* 19 FCC Rcd at 1576 (para. 29).

[87] *See, e.g., Corr Wireless Communications, LLC, Petition for Designation as an Eligible Telecommunications Carrier in the State of Alabama,* CC Docket No. 96-45, Order, 21 FCC Rcd 1217, 1226 (2006) (stating that "[t]he mobility of telecommunications assists consumers in rural areas who often must drive significant distances to places of employment, stores, schools, and other locations").

mobile service will increase channel capacity and increase the number of completed calls, including important health and safety calls. Thus, for every cellular site that Carolina West constructs for the deployment of 3G service, the reliability and performance of Carolina West's E911 service will improve.

53. Important public safety benefits will be realized if the Commission designates Carolina West as an ETC in its proposed service area and the Company is successful in obtaining Mobility Fund Phase I support in Auction 901. Federal high-cost support would significantly bolster Carolina West's ability to expand its coverage more quickly throughout portions of North Carolina and build a 3G network that can offer state-of-the-art services.

54. Carolina West's network will be reinforced by the presence of battery and generator backups, capable of running for significant periods in the event of a major electrical outage. Portable generators can be moved to individual cellular sites in the event of a catastrophic electrical failure. Each cellular site on the network is protected by the availability of 24 hour a day, seven days a week emergency support.

C. Carolina West's Designation Will Enhance Service Availability for Low-Income Consumers.

55. Designation of Carolina West as an ETC in the areas of North Carolina requested, combined with Carolina West's receipt of Mobility Fund Phase I support in Auction 901, would enable the Company to offer more appealing and affordable service offerings to low-income customers to ensure that they are able to afford wireless services on a consistent and uninterrupted basis. Without question, wireless services have become essential for lower-income citizens, providing them with value for their money, access to

emergency services on wireless devices, and a reliable means of contact for prospective employers, social service agencies, and dependents.

56. A commitment to reach out to the low income community through active participation in the Lifeline program is an essential element in demonstrating that the public interest will be served by a grant of this Petition. Many low income persons need a mobile phone and Carolina West will offer them the opportunity to choose a mobile service plan for the first time. Carolina West makes this commitment to serve low income communities, and also points out that providing the Company with the authority necessary to offer discounted Lifeline services to those most in danger of losing wireless service altogether undoubtedly promotes the public interest.

D. Benefits of Competition.

57. One of the principal goals of the 1996 Act is, again, to "promote competition and reduce regulation in order to secure lower prices and high-quality services for American telecommunications consumers and encourage the rapid deployment of new telecommunications technologies."[88] Designation of a competitive ETC in rural areas increases facilities and spurs development of advanced communications as carriers vie for a consumer's business.[89] Further, as the Commission has stated, the "goal of the Mobility Fund Phase I is to extend the availability of mobile voice service on networks that provide 3G or better performance and to accelerate the deployment of 4G wireless networks

[88] *See* 1996 Act (preamble).

[89] *See, e.g., Alltel Michigan Order* at 11; *N.E. Colorado Cellular, Inc. d/b/a Viaero Wireless,* Application No. C-3324 (Neb. PSC, Oct. 18, 2005) at 11-12.

in areas where it is cost effective to do so with one-time support."[90] Carolina West's plans for the use of Mobility Fund Phase I support directly support this goal.

58. Designation of Carolina West as an ETC will promote competition and facilitate the provision of high-quality communications services to those living and working within the Company's proposed service area.[91] Residents in many rural areas have long trailed consumers in urban areas in receiving competitive local exchange service and advanced telecommunications services, and in some rural areas no meaningful choice of local exchange carrier exists. It is also evident that the deployment of high-quality wireless telecommunications infrastructure is essential to economic development in rural areas.

59. Carolina West will have every incentive to meet its commitments made in this proceeding to use Mobility Fund Phase I support to improve its network and reliability. If designated an ETC by the Commission in the proposed ETC service area and successful in obtaining Mobility Fund Phase I support, Carolina West will be able to better compete for customers, service quality and customer service will improve, and 3G services (and, ultimately, 4G services) will be deployed more quickly to more North Carolina residents. Wider local-calling areas and lower prices overall may also be introduced by Carolina West to retain and attract customers.[92]

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[90] *See CAF Order*, 26 FCC Rcd at 17781 (para. 322).

[91] *See Carolina West Order*, 21 FCC Rcd at 9156 (para. 17) (finding that "Carolina West's universal service offering will provide a variety of benefits to customers including consumer choice and advantageous service offerings. For instance, universal service support will enable Carolina West to construct facilities to improve quality of service and extend telephone service to people who have no choice of telephone provider.").

[92] *See Implementation of Section 6002(b) of the Omnibus Budget Reconciliation Act of 1993, An-*

E. Carolina West's Designation as an ETC Will Not Result in "Cream-Skimming."

60. As part of its public interest analysis, the Commission must determine whether Carolina West's designation will enable it to "cream-skim," that is, target low-cost portions of a rural incumbent LEC's service area in which uneconomically high levels of support are available.

61. The purpose of the cream-skimming evaluation that the Commission typically has performed as part of its public interest analysis in reviewing petitions for ETC designation has been to ensure that a competitive ETC does not provide service only in the lowest-cost portions of an incumbent LEC's service area, and to ensure that the support a competitive ETC receives is reflective of the incumbent LEC's costs to serve the relevant wire centers.

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nual Report and Analysis of Competitive Market Conditions With Respect to Commercial Mobile Service, WT Docket No. 06-17, Eleventh Report, 21 FCC Rcd 10947, 10984-85 (para. 92) (2006) (describing how consumers have benefited from the proliferation of service offerings, including free mobile-to-mobile, nationwide toll-free or roaming-free calling, family plans, and unlimited calling to a list of designated numbers); *Applications of AT&T Wireless Services, Inc. and Cingular Wireless Corp.,* WT Docket Nos. 04-70, 04-254, 04-323, Memorandum Opinion and Order, 19 FCC Rcd 21522, 21554 (para. 63) (2004) (footnote omitted):

> By fostering continuing experimentation with a variety of different pricing options, service packages, and policies on handset subsidies, competition to attract and retain customers has resulted in complicated and ever-changing pricing and feature structures. Today all of the nationwide operators offer some version of a national rate pricing plan in which customers can purchase variously sized buckets of minutes to use on a nationwide or nearly nationwide network without incurring roaming or long-distance charges. Other significant trends in mobile telephony pricing have been the offering of free night and weekend minutes, and the expansion of free calling among a particular company's customers, known as "in-network" or "mobile-to-mobile" calling. Moreover, although most U.S. mobile telephony subscribers pay their mobile phone bills after they have incurred charges (known as postpaid service), all the nationwide operators offer some version of a prepaid service either directly to their retail customers or through third-party resellers.

62. The Commission has been concerned that, if an ETC seeks designation in a disproportionate share of higher-density wire centers in an incumbent LEC's service area, the "ETC may receive more support than is reflective of the rural incumbent LEC's cost of serving that wire center because support for each line is based on the rural telephone company's average costs for serving the entire service area . . . ."[93]

63. The *CAF Order* has eliminated any possibility of cream-skimming by recipients of Mobility Fund support. The Commission has frozen competitive ETC support[94] and also has provided for the phase-down of this frozen support. Thus, the level of a competitive ETC's support in a given service area is no longer based on the per-line support received by the rural incumbent LEC in that service area.[95] In addition, the new Mobility Fund support regime adopted by the Commission for wireless competitive ETCs will disburse support to the lowest bidders participating in reverse auctions.[96] These actions taken by the Commission in the *CAF Order* have the effect of mooting the Commission's prior concerns regarding cream-skimming.

V. HIGH-COST CERTIFICATION.

64. Under Section 54.314 of the Commission's Rules,[97] carriers wishing to obtain high-cost support must either be certified by the appropriate state commission or, where the state commission does not exercise jurisdiction, must self-certify with the

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[93] *ETC Designation Requirements Order*, 20 FCC Rcd at 6392 (para. 49).

[94] *See* 47 C.F.R. § 54.307(e)(1).

[95] *See CAF Order*, 26 FCC Rcd at 17825-30 (paras. 498-511).

[96] *See id.* at 17773-17818 (paras. 301-478), 17824-25 (paras. 493-497).

[97] 47 C.F.R. § 54.314.

Commission and the Universal Service Administrative Company their compliance with Section 254(e) of the Act.[98]

65. Carolina West commits to use available federal USF support for its intended purposes—the provision, maintenance, and upgrading of facilities and services for which support is intended.[99] Therefore, Carolina West respectfully requests that the Commission issue a finding that the Company has met the high-cost certification requirement and that Carolina West is therefore entitled to receive federal USF high-cost support.

VI. ANTI-DRUG ABUSE CERTIFICATION.

66. No party to this Petition is subject to denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1998.[100]

VII. CONCLUSION.

67. For the reasons discussed in this Petition, Carolina West respectfully requests that (1) the Commission act expeditiously to designate the Company as an Eligible Telecommunications Carrier for the requested designated service areas in North Carolina, and for the purpose of participating in Auction 901; and (2) the Commission make such

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[98] 47 U.S.C. § 254(e).

[99] See Exhibit C.

[100] 21 U.S.C. § 862.

designation contingent upon Carolina West's receipt of Mobility Fund Phase I support in Auction 901.

Respectfully submitted,

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Attorneys for
CAROLINA WEST WIRELESS, INC.

May 14, 2012

EXHIBIT A

North Carolina Utilities Commission Certification Order

STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH

DOCKET NO. P-100, SUB 133o

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of Designation of Carriers Eligible for Universal Carrier Support	)	ORDER GRANTING PETITION

BY THE COMMISSION: On August 22, 2003, North Carolina RSA3 Cellular Telephone Company, d/b/a Carolina West (Carolina West), a commercial mobile radio service (CMRS) provider, filed a Petition seeking an affirmative declaratory ruling that the Commission lacks jurisdiction to designate CMRS carrier eligible telecommunications carrier (ETC) status for the purposes of receiving federal universal service support.

In support of its Petition, Carolina West stated that it was a CMRS provider authorized by the Federal Communications Commission (FCC) to provide cellular mobile radio telephone service in North Carolina, and that the FCC had clearly recognized that CMRS carriers such as Carolina West may be designated as ETCs. ETC status is necessary for a provider to be eligible to receive universal service support. Section 214(e)(6) of the Telecommunications Act provides that if a state commission determines that it lacks jurisdiction over a class of carriers, the FCC is charged with making the ETC determination. The FCC has stated that, in order for the FCC to consider requests pursuant to this provision, a carrier must provide an "affirmative statement" from the state commission or court of competent jurisdiction that the state lacks jurisdiction to perform the designation. To date, several state commissions have declined to exercise such jurisdiction.

North Carolina has excluded CMRS form the definition of "public utility." See, G.S. 62-3(23)j. Pursuant to this, the Commission issued its Order Concerning Deregulation of Wireless Providers in Docket Nos. P-100, Sub 114 and Sub 124 on August 28, 1995, concluding that the Commission no longer has jurisdiction over cellular services. Accordingly, Carolina West has now requested the Commission to issue an Order stating that it does not have jurisdiction to designate CMRS carriers ETC status for the purposes of receiving federal universal service support.

WHEREUPON, the Commission reaches the following

CONCLUSIONS

After careful consideration, the Commission concludes that it should grant Carolina West's Petition and issue an Order stating that it lacks jurisdiction to designate ETC status

for CMRS carriers. As noted above, in its August 28, 1995, Order in Docket Nos. P-100, Sub 114 and Sub 124, the Commission observed that G.S. 62-3(23)], enacted on July 29, 1995, has removed cellular services, radio common carriers, personal communications services, and other services then or in the future constituting a mobile radio communications service from the Commission's jurisdiction. 47 USC 3(41) defines a "state commission" as a body which "has regulatory jurisdiction with respect to the intrastate operation of carriers." Pursuant to 47 USC 214(e)(6), if a state commission determines that it lacks jurisdiction over a class of carriers, the FCC must determine which carriers in that class may be designated as ETCs. Given these circumstances, it follows that the Commission lacks jurisdiction over CMRS services and the appropriate venue for the designation of ETC status for such services is with the FCC. Accord., Order Granting Petition, ALLTEL Communications, Inc., June 24, 2003.

IT IS, THEREFORE, SO ORDERED.

ISSUED BY ORDER OF THE COMMISSION.

This the 28th day of August, 2003.

NORTH CAROLINA UTILITIES COMMISSION

Patricia Swenson

Patricia Swenson, Deputy Clerk

EXHIBIT B

List of Rural and Non-Rural Study Areas and Wire Centers To Be Served by Carolina West in Its Proposed Additional ETC Service Areas

LIST OF NON-RURAL WIRE CENTERS TO BE SERVED BY CAROLINA WEST IN ITS PROPOSED ADDITIONAL ETC SERVICE AREAS

WC CODE	COMPANY NAME	EXCHANGE	ETC Now	ETC Proposed
BLRKNCCE	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	BLOWING ROCK	Y	Y
BOONNCKI	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	BOONE	Y	Y
NWLDNCCE	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	NEWLAND	Y	Y
SPPNNCMA	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	SPRUCE PINE	Y	Y
HRFRTNMA	BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	WATERVILLENC	N	Y
AHVLNCBI	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	ASHEVILLE	N	Y
AHVLNCOH	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	ASHEVILLE	N	Y
AHVLNCOT	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	ASHEVILLE	N	Y
ARDNNCCE	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	ARDEN	N	Y
BCMTNCCE	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	BLACK MOUNTAIN	N	Y
CHVLNCCE	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	CHERRYVILLE	N	Y
CLMTNCMA	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	CLAREMONT	N	Y
CLYDNCMA	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	CLYDE	N	Y
CNTNNCMA	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	CANTON	N	Y
CRLNNCMA	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	CAROLEEN	N	Y
DNVRNCMA	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	DENVER	N	Y
ELBONCMA	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	ELLENBORO	N	Y
ENKANCMA	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	ENKA-CANDLER	N	Y
FRCYNCCE	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	FOREST CITY	N	Y
FRVWNCMA	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	FAIRVIEW	N	Y
GRVRNCMA	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	GROVER	N	Y
HNVLNCCH	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	HENDERSONVILLE	N	Y
HNVLNCED	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	HENDERSONVILLE	N	Y
HNVLNCMI	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	HENDERSONVILLE	N	Y
KGMTNCMA	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	KINGS MOUNTAIN	N	Y
LCSRNCMA	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	LEICESTER	N	Y
LENRNCHA	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	LENOIR	N	Y
LENRNCHU	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	LENOIR	N	Y
LKLRNCCE	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	LAKE LURE	N	Y
LNTNNCMA	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	LINCOLNTON	N	Y
LNTNNCVA	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	LINCOLNTONB	N	Y
LTMRNCCE	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	LATTIMORE	N	Y
LWDLNCCE	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	LAWNDALE	N	Y
MADNNCCE	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	MAIDEN	N	Y
MGTNNCGL	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	MORGANTON	N	Y
MGTNNCGR	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	MORGANTON	N	Y
MGVANCCE	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	MAGGIE VALLEY	N	Y
NWTNNCMA	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	NEWTON	N	Y
RTTNNCCE	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	RUTHERFORDTON	N	Y
SHLBNCMA	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	SHELBY	N	Y
STPNNCMA	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	STONY POINT	N	Y
SWNNNCMA	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	SWANNANOA	N	Y
TYVLNCMA	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	TAYLORSVILLE	N	Y
WYVLNCMA	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	WAYNESVILLE	N	Y
ACMENCMA	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	ACME	N	N
APEXNCCE	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	APEX	N	N
ARSNNCMA	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	ANDERSON	N	N
ATSNNCMA	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	ATKINSON	N	N
BLMTNCCE	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	BELMONT	N	N
BRGWNCMA	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	BURGAW	N	N
BSCYNCMA	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	BESSEMER CITY	N	N
BURLNCDA	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	BURLINGTON	N	N
BURLNCEL	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	BURLINGTON	N	N
BURLNCHA	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	BURLINGTON	N	N
CARYNCCE	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	CARY	N	N
CARYNCWS	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	CARY	N	N
CHRLNCBO	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	CHARLOTTE	N	N

WC CODE	COMPANY NAME	EXCHANGE	ETC Now	ETC Proposed
CHRLNCCA	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	CHARLOTTE	N	N
CHRLNCCE	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	CHARLOTTE	N	N
CHRLNCCR	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	CHARLOTTE	N	N
CHRLNCDE	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	CHARLOTTE	N	N
CHRLNCER	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	CHARLOTTE	N	N
CHRLNCLP	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	CHARLOTTE	N	N
CHRLNCMI	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	CHARLOTTE	N	N
CHRLNCOD	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	CHARLOTTE	N	N
CHRLNCRE	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	CHARLOTTE	N	N
CHRLNCSH	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	CHARLOTTE	N	N
CHRLNCTH	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	CHARLOTTE	N	N
CHRLNCUN	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	CHARLOTTE	N	N
CLEVNCMA	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	CLEVELAND	N	N
CPHLNCRO	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	CHAPEL HILL	N	N
CRBHNCCE	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	CAROLINA BEACH	N	N
CSHYNCMA	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	CASTLE HAYNE	N	N
DVSNNCPO	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	DAVIDSON	N	N
FAMTNCMA	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	FAIRMONT	N	N
GBSNNCMA	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	GIBSONNC	N	N
GLBONCAD	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	GOLDSBORO	N	N
GLBONCMA	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	GOLDSBORO	N	N
GNBONCAP	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	GREENSBORO	N	N
GNBONCAS	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	GREENSBORO	N	N
GNBONCEU	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	GREENSBORO	N	N
GNBONCHO	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	GREENSBORO	N	N
GNBONCLA	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	GREENSBORO	N	N
GNBONCMC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	GREENSBORO	N	N
GNBONCPG	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	GREENSBORO	N	N
GNHMNCMA	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	GRANTHAM	N	N
GSTANCDA	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	GASTONIA	N	N
GSTANCSO	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	GASTONIA	N	N
HMLTNCMA	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	HAMLET	N	N
HSVLNCCE	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	HUNTERSVILLE	N	N
JULNNCMA	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	JULIAN	N	N
KNDLNCCE	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	KNIGHTDALE	N	N
LCSTNCMA	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	LOCUST	N	N
LMTNNCMA	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	LUMBERTON	N	N
LNBHNCMA	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	LONG BEACH	N	N
LRBGNCMA	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	LAURINBURG	N	N
LWLLNCMA	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	LOWELL	N	N
MNTINCMA	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	MONTICELLO	N	N
MTHLNCMA	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	MOUNT HOLLY	N	N
MTOLNCCE	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	MOUNT OLIVE	N	N
PMBRNCCE	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	PEMBROKE	N	N
RCHMNCMA	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	ROCKINGHAM	N	N
RDVLNCMA	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	REIDSVILLE	N	N
RDVLNCSI	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	REIDSVILLE	N	N
RFFNNCMA	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	RUFFIN	N	N
RLGHNCDU	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	RALEIGH-DURHAM AIRP'T	N	N
RLGHNCGA	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	RALEIGH	N	N
RLGHNCGL	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	RALEIGH	N	N
RLGHNCHO	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	RALEIGH	N	N
RLGHNCJO	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	RALEIGH	N	N
RLGHNCMO	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	RALEIGH	N	N
RLGHNCSB	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	RALEIGH	N	N
RLGHNCSI	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	RALEIGH	N	N
RWLDNCMA	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	ROWLANDNC	N	N
SCHLNCHA	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	SCOTTS HILL1	N	N
SCHLNCMA	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	SCOTTS HILL2	N	N
SELMNCMA	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	SELMA	N	N
SLBRNCMA	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	SALISBURY	N	N

WC CODE	COMPANY NAME	EXCHANGE	ETC Now	ETC Proposed
SOPTNCCE	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	SOUTHPORT	N	N
SRFDNCCE	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	SUMMERFIELD	N	N
SSVLNCJE	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	STATESVILLE	N	N
SSVLNCMA	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	STATESVILLE	N	N
STNLNCCE	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	STANLEY	N	N
SXPHNCMA	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	SAXAPAHAW	N	N
TRMNNCMA	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	TROUTMAN	N	N
WGVLNCMA	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	WRIGHTSVILLE BEACH	N	N
WLMGNCFO	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	WILMINGTON	N	N
WLMGNCLE	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	WILMINGTON	N	N
WLMGNCWI	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	WILMINGTON	N	N
WNDLNCPI	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	WENDELL	N	N
WNSLNCAR	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	WINSTON SALEM	N	N
WNSLNCCL	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	WINSTON SALEM	N	N
WNSLNCFI	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	WINSTON SALEM	N	N
WNSLNCGL	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	WINSTON SALEM	N	N
WNSLNCLE	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	WINSTON SALEM	N	N
WNSLNCVI	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	WINSTON SALEM	N	N
WNSLNCWA	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	WINSTON SALEM	N	N
WNSLNCWH	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	WINSTON SALEM	N	N
ZBLNNCCE	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	ZEBULON	N	N
ANDRNCXA	VERIZON SOUTH INC.-NC (CONTEL)	ANDREWS	N	Y
BAVLNCXA	VERIZON SOUTH INC.-NC (CONTEL)	BAKERSVILLE	N	Y
BRCYNCXA	VERIZON SOUTH INC.-NC (CONTEL)	BRYSON CITY	N	Y
BRVLNCXA	VERIZON SOUTH INC.-NC (CONTEL)	BURNSVILLE	N	Y
CHRKNCXB	VERIZON SOUTH INC.-NC (CONTEL)	CHEROKEE	N	Y
CLWHNCXA	VERIZON SOUTH INC.-NC (CONTEL)	CULLOWHEE	N	Y
CSHRNCXA	VERIZON SOUTH INC.-NC (CONTEL)	CASHIERS	N	Y
FKLNNCXA	VERIZON SOUTH INC.-NC (CONTEL)	FRANKLIN	N	Y
FNVLNCXA	VERIZON SOUTH INC.-NC (CONTEL)	FONTANA	N	Y
GRCYNCXA	VERIZON SOUTH INC.-NC (CONTEL)	GARDEN CITY	N	Y
GTTWNCXA	VERIZON SOUTH INC.-NC (CONTEL)	GUNTERTOWN	N	Y
GWPRNCXA	VERIZON SOUTH INC.-NC (CONTEL)	GLENWOOD-PROVIDENCE	N	Y
HGLNNCXA	VERIZON SOUTH INC.-NC (CONTEL)	HIGHLANDS	N	Y
HTSPNCXA	VERIZON SOUTH INC.-NC (CONTEL)	HOT SPRINGS	N	Y
HYVLNCXA	VERIZON SOUTH INC.-NC (CONTEL)	HAYESVILLE	N	Y
MARNNCXB	VERIZON SOUTH INC.-NC (CONTEL)	MARION	N	Y
MIVLNCXA	VERIZON SOUTH INC.-NC (CONTEL)	MICAVILLE	N	Y
MRHLNCXA	VERIZON SOUTH INC.-NC (CONTEL)	MARS HILL	N	Y
MRPHNCXB	VERIZON SOUTH INC.-NC (CONTEL)	MURPHY	N	Y
MRSHNCXA	VERIZON SOUTH INC.-NC (CONTEL)	MARSHALL	N	Y
OLFTNCXA	VERIZON SOUTH INC.-NC (CONTEL)	OLD FORT	N	Y
ROVLNCXA	VERIZON SOUTH INC.-NC (CONTEL)	ROBBINSVILLE	N	Y
SEVRNCXA	VERIZON SOUTH INC.-NC (CONTEL)	SEVIER	N	Y
SUITNCXA	VERIZON SOUTH INC.-NC (CONTEL)	SUIT	N	Y
SYLVNCXA	VERIZON SOUTH INC.-NC (CONTEL)	SYLVA	N	Y
WVVLNCXA	VERIZON SOUTH INC.-NC (CONTEL)	WEAVERVILLE	N	Y
KNISNCXA	VERIZON SOUTH INC.-NC (CONTEL)	KNOTTS ISLANDNC	N	N

LIST OF RURAL WIRE CENTERS TO BE SERVED
BY CAROLINA WEST IN ITS PROPOSED ADDITIONAL ETC SERVICE AREAS

WC CODE	COMPANY NAME	EXCHANGE	ETC Now	ETC Proposed
BDVLNCXA	BARNARDSVILLE TELEPHONE CO.	BARNARDSVL	N	Y
BNVLNCXA	CENTRAL TEL. CO. OF NC	BOONVILLE	Y	Y
DBSNNCXB	CENTRAL TEL. CO. OF NC	DOBSON	Y	Y
ELKNNCXA	CENTRAL TEL. CO. OF NC	ELKIN	Y	Y
HAYSNCXA	CENTRAL TEL. CO. OF NC	HAYS	Y	Y
MLBYNCXB	CENTRAL TEL. CO. OF NC	MULBERRY	Y	Y
PLMTNCXA	CENTRAL TEL. CO. OF NC	PILOT MOUNTAIN	Y	Y
RRGPNCXA	CENTRAL TEL. CO. OF NC	ROARING GAP	Y	Y
STRDNCXA	CENTRAL TEL. CO. OF NC	STATE ROAD	Y	Y
WJSNNCXA	CENTRAL TEL. CO. OF NC	WEST JEFFERSON	Y	Y
BHLHNCXA	CENTRAL TEL. CO. OF NC	BETHLEHEM	N	Y
CTWBNCXA	CENTRAL TEL. CO. OF NC	CATAWBA	N	Y
GRFLNCXA	CENTRAL TEL. CO. OF NC	GRANITE FALLS	N	Y
HCKRNCXA	CENTRAL TEL. CO. OF NC	HICKORY	N	Y
HCKRNCXB	CENTRAL TEL. CO. OF NC	HICKORY	N	Y
HLDBNCXB	CENTRAL TEL. CO. OF NC	HILDEBRAN	N	Y
MTARNCXA	CENTRAL TEL. CO. OF NC	MOUNT AIRY	N	Y
MTVWNCXA	CENTRAL TEL. CO. OF NC	MOUNTAIN VIEW	N	Y
NWBONCXA	CENTRAL TEL. CO. OF NC	NORTH WILKESBORO	N	Y
SHFRNCXA	CENTRAL TEL. CO. OF NC	SHERRILLS FORD	N	Y
VLDSNCXA	CENTRAL TEL. CO. OF NC	VALDESE	N	Y
ASBONCXA	CENTRAL TEL. CO. OF NC	ASHEBORO	N	N
ASBONCXB	CENTRAL TEL. CO. OF NC	ASHEBORO	N	N
BISCNCXA	CENTRAL TEL. CO. OF NC	BISCOE	N	N
CNDRNCXA	CENTRAL TEL. CO. OF NC	CANDOR	N	N
DNBRNCXA	CENTRAL TEL. CO. OF NC	DANBURY	N	N
DRPRNCXA	CENTRAL TEL. CO. OF NC	EDENNC	N	N
EDENNCXB	CENTRAL TEL. CO. OF NC	EDENNC	N	N
HLBONCXB	CENTRAL TEL. CO. OF NC	HILLSBOROUGH	N	N
MDSNNCXA	CENTRAL TEL. CO. OF NC	MADISON	N	N
MKVLNCXA	CENTRAL TEL. CO. OF NC	MOCKSVILLE	N	N
MTGLNCXA	CENTRAL TEL. CO. OF NC	MOUNT GILEAD	N	N
PRHLNCXA	CENTRAL TEL. CO. OF NC	PROSPECT HILL	N	N
QKGPNCXA	CENTRAL TEL. CO. OF NC	QUAKER GAP	N	N
RMSRNCXA	CENTRAL TEL. CO. OF NC	RAMSEUR	N	N
RXBONCXA	CENTRAL TEL. CO. OF NC	ROXBORO	N	N
SEGVNCXA	CENTRAL TEL. CO. OF NC	SEAGROVE	N	N
SNRGNCXA	CENTRAL TEL. CO. OF NC	SANDY RIDGE	N	N
STVLNCXA	CENTRAL TEL. CO. OF NC	STONEVILLE	N	N
TMLKNCXA	CENTRAL TEL. CO. OF NC	TIMBERLAKE	N	N
TROYNCXA	CENTRAL TEL. CO. OF NC	TROY	N	N
WENDNCXB	CENTRAL TEL. CO. OF NC	WEST END	N	N
WKTWNCXA	CENTRAL TEL. CO. OF NC	WALKERTOWN	N	N
WLCVNCXA	CENTRAL TEL. CO. OF NC	WALNUT COVE	N	N
YCVLNCXA	CENTRAL TEL. CO. OF NC	YANCEYVILLE	N	N
YDVLNCXA	CENTRAL TEL. CO. OF NC	YADKINVILLE	N	N
BRVRNCXA	CITIZENS TELEPHONE CO.	BREVARD	N	Y
SALDNCXA	SALUDA MOUNTAIN TELEPHONE CO.	SALUDA	N	Y
BELHNCXA	SURRY TELEPHONE MEMBERSHIP CORP.	BEULAH	Y	Y
LVCRNCXA	SURRY TELEPHONE MEMBERSHIP CORP.	LEVELCROSS	Y	Y
RDBSNCXA	SURRY TELEPHONE MEMBERSHIP CORP.	RED BRUSH	Y	Y
SHLSNCXA	SURRY TELEPHONE MEMBERSHIP CORP.	SHOALS	Y	Y
ZPHYNCXA	SURRY TELEPHONE MEMBERSHIP CORP.	ZEPHYR	Y	Y
WSFDNCXA	SURRY TELEPHONE MEMBERSHIP CORP.	WESTFIELD	N	Y
CLMBNCXA	WINDSTREAM NORTH CAROLINA, INC.	COLUMBUS	N	Y
GRCKNCXA	WINDSTREAM NORTH CAROLINA, INC.	GREEN CREEK	N	Y
TRYNNCXA	WINDSTREAM NORTH CAROLINA, INC.	TRYON	N	Y
ABRDNCXA	WINDSTREAM NORTH CAROLINA, INC.	ABERDEEN	N	N
ASVLNCXA	WINDSTREAM NORTH CAROLINA, INC.	ANSONVILLE	N	N

WC CODE	COMPANY NAME	EXCHANGE	ETC Now	ETC Proposed
BRWYNCXA	WINDSTREAM NORTH CAROLINA, INC.	BROADWAY	N	N
DNTNNCXA	WINDSTREAM NORTH CAROLINA, INC.	DENTON	N	N
GRQYNCXA	WINDSTREAM NORTH CAROLINA, INC.	GRANITE QUARRY-ROCKWELL	N	N
HMBRNCXA	WINDSTREAM NORTH CAROLINA, INC.	HEMBY BRIDGE	N	N
INTRNCXA	WINDSTREAM NORTH CAROLINA, INC.	INDIAN TRAIL	N	N
KINGNCXA	WINDSTREAM NORTH CAROLINA, INC.	KINGNC	N	N
LLVLNCXA	WINDSTREAM NORTH CAROLINA, INC.	LILESVILLE	N	N
LRHLNCXA	WINDSTREAM NORTH CAROLINA, INC.	LAUREL HILL	N	N
LWVLNCXA	WINDSTREAM NORTH CAROLINA, INC.	LEWISVILLE	N	N
MHVLNCXA	WINDSTREAM NORTH CAROLINA, INC.	MARSHVILLE	N	N
MRVINCXA	WINDSTREAM NORTH CAROLINA, INC.	MOORESVILLE	N	N
MRVNNCXA	WINDSTREAM NORTH CAROLINA, INC.	MORVEN	N	N
MTHWNCXB	WINDSTREAM NORTH CAROLINA, INC.	MATTHEWS	N	N
NRWDNCXA	WINDSTREAM NORTH CAROLINA, INC.	NORWOOD	N	N
NWSLNCXA	WINDSTREAM NORTH CAROLINA, INC.	NEW SALEM	N	N
OLIVNCXA	WINDSTREAM NORTH CAROLINA, INC.	OLIVIA	N	N
OLTWNCXA	WINDSTREAM NORTH CAROLINA, INC.	OLDTOWN	N	N
PCLDNCXA	WINDSTREAM NORTH CAROLINA, INC.	PEACHLAND POLKTON	N	N
PNBLNCXA	WINDSTREAM NORTH CAROLINA, INC.	PINEBLUFF	N	N
RRHLNCXA	WINDSTREAM NORTH CAROLINA, INC.	RURAL HALL	N	N
SLVLNCXA	WINDSTREAM NORTH CAROLINA, INC.	STANLEYVILLE	N	N
SNFRNCXA	WINDSTREAM NORTH CAROLINA, INC.	SANFORD	N	N
WDBONCXA	WINDSTREAM NORTH CAROLINA, INC.	WADESBORO	N	N
WGRMNCXA	WINDSTREAM NORTH CAROLINA, INC.	WAGRAM	N	N
WNGTNCXA	WINDSTREAM NORTH CAROLINA, INC.	WINGATE	N	N
WXHWNCXA	WINDSTREAM NORTH CAROLINA, INC.	WAXHAW	N	N

EXHIBIT C

Carolina West Certification

CERTIFICATION

State of North Carolina)
)
County of Wilkes)

I, Slayton Stewart, being duly sworn, state that I file this Petition as the Chief Executive Officer of Carolina West Wireless, Inc. ("Carolina West"); that in such capacity, I am qualified and authorized to file and verify such Petition; that I have carefully examined all the statements and matters contained in the Petition; and that all such statements made and matters set forth therein are true and correct to the best of my knowledge, information, and belief.

I further state that Carolina West offers or will be able to offer, all of the services designated for support by the Federal Communications Commission, and for which Carolina West receives support pursuant to Mobility Fund Phase I, throughout the areas in which Carolina West is requesting designation as an Eligible Telecommunications Carrier, that the Petition is made in good faith, with the intention of presenting evidence in support thereof in every particular.

I further certify that, in my capacity as the Chief Executive Officer of Carolina West, that if Carolina West is designated an Eligible Telecommunications Carrier by the Commission, Carolina West will use any Universal Service Fund support received only for the purposes for which the support is intended and that I am authorized to make this certification on behalf of Carolina West.

Executed on May 3, 2012

Slayton Stewart
Chief Executive Officer
Carolina West Wireless, Inc.

Subscribed and sworn to before me, a Notary Public in and for the State and County named above, this 3rd day of May, 2012.

Lisa W. Mabe
Notary Public

My Commission Expires: October 10 2012

OFFICIAL SEAL
LISA W. MABE
NOTARY PUBLIC-NORTH CAROLINA
COUNTY OF WILKES
My Commission Expires 10.10.12

EXHIBIT D

Carolina West's Service Improvement Plan

This Exhibit Is Withheld from the Public Copy
As the Filer Has Requested Confidential Treatment