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January 2, 2013

FILED/ACCEPTED

BY HAND DELIVERY

JAN 2 2013

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

Federal Communications Commission
Office of the Secretary

**Re: SI Wireless, LLC, Petition for Designation As an ETC in Tennessee
WC Docket No. 09-197**

Dear Secretary Dortch:

On behalf of SI Wireless, LLC ("SI Wireless" or "the Company"), enclosed please find an original and four copies of SI Wireless' revised Petition for Designation ("Petition") as an Eligible Telecommunications Carrier ("ETC") in Tennessee.

An earlier version of SI Wireless' Petition was filed on August 2, 2012 and was placed on Public Notice on August 10, 2012. No comments or oppositions were filed in response to the Public Notice. After meeting with Commission staff on November 16, 2012, staff requested that the Petition be refiled to provide additional information about SI Wireless and its proposed Lifeline service in Tennessee.

Also enclosed is an additional copy of the Petition which should be date-stamped and returned to our messenger.

Sincerely,



Marc A. Paul

Counsel for SI Wireless, LLC

Enclosures

No. of Copies rec'd 0+4
List ABCDE

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

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JAN 2 2013
Federal Communications Commission
Office of the Secretary

Telecommunications Carriers Eligible to)
Receive Universal Service Support)
SI Wireless, LLC)
Petition for Designation as an)
Eligible Telecommunications Carrier)
in the State of Tennessee)

WC Docket No. 09-197

ORIGINAL

**PETITION OF SI WIRELESS, LLC FOR LIMITED DESIGNATION AS AN
ELIGIBLE TELECOMMUNICATIONS CARRIER IN TENNESSEE**

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Telecommunications Carriers Eligible to)	
Receive Universal Service Support)	WC Docket No. 09-197
)	
SI Wireless, LLC)	
)	
Petition for Designation as an)	
Eligible Telecommunications Carrier)	
in the State of Tennessee)	

**PETITION OF SI WIRELESS, INC. FOR LIMITED DESIGNATION AS AN
ELIGIBLE TELECOMMUNICATIONS CARRIER IN TENNESSEE**

SI Wireless, LLC ("SI Wireless" or "the Company"), pursuant to Section 214(e) of the Communications Act of 1934 (the "Act")¹ and Section 54.201 *et seq.* of the FCC's Rules,² hereby submits this Petition for designation as an Eligible Telecommunications Carrier ("ETC") in the state of Tennessee for the purpose of offering Lifeline services to end-user customers in the state.

In April 2012, SI Wireless filed an ETC application to participate in the High Cost and Low-Income Universal Service Fund ("USF") support mechanisms, including the newly established Mobility Fund.³ On July 3, 2012, SI Wireless was conditionally designated as an ETC by the Commission contingent upon SI Wireless becoming authorized to receive support in the Mobility Fund Phase I.⁴ SI Wireless' request to be

¹ 47 U.S.C. § 214(e).

² 47 C.F.R. § 54.201 *et seq.*

³ See Petition of SI Wireless, LLC for Designation as an Eligible Telecommunications Carrier in Tennessee (filed April 23, 2012) ("SI Wireless April 2012 Petition").

⁴ See Petition of SI Wireless, LLC For Designation as an Eligible Telecommunications Carrier in Tennessee, DA 12-1012 (rel. July 3, 2012) ("SI Wireless Order").

designated as an ETC for purposes of providing Lifeline support to Tennessee residents was deferred by the Commission. At the request of Commission staff, on August 2, 2012, SI Wireless filed a separate Petition to be designated as an ETC for purposes of providing Lifeline support in Tennessee. The August 2, 2012 Petition was placed on Public Notice on August 10, 2012. No comments or oppositions were filed in response to the Public Notice. After further discussions with Commission staff on November 16, 2012, this Petition is being refiled to provide additional information about SI Wireless and its proposed Lifeline service in Tennessee.

As demonstrated in this Petition, SI Wireless meets all of the statutory and regulatory prerequisites for ETC designation, and designation of the Company as an ETC in the areas requested in Tennessee will serve the public interest. Sections 214(e) and 254 of the Act expressly authorize the Commission to designate SI Wireless as an ETC.⁵ Section 214(e)(6) of the Act provides that the FCC 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.⁶ SI Wireless has provided an affirmative statement from the Tennessee Regulatory Authority that it lacks jurisdiction over wireless providers for purposes of ETC designations.

SI Wireless respectfully requests that the Commission grant this Petition expeditiously so that the company may provide Lifeline services and more qualified Tennessee residents can benefit from the high-quality and high-value services that the Company offers in the state. Several of SI Wireless' competitors in Tennessee have

⁵ 47 U.S.C. §§ 214(e), 254.

⁶ 47 U.S.C. §§ 214(e)(6).

already been designated and have begun offering Lifeline support to eligible customers in the state.

I. BACKGROUND

A. SI Wireless, LLC

SI Wireless is a commercial mobile radio services (“CMRS”) carrier licensed by the Commission to provide wireless communication services throughout portions of Tennessee. Formed in late 2009 by a partnership of rural independent telephone companies, SI Wireless is focused on providing wireless services with 3G CDMA technology in portions of rural Tennessee, which is the focus of this application, along with Kentucky. The Company has built-out over 200 cell sites in Tennessee and Kentucky and continues to develop plans to deploy more cell sites in both states.

SI Wireless is owned by the same group of small rural landline companies that started and ran a prior wireless company, called First Cellular of Southern Illinois, for over 15 years. First Cellular had close to 100,000 customers and a very high quality network serving 24 rural counties of Southern Illinois. First Cellular was sold to Alltel in 2006, but the ILEC owners decided in 2009 to get back into the wireless business. After reviewing and analyzing several options, SI Wireless was created and in November 2011, SI Wireless launched its consumer brand, MobileNation.

SI Wireless has built a total of 13 company-owned retail stores in Tennessee and Kentucky with 3 more under construction. In addition, SI Wireless has agreements with about a dozen local small businesses to operate as agents in selling service and phones for SI Wireless. In the year since SI Wireless launched its brand, approximately 10,000 consumers have signed on for service from the company. In the future, SI Wireless plans to build more stores, add more agents and improve the quality of its network by

building more cell sites. The Company also has plans to increase its coverage area, migrate its network technology to 4G, and to try to acquire additional spectrum to support 4G.

Using the latest in IP backhaul and the most advanced CDMA technologies, SI Wireless seeks to efficiently deliver wireless voice and EVDO broadband to promote consumer choice throughout rural, underserved markets. As rural America seeks faster broadband speeds, SI Wireless seeks to position itself to deliver 3G and, eventually 4G data services, throughout rural, underserved markets.

SI Wireless does not intend to rely on Lifeline disbursements to operate in Tennessee. SI Wireless seeks to provide Lifeline services as an adjunct to its current service offerings so that Tennessee consumers qualifying for the Lifeline discounts will receive the benefits of mobility, as well as the high-quality and high-value services offered by SI Wireless at a discounted price. Further, competitors to SI Wireless in Tennessee already offer Lifeline support to their subscribers.⁷ In fact, the FCC recently designated a carrier in Tennessee as an ETC that actually operates over SI Wireless' network facilities in the state.⁸

In contrast to many of the other wireless carriers currently offering Lifeline in Tennessee, SI Wireless is a facilities-based carrier in Tennessee. Specifically, SI Wireless holds long term *de facto* spectrum transfer leases for the following personal

⁷ For example, in addition to the numerous wireline companies already designated to provide Lifeline in Tennessee, wireless carriers including TracFone Wireless, Nexus Communications, Inc., Virgin Mobile USA and I-Wireless are also designated and are drawing Lifeline support from USAC every month. *See, e.g.,* USAC Low Income Disbursement Data, <http://www.usac.org/li/tools/disbursements/>. T-Mobile USA was also recently designated as an ETC in Tennessee by the FCC. *See, e.g., See In the Matter of Telecommunications Carriers Eligible for Universal Service Support; Petition of T-Mobile USA, Inc. for Designation as a Low-Income Eligible Telecommunications Carrier*, DA 12-1339 (rel. Aug. 16, 2012).

⁸ *See In the Matter of Telecommunications Carriers Eligible for Universal Service Support; Amended Petition of NTCH, Inc. for Designation as an Eligible Telecommunications Carrier in the States of North Carolina and Tennessee*, DA 12-1339 (rel. Aug. 16, 2012).

communications service (PCS) license areas: certain counties and partial counties in BTA314 – Nashville, TN, certain counties in BTA083 – Clarksville-TN, certain counties in BTA96 – Cookeville, TN, the entire BTA120 – Dyersburg-Union City, TN, the entire BTA211 – Jackson, TN, certain county in BTA136 – Florence, TN, certain county in BTA198-Huntsville, TN, and certain counties and partial counties in BTA76 – Chattanooga, TN. SI Wireless will provide service in accordance with the terms of its leases and corresponding FCC licenses.

Further, in Tennessee, the Company operates approximately 180 cell sites, employs approximately 45 people in the state, sells its service through 11 stores in the western part of the state, and is in the process of adding an additional 3 service locations elsewhere in Tennessee. SI Wireless also operates a gateway hub in Jackson, Tennessee, which connects to the company-owned switch in Carbondale, Illinois. The gateway hub serves as a hub for the Company's telecommunications traffic for its Tennessee cell sites. In addition, SI Wireless maintains a regional headquarters building in Murfreesboro, Tennessee.

B. Designation of Eligible Telecommunications Carriers

Sections 214(e) and 254 of the Communications Act expressly authorize the FCC to designate SI Wireless as an ETC.⁹ Section 214(e)(6) of the Act provides that the FCC 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.¹⁰ That provision further states that the FCC may, in the case of any area in Tennessee served by a rural telephone company, and

⁹ 47 U.S.C. §§ 214(e), 254.

¹⁰ 47 U.S.C. § 214(e)(6). The Tennessee Regulatory Authority has confirmed that wireless communications carriers, such as SI Wireless, are not subject to state jurisdiction for purposes of ETC designation. See Exhibit A (attached). See also *Federal-State Joint Board on Universal Service*, Twelfth Report and Order and Further Notice of Proposed Rulemaking, 15 FCC Rcd 12208, at ¶ 96 (2000).

shall, in the case of any other area in Tennessee, designate more than one common carrier as an ETC, provided the requesting carrier: (i) offers services that are supported by federal universal service support mechanisms; and (ii) advertises the availability of such services.¹¹ The FCC's rules impose additional requirements on a common carrier seeking designation as an ETC. As demonstrated below, SI Wireless satisfies each of these requirements.

C. Description of the SI Wireless' Proposed ETC Designation Area

SI Wireless, in its capacity as a provider of cellular services, is not a "rural telephone company" as that term is defined in Section 3(37) of the Act.¹² Accordingly, SI Wireless is required to describe the geographic area in which it requests designation.¹³ In this Petition, SI Wireless requests ETC designation in "rural" study areas of certain incumbent local exchange carriers ("LECs") in Tennessee identified in Exhibits B and C.¹⁴

Pursuant to Section 54.207 of the FCC's Rules,¹⁵ a "service area" is a "geographic area established by a state commission for the purpose of determining universal service obligations and support mechanisms."¹⁶ In an area served by a rural telephone company,

¹¹ 47 U.S.C. § 214(e)(6).

¹² 47 U.S.C. § 153(37).

¹³ See 47 U.S.C. § 214(e). See also *Mobility Fund Phase I Public Notice* at ¶ 6.

¹⁴ See Exhibit B (Map of SI Wireless' Proposed ETC Service Area) and Exhibit C (List of Rural and Non-Rural Study Areas/Wire Centers to Be Served by SI Wireless in its Proposed ETC Service Area). To the extent that any wire centers have been inadvertently excluded from Exhibit C, the Applicant intends to serve the entire study areas of the following rural incumbent local exchange carriers: Ardmore Telephone Company, Inc., Ben Lomand Rural Telephone Cooperative, Inc., Bledsoe Telephone Cooperative, Centurytel of Adamsville, Inc., Citizens Communications Company of Tennessee (d/b/a Frontier Communications of Tennessee, LLC), Crockett Telephone Company, Inc., Dekalb Telephone Cooperative, Humphreys County Telephone Co., Loretto Telephone Company, Inc., Peoples Telephone Company, Inc., Tennessee Telephone Company, United Telephone Company, Inc., West Kentucky Rural Telephone Cooperative Corporation, Inc., West Kentucky Rural Telephone Cooperative, Inc. and West Tennessee Telephone Company, Inc.

¹⁵ 47 C.F.R. § 54.207.

¹⁶ 47 C.F.R. § 54.207(a).

the FCC's rules define "service area" to mean the LEC study area unless a different definition of service area is established for such company.¹⁷ The Commission may designate SI Wireless as an ETC in those areas upon a finding that such designation is in the public interest, as set forth below.

II. TENNESSEE DOES NOT REGULATE CMRS CARRIERS FOR ETC DESIGNATION PURPOSES

Section 254(e) of the Communications Act provides that "only an eligible telecommunications carrier designated under Section 214(e) shall be eligible to receive specific universal service support."¹⁸ The Communications Act reserves the authority to designate entities as ETCs to state public utility commissions.¹⁹ Pursuant to Section 214(e)(6), however, the FCC may designate as an ETC "a common carrier providing telephone exchange service and exchange access that is not subject to the jurisdiction of a state commission"²⁰ The FCC has established that a carrier must demonstrate that it "is not subject to the jurisdiction of a state commission" before the FCC will review any ETC designation application.²¹ The FCC also has stated that any carrier seeking ETC designation from it must provide an "affirmative statement" from the state commission that it lacks jurisdiction to perform the ETC designation.²²

¹⁷ See 47 C.F.R. §54.207(b); see also *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).

¹⁸ 47 U.S.C. § 254(e).

¹⁹ 47 U.S.C. § 254(e).

²⁰ 47 U.S.C. § 214(e)(6).

²¹ *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).

²² See *Federal-State Joint Board on Universal Service; Promoting Deployment and Subscriberhip 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 (2000). See also *Mobility Fund Phase I Public Notice* at ¶ 5.

The Tennessee Regulatory Authority has provided an affirmative statement that it lacks jurisdiction over wireless providers for purposes of ETC designations. The letter enclosed 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. Accordingly, SI Wireless requests that the FCC designate it as "a common carrier providing telephone exchange service and exchange access that is not subject to the jurisdiction of a State commission. . . ." ²³

III. SI WIRELESS SATISFIES ALL OF THE STATUTORY AND REGULATORY PREREQUISITES FOR DESIGNATION AS AN ETC

SI Wireless satisfies each of the statutory and regulatory prerequisites set forth in the Communications Act and the FCC's rules:

A. SI Wireless Is a Common Carrier

Section 3(10) of the Act, 47 U.S.C. § 153(10), defines a common carrier as "any person engaged as a common carrier for hire, in interstate or foreign communications by wire or radio...." SI Wireless meets the definition of a person, offers interstate communications by radio, and is a common carrier for hire.

B. SI Wireless Will Provide the Supported Services Through a Combination of Facilities-Based Service and Resale

SI Wireless will provide the supported services under Section 214(e)(1)(A) of the Act²⁴ and Section 54.101(a) of the FCC's Rules²⁵ by using SI Wireless' existing spectrum assets, cellular network infrastructure, which consists of switching, trunking, cell sites, and network equipment, together with any expansions and enhancements to that

²³ 47 U.S.C. § 214(e)(6).

²⁴ 47 U.S.C. § 214(e)(1)(A).

²⁵ 47 C.F.R. § 54.101(a).

network.²⁶ SI Wireless has the technical capability to maintain its facilities in emergencies. Therefore, SI Wireless meets the requirement that it provide the supported services using its own facilities.²⁷

C. SI Wireless Will Offer All of the Services and Functionalities Supported by the Federal Universal Service Program

To be designated an ETC, the Communications Act requires carriers to certify that they provide each of the supported services.²⁸ Attached as Exhibit D is a sworn declaration that SI Wireless offers, "or will be able to offer, all of the services designated for support by the Federal Communications Commission."²⁹ SI Wireless will offer upon designation as an ETC, all of the supported services as set forth in the recently modified FCC Rules, throughout the areas in which SI Wireless is requesting designation as an ETC.³⁰ SI Wireless is committed to providing high quality universal service offerings in Tennessee and will ensure that the supported services are available throughout the designated service area to all customers who make a reasonable request for service.

²⁶ While the Company has no current plans to provide the supported services through the resale of another carrier's service, the Company does have an agreement with Sprint, which allows SI Wireless to do so.

²⁷ 47 U.S.C. § 214(e)(1)(A). See also *Mobility Fund Phase I Public Notice* at ¶ 5. See also *Federal-State Joint Board on Universal Service, Report and Order*, 12 FCC Rcd 8776, 8870-71 (1997) ("We 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 ("[S]ection 214(e) does not mandate the use of any particular level of a carrier's own facilities.").

²⁸ See, e.g., 47 U.S.C. § 254(c). See also 47 C.F.R. § 54.201(d)(1); *Mobility Fund Phase I Public Notice* at ¶ 5.

²⁹ *Designation of Fort Mojave Telecommunications, Inc., et 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*"). In *Fort Mojave*, the FCC 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 area.

³⁰ See 47 C.F.R. § 54.101(a). As recently modified, the FCC has 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*).

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

SI Wireless offers customers voice grade access to the Public Switched Telephone Network service as required by 47 C.F.R. 54.101(a)(1). "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 voice communications, including receiving a signal that there is an incoming call. SI Wireless will provide its customers with "voice grade access" 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

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

3. Access to Emergency Services

SI Wireless will provide access to emergency services in conformance with the FCC's requirements. All of the phones that SI Wireless will distribute to subscribers will be capable of delivering automatic numbering information ("ANI") and automatic location information ("ALI"), and otherwise satisfy applicable enhanced-911 requirements.

4. Toll Limitation

Certain low-income consumers in Tennessee will be eligible to pay reduced monthly fees under the Federal Lifeline program in which SI Wireless will participate. A general summary of SI Wireless' Lifeline offering in Tennessee is attached.³¹ SI Wireless will offer toll limitation services, which can be in the form of "toll control" or "toll blocking" services to qualifying Lifeline customers.³² Toll blocking allows customers to block the completion of outgoing toll calls. Toll control allows the customer to limit the toll charges a subscriber can incur during a billing period. Upon designation as an ETC, SI Wireless will offer toll limitation services to Lifeline customers, at no charge. Therefore, SI Wireless meets the ETC requirement of offering toll limitation services to Lifeline customers.

D. SI Wireless Will Advertise the Availability of and Charges for Its Universal Service Qualifying Offerings

In accordance with Section 54.201(d)(2) of the Commission's Rules, SI Wireless 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 Tennessee.³³ 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. This advertising will include advertisements about the availability of Lifeline service and done in a manner reasonably designed to reach those likely to qualify for Lifeline service.

³¹ See Exhibit E.

³² 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).

³³ See 47 C.F.R. § 54.201(d)(2). See also 47 U.S.C. § 214(e)(1)(B); *Mobility Fund Phase I Public Notice* at ¶ 5.

SI Wireless intends to use the brand name "MobileNation" in connection with its service offerings.

E. SI Wireless Will Satisfy Its Additional Obligations as an ETC

In addition to those requirements set forth in Section 54.201 of the Commission's Rules, SI Wireless will satisfy other ETC requirements adopted by the FCC. In particular:

1. Compliance with Service Requirements and Five Year Plan

Section 54.202(a)(1) of the FCC's Rules³⁴ 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 five-year plan that describes proposed improvements or upgrades to the applicant's network throughout its proposed service area.³⁵

a. Compliance with Service Requirements

SI Wireless certifies that it will comply with the service requirements applicable to the support that it receives. It will provide service throughout the proposed designated ETC area using its standard customer equipment and service offerings where available.

b. Five-Year Service Improvement Plan

In this Petition, SI Wireless is not seeking high-cost USF support and accordingly, it is not required to submit a five-year service improvement plan.³⁶

2. Ability to Remain Functional in Emergency Situations

SI Wireless will be able to remain functional in emergency situations.³⁷ The Company's network is designed to remain functional in emergency situations.

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

³⁵ 47 C.F.R. § 54.202(a)(1)(i)-(ii). *See also Mobility Fund Phase I Public Notice* at ¶ 5.

³⁶ 47 C.F.R. § 54.202(a)(1)(ii). SI Wireless did include a Five-Year Service Improvement Plan at Exhibit F of the SI Wireless April 2012 Petition.

³⁷ *See* 47 C.F.R. § 54.202(a)(2). *See also Mobility Fund Phase I Public Notice* at ¶ 6.

Specifically, SI Wireless (1) will have adequate amounts of back-up power to ensure functionality without an external power source; (2) will be able to reroute traffic between switch and hub; and (3) will be capable of managing traffic spikes resulting from emergency situations.³⁸

SI Wireless' system will be reinforced by the presence of generator backups, capable of running for extended periods in the event of a major electrical outage. These include back-up batteries that provide at least four hours of back-up power and portable generators can be moved to individual cell sites, as needed. Because individual cell sites are spread out, it is highly unlikely that an electrical outage would affect more than two sites simultaneously. In the event of power or other types of failure, the cell sites are equipped with alarms that will alert our technicians. Additionally, the sites are monitored remotely by the Company's 24/7 Network Operations Center (NOC), should there be a total communications failure at the site.

SI Wireless' main switch connectivity to the public switched voice network will be based on a ring topology and is redundant – if the ring is cut, call traffic can be re-routed. SI Wireless uses both microwave and leased lines for added diversity to cell site hubs. Backbone traffic lines are designed with sufficient capacity to manage extraordinary spikes. SI Wireless has multiple agreements with long distance providers to absorb excess calling if needed.

A typical cell site installation consists of an 8' x 10' concrete pad, on which outdoor equipment cabinets or a prefabricated shelter containing the equipment will be placed. Antennas are typically mounted on an adjacent tower, either new or existing, or other suitable structure. Most cell sites consist of two or three cabinets or equipment

³⁸ See 47 C.F.R. § 54.202(a)(2).

racks; one or two of the cabinets for radio communications equipment, and the other for power rectification and battery backup. The radio equipment cabinets are configured and equipped with voice and data equipment necessary to carry the projected busy hour traffic. This equipment can be increased as required to accommodate increases in call traffic.

All cell sites will be remotely monitored by the Company's NOC to ensure continuous operation. Operational measurement data is also routinely collected and reviewed to identify off normal conditions. In the event of a failure, the NOC will take action to restore service, reroute traffic around damaged facilities and/or dispatch appropriate personnel to remedy the trouble. Response time to an outage report is normally less than 60 minutes. In addition, all cell sites will be periodically visited by field operations personnel to conduct preventative maintenance and routine testing of the cell site components.

Accordingly, SI Wireless meets the requirement that it will remain functional in emergency situations.

3. Consumer Protection.

Section 54.202(a)(3) of the FCC's Rules states that an ETC applicant must "demonstrate that it will satisfy applicable consumer protection and service quality standards."³⁹ A commitment by wireless applicants to comply with the Consumer Code for Wireless Service adopted by CTIA-The Wireless Association[®] ("CTIA Consumer Code") satisfies this requirement.⁴⁰ SI Wireless is committed to abide by the CTIA Consumer Code, as it may be amended from time to time, throughout its service area.

³⁹ 47 C.F.R. § 54.202(a)(3). See *Mobility Fund Phase I Public Notice* at ¶ 6.

⁴⁰ *Id.* The CTIA Consumer Code can be viewed on the Web at <http://files.ctia.org/pdf/ConsumerCode.pdf>.

4. Financial and Technical Qualifications

As part of the *Lifeline Reform Order*, the FCC amended its rules to require a carrier seeking designation as a Lifeline-only ETC to demonstrate that it is financially and technically capable of providing the supported Lifeline service in compliance with all of the low-income program rules.⁴¹

SI Wireless satisfies the Commission's financial and technical criteria.⁴² SI Wireless is a commercial mobile radio services ("CMRS") carrier licensed by the Commission to provide wireless communication services throughout portions of Tennessee and Kentucky. Formed in late 2009 by a partnership of rural independent telephone companies, SI Wireless is focused on providing wireless services in portions of rural Tennessee, which is the focus of this application, along with Kentucky, with 3G CDMA technology. SI Wireless is already designated as an ETC in Kentucky.⁴³

As an established facilities-based telecommunications carrier already providing service to non-Lifeline customers, SI Wireless does not intend to rely exclusively on USF disbursements to operate its business, like some of its non-facilities based wireless competitors already designated to receive Lifeline support. SI Wireless has access to a line of credit, as well as the resources of private investors, in order to operate its business on a daily basis.

Currently, SI Wireless relies on convenient "brick and mortar" full-service stores in Tennessee to attract customers. The Company has 11 stores in the western part of

⁴¹ See *Lifeline Reform Order* at ¶ 387.

⁴² *Id.* at ¶ 388 ("Among the relevant considerations for such a showing would be whether the applicant previously offered services to non-Lifeline consumers, how long it has been in business, whether the applicant intends to rely exclusively on USF disbursements to operate, whether the applicant receives or will receive revenue from other sources, and whether it has been subject to enforcement action or ETC revocation proceedings in any state.").

⁴³ See *Application of SI Wireless for Designation as an Eligible Telecommunications Carrier in the Commonwealth of Kentucky*, Order, Case No 2012-00145 (rel. June 25, 2012).

Tennessee, and is in the process of adding additional service locations. Attached as Exhibit F are photos showing one of SI Wireless' store locations and the general layout of the store.

Staffing at its store locations varies, but in general, the stores include a manager and several sales representatives. All employees go through training on general wireless technology, phones, company policies and procedures, continuing education in customer service, and sales training designed to match the consumer with the best product to fit the customer's need. In addition to its stores, SI Wireless uses a network of agents in Tennessee to serve some of the state's smaller communities. However, SI Wireless does not currently intend for its agents to process and offer Lifeline supported service through SI Wireless. Rather, all of SI Wireless' Lifeline customers will be processed through the Company's owned and operated stores.

As a carrier licensed by the FCC, SI Wireless has the technical expertise to provide the services set forth in this Petition. As outlined above, SI Wireless is already licensed by the Commission to provide wireless services. Further, its network uses the latest in IP backhaul and the most advanced CDMA technologies to efficiently deliver wireless voice and EVDO broadband to promote consumer choice throughout rural, underserved markets.

SI Wireless has not been subject to any enforcement action at the FCC or in any state. No ETC designations held by SI Wireless have been rescinded, revoked or terminated by the FCC or by any state.

5. Consumer Eligibility and Enrollment

With respect to its provision of Lifeline service in Tennessee, SI Wireless will have policies and procedures in place to verify eligibility of prospective customers in

compliance with the Commission's and FCC's Rules.⁴⁴ As outlined above, SI Wireless relies on a network of brick and mortar stores to sell its services in Tennessee. SI Wireless intends to offer its Lifeline supported services to qualified subscribers through these stores, and its employees will be trained to verify eligibility of prospective Lifeline customers.

a. Subscriber Eligibility Determination and Certification

SI Wireless will process all of its Lifeline customers through its brick and mortar stores. It has no current plans to process customers for Lifeline support over the phone or Internet. Under the Company's policies and procedures, a prospective customer will be required to provide in person documentation verifying eligibility to participate in a qualifying program or documentation of income based qualification to support his/her application. Further, SI Wireless' forms will comply with the requirements set forth in 47 C.F.R. § 54.410, as recently modified by the FCC in its *Lifeline Reform Order*.⁴⁵ A proposed SI Wireless (d/b/a MobileNation) Lifeline Application and Certification form is attached as Exhibit G.

Among other things, the Company's Lifeline Application will require a potential customer to verify, under penalty of perjury, that neither the applicant nor any other person in the applicant's household currently receives Lifeline service, and that the applicant will notify SI Wireless within 30 days if, for any reason, the applicant is no longer eligible for Lifeline service.⁴⁶ SI Wireless commits to only provide Lifeline service to customers that qualify for such service under Section 54.409 of the FCC Rules,

⁴⁴ 47 C.F.R. § 54.409.

⁴⁵ See 47 C.F.R. § 54.410; *In the Matter of 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 ("*Lifeline Reform Order*").

⁴⁶ See 47 C.F.R. § 54.410(d).

as recently modified by the FCC in its *Lifeline/Link Up Reform Order*.⁴⁷

While the Company's Lifeline Application and Certification forms will be initially processed by salespeople in the Company's Tennessee stores, final approval of the forms will be handled by the Company's central credit department, which will review the completed forms and associated eligibility documentation and then communicate back to the point of sale whether a particular customer is eligible for Lifeline support. To the extent that the customer is eligible for Lifeline support, an activated phone will be provided to that customer by SI Wireless at one of the Company's stores (phones will not be mailed to customers). As a further screening mechanism, SI Wireless intends to have its finance department conduct audits of the credit department to ensure that the Company is following the proper rules and procedures for its Lifeline customers, that the Company is not signing up duplicate Lifeline customers, and that the most up to date Lifeline application and certification forms are being used.

b. Annual Eligibility Recertification

SI Wireless commits to annually re-certify all subscribers in accordance with 47 C.F.R. § 54.410(f) of the FCC Rules, as recently modified by the FCC in its *Lifeline Reform Order*. SI Wireless will provide the results of its annual recertification efforts pursuant to the Commission's Rules. The Company may undertake this re-certification on a rolling basis throughout the year. Furthermore, SI Wireless commits to submit an annual certification confirming the existence of policies and procedures to confirm consumer eligibility and the Company's compliance with such policies and procedures.⁴⁸

⁴⁷ 47 C.F.R. § 54.409.

⁴⁸ See 47 C.F.R. § 54.416.

c. De-Enrollment

Consistent with the requirements in Section 54.405(e) of the FCC Rules, as recently modified by the FCC in its *Lifeline Reform Order*, SI Wireless will terminate Lifeline benefits to any customer that does not demonstrate continued eligibility within 30 days following the date of an impending termination letter.⁴⁹ SI Wireless will provide impending termination letters to: (a) any customer that fails to demonstrate their continued eligibility as part of the Company's annual recertification efforts; (b) any customer the Company believes, on a reasonable basis, no longer qualifies for the service under the eligibility criteria identified in the FCC Rules; or (c) any customer that has no usage for 60 consecutive days.⁵⁰

SI Wireless will also terminate (within five business days) Lifeline benefits to any customer or household the Company has been notified to be receiving Lifeline benefits from more than one carrier.⁵¹

d. Annual Reporting Requirements

SI Wireless commits to comply with the annual reporting requirements identified in Section 54.422 of the FCC Rules, 47 C.F.R. § 54.422, as recently modified by the FCC in its *Lifeline Reform Order*.

IV. DESIGNATING SI WIRELESS AS AN ETC WILL SERVE THE PUBLIC INTEREST

For SI Wireless to be designated as an ETC in a rural service area, the Commission must find that the grant of ETC status to SI Wireless in the rural service area

⁴⁹ See 47 C.F.R. § 54.405(e).

⁵⁰ *Id.*

⁵¹ *Id.*

would serve the public interest.⁵² In cases decided by the FCC,⁵³ 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.

The 1996 Act and the FCC in its enabling orders provide guidance for determining the public interest.⁵⁴ The overarching 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.”⁵⁵ In its implementing orders, the FCC has ruled that the pro-competitive and deregulatory directives from Congress required USF support mechanisms to be competitively neutral and portable among eligible carriers.⁵⁶

In conformity with the Act and the FCC’s rules, the FCC 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.⁵⁷

⁵² 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.*

⁵³ See, e.g., *North Carolina RSA 3 Cellular Tel. Co.*, CC Docket No. 96-45, Order, 21 FCC Rcd 9151 (Wireline Comp. Bur. 2006) (“*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 (2004) (“*Virginia Cellular Order*”); *NPCR, Inc., d/b/a Nextel Partners*, 19 FCC Rcd 16530 (2004) (“*Nextel Partners Order*”); *Highland Cellular, Inc.*, CC Docket No. 96-45, Memorandum Opinion and Order, 19 FCC Rcd 6422 (2004).

⁵⁴ See, e.g., *Universal Service First Report and Order*, 12 FCC Rcd at 8801 (para. 47); *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*”).

⁵⁵ 1996 Act (preamble).

⁵⁶ *Universal Service First Report and Order*, 12 FCC Rcd at 8801, 8861-62 (para. 152); *Universal Service Ninth Report and Order*, 14 FCC Rcd at 20480 (para. 90).

⁵⁷ See *Federal-State Joint Board on Universal Service*, CC Docket Nos. 96-45, 96-262, Seventh Report and Order, 14 FCC Rcd 8078 (1999).

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

- The benefits of increased competitive choice;
- The impact of designation on the federal USF;
- 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.⁵⁸

SI Wireless sets forth below specific facts demonstrating how its designation will advance the public interest in the service areas requested in this Application.

A. SI Wireless' Designation Will Bring Improved Coverage and Service Quality

Through participation in USF support mechanisms, such as the Lifeline program, SI Wireless will provide more advanced services to Tennessee consumers. SI Wireless states on information and belief that there are areas within its proposed ETC service areas that are underserved by wireless telephone facilities.⁵⁹ 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."⁶⁰

⁵⁸ *ETC Criteria Order*, 20 FCC Rcd at 6390-96 (paras. 44-57).

⁵⁹ SI Wireless is using the term "underserved" to mean that wireless service is not provided in the area, or that the wireless signal provided in the area is poor, resulting in poor reception and a significant amount of dropped calls.

⁶⁰ *Virginia Cellular Order*, 19 FCC Rcd at 1576 (para. 29).

SI Wireless 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. SI Wireless' response time to an outage report will normally be less than one hour.

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

People in rural areas depend on mobile phones more and more to provide critical communications needs. Designating SI Wireless as an ETC in the areas requested in this Application will provide additional consumer choice and a potential solution to health and safety risks associated with the rural nature of these areas.⁶¹ Wireline service is only available at the end of the provider's wires. By contrast, mobile service can extend important health and safety benefits so that people in need are not required to travel long distances to find a telephone in an emergency or other important health or safety situation.⁶²

SI Wireless' network will be reinforced by the presence of battery and generator backups, capable of running indefinitely in the event of a major electrical outage. Portable generators can be moved to individual cell sites in the event of a catastrophic

⁶¹ 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) ("The mobility of telecommunications assists consumers in rural areas who often must drive significant distances to places of employment, stores, schools, and other locations. The availability of a wireless universal service offering also provides access to emergency services that can mitigate the unique risks of geographic isolation associated with living in rural communities."); *U.S. Cellular Missouri Order* at 12 ("Clearly, expansion of cell phone service would benefit consumers by giving them an additional option for phone service, by allowing them additional mobility, and by affording them increased safety while on the road or otherwise away from the end of a telephone wire."); *Alltel Nebraska Order* at 16-17; *RCC Mississippi Order* at 9 ("[The mobility of telecommunications] is ... invaluable in summoning emergency services in rural areas where public access telephones are few and far between.").

⁶² *Easterbrooke Rural Order* at 61 ("Reliable mobile communications have a high level of importance for people who live in rural areas. The highest quality wireline service is no substitute for mobile services with broad geographic coverage, simply because the wireline service physically may not be there when it is needed, in a rural area.").

electrical failure. In the event of power or other types of failure, the cell sites are equipped with alarms that will alert the Company's technicians. Additionally, as noted earlier, the sites will be monitored remotely at the Company's Network Operations Center, should there be a total communications failure on any portion of the SI Wireless network.

C. Benefits of Competition.

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.”⁶³ Designation of a competitive ETC in rural areas increases facilities and spurs development of advanced communications as carriers vie for a consumer's business.⁶⁴

Designation of SI Wireless 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.⁶⁵ Residents in many rural areas have long trailed 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.

⁶³ See 1996 Act (preamble).

⁶⁴ 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.

⁶⁵ See *Carolina West Order*, 21 FCC Rcd at 9156 (para. 17) (“We find 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.”).

Designation of SI Wireless as an ETC in the areas of Tennessee requested 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 or dependents. Providing SI Wireless with the authority necessary to offer discounted Lifeline services to those most in danger of losing wireless service altogether undoubtedly promotes the public interest.

Moreover, as set forth above, other telecommunications carriers in Tennessee already offer Lifeline support to their subscribers, including non-facilities based wireless carriers.⁶⁶ In fact, the FCC recently designated a carrier in Tennessee as an ETC that at least partially operates over SI Wireless' network facilities in the state.⁶⁷ Designating SI Wireless as an ETC in the state would serve to keep a level playing field for competition.

D. SI Wireless' Designation as an ETC Will Not Result in "Cream-Skimming"

As part of its public interest analysis, the Commission must determine whether SI Wireless' 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

⁶⁶ For example, in addition to the numerous wireline companies already designated to provide Lifeline in Tennessee, wireless carriers including TracFone Wireless, Nexus Communications, Inc., Virgin Mobile USA and I-Wireless are also designated and are drawing Lifeline support from USAC every month. *See, e.g.,* USAC Low Income Disbursement Data, <http://www.usac.org/li/tools/disbursements/>. T-Mobile USA was also recently designated as an ETC in Tennessee by the FCC. *See, e.g., See In the Matter of Telecommunications Carriers Eligible for Universal Service Support; Petition of T-Mobile USA, Inc. for Designation as a Low-Income Eligible Telecommunications Carrier*, DA 12-1339 (rel. Aug. 16, 2012).

⁶⁷ *See In the Matter of Telecommunications Carriers Eligible for Universal Service Support; Amended Petition of NTCH, Inc. for Designation as an Eligible Telecommunications Carrier in the States of North Carolina and Tennessee*, DA 12-1339 (rel. Aug. 16, 2012).

available.

There is no possibility for cream-skimming in this application. SI Wireless is not targeting particular areas based on the possibility of receiving uneconomic levels of support. On the contrary, SI Wireless is only seeking ETC designation in this application in areas that cover the entirety of the incumbent LEC service area.

V. ANTI-DRUG ABUSE CERTIFICATION

No party to this Petition is subject to denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1998, 21 U.S.C. § 862.

VI. CONCLUSION

For the reasons discussed in this Petition, SI Wireless respectfully requests the Commission to designate it as an ETC for the requested designated rural and non-rural areas in Tennessee for the purpose of providing Lifeline services.

Respectfully submitted,



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January 2, 2013

Exhibit A

Tennessee Regulatory Authority Letter

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

April 11, 2003

IN RE:

APPLICATION OF ADVANTAGE CELLULAR
SYSTEMS, INC. TO BE DESIGNATED AS AN
ELIGIBLE TELECOMMUNICATIONS CARRIER

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)
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DOCKET NO.
02-01345

ORDER

This matter came before Chairman Sara Kyle, Director Deborah Taylor Tate and Director Pat Miller of the Tennessee Regulatory Authority (the "Authority"), the voting panel assigned in this docket, at the regularly scheduled Authority Conference held on January 27, 2003, for consideration of the *Application of Advantage Cellular Systems, Inc. To Be Designated As An Eligible Telecommunications Carrier* ("Application") filed on November 21, 2002.

Background

Advantage Cellular Systems, Inc. ("Advantage") is a commercial mobile radio service provider ("CMRS") seeking designation as an Eligible Telecommunications Carrier ("ETC") by the Authority pursuant to 47 U.S.C. §§ 214 and 254. In its *Application*, Advantage asserts that it seeks ETC status for the entire study area of DeKalb Telephone Cooperative, Inc., a rural cooperative telephone company. Advantage maintains that it meets all the necessary requirements for ETC status and therefore is eligible to receive universal service support throughout its service area.

The January 27, 2003 Authority Conference

During the regularly scheduled Authority Conference on January 27, 2003, the panel of Directors assigned to this docket deliberated Advantage's *Application*. Of foremost consideration was the issue of the Authority's jurisdiction. The panel unanimously found that the Authority lacked

jurisdiction over Advantage for ETC designation purposes.¹

This conclusion was implicitly premised on Tenn. Code Ann. § 65-4-104, which provides that:

The Authority has general supervisory and regulatory power, jurisdiction and control over all public utilities and also over their property, property rights, facilities, and franchises, so far as may be necessary for the purpose of carrying out the provisions of this chapter.

For purposes of Tenn. Code Ann. § 65-4-104, the definition of public utilities specifically excludes, with certain exceptions not relevant to this case, "[a]ny individual, partnership, copartnership, association, corporation or joint stock company offering domestic public cellular radio telephone service authorized by the federal communications commission."

The Authority's lack of jurisdiction over CMRS providers implicates 47 U.S.C. § 214(e), which addresses the provision of universal service. Where common carriers seeking universal service support are not subject to a state regulatory commission's jurisdiction, 47 U.S.C. § 214(e)(6) authorizes the Federal Communications Commission ("FCC") to perform the ETC designation.²

¹ This finding is not inconsistent with the Authority's decision in *In re: Universal Service Generic Contested Case*, Docket 97-00888, *Interim Order on Phase I of Universal Service*, pp. 53-57 (May 20, 1998), in which the Authority required intrastate telecommunications carriers to contribute to the intrastate Universal Service Fund including telecommunications carriers not subject to authority of the TRA. The decision in Docket No. 97-00888 was based primarily on 47 U.S.C. § 254(f) which authorizes states to adopt regulations not inconsistent with the Federal Communications Commission's rules on Universal Service and specifically requires every telecommunications carrier that provides intrastate telecommunications services to contribute to the preservation and advancement of universal service in that state. The *Interim Order* was issued prior to the effective date of 47 U.S.C. § 214(e)(6).

² 47 U.S.C. § 214(e)(6) states:

(6) Common carriers not subject to state commission jurisdiction

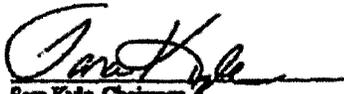
In the case of a common carrier providing telephone exchange service and exchange access that is not subject to the jurisdiction of a State commission, the Commission shall upon request designate such a common carrier that meets the requirements of paragraph (1) as an eligible telecommunications carrier for a service area designated by the Commission consistent with applicable Federal and State law. Upon request and consistent with the public interest, convenience and necessity, the Commission may, with respect to an area served by a rural telephone company, and shall, in the case of all other areas, designate more than one common carrier as an eligible telecommunications carrier for a service area designated under this paragraph, so long as each additional requesting carrier meets the requirements of paragraph (1). Before designating an additional eligible telecommunications carrier for an area served by a rural telephone company, the Commission shall find that the designation is in the public interest.

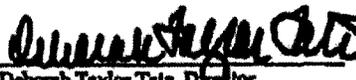
As a matter of "state-federal comity," the FCC requires that carriers seeking ETC designation "first consult with the state commission to give the state commission an opportunity to interpret state law."³ Most carriers that are not subject to a state regulatory commission's jurisdiction seeking ETC designation must provide the FCC "with an affirmative statement from a court of competent jurisdiction or the state commission that it lacks jurisdiction to perform the designation."⁴

The panel noted that the FCC is the appropriate forum for Advantage to pursue ETC status pursuant to 47 U.S.C. § 214(e)(6). This Order shall serve as the above mentioned affirmative statement required by the FCC.

IT IS THEREFORE ORDERED THAT:

The Application of Advantage Cellular Systems, Inc. To Be Designated As An Eligible Telecommunications Carrier is dismissed for lack of subject matter jurisdiction.


Sara Kyte, Chairman


Deborah Taylor Tate, Director


Pat Miller, Director

³ *In the Matter of Federal-State Joint Bd. on Universal Service*, CC Docket No. 96-41, Tenth Report and Order, Memorandum Opinion and Order, and Further Notice of Proposed Rulemaking, 15 F.C.R. 12208, 12264, § 113 (June 30, 2000).

⁴ *See id.* (The "affirmative statement of the state commission may consist of any duly authorized letter, comment, or state commission order indicating that it lacks jurisdiction to perform designations over a particular carrier.")

Exhibit B

Map of SI Wireless Proposed ETC Service Area

Exhibit C

**List of Rural and Non-Rural Study Areas/Wire Centers to be served by SI
Wireless in its Proposed ETC Designated Area**

Exhibit C

List of Rural and Non-Rural Wire Centers Within SI Wireless Proposed ETC Service Area

Rural Wire Centers

<u>Company</u>	<u>Wire Center</u>
ARDMORE TELEPHONE CO., INC.	ARMRALXA
ARDMORE TELEPHONE CO., INC.	MCBGTNXA
ARDMORE TELEPHONE CO., INC.	MNHLTNXA
BEN LOMAND RURAL TELEPHONE COOPERATIVE, INC.	BCGVTNXA
BEN LOMAND RURAL TELEPHONE COOPERATIVE, INC.	BRSHTNXA
BEN LOMAND RURAL TELEPHONE COOPERATIVE, INC.	CNTWTNXA
BEN LOMAND RURAL TELEPHONE COOPERATIVE, INC.	DBRLTNXA
BEN LOMAND RURAL TELEPHONE COOPERATIVE, INC.	DOYLTNXA
BEN LOMAND RURAL TELEPHONE COOPERATIVE, INC.	DRSTTNXA
BEN LOMAND RURAL TELEPHONE COOPERATIVE, INC.	HLBOTNXA
BEN LOMAND RURAL TELEPHONE COOPERATIVE, INC.	LAGRTNXA
BEN LOMAND RURAL TELEPHONE COOPERATIVE, INC.	MMRLTNXA
BEN LOMAND RURAL TELEPHONE COOPERATIVE, INC.	MTEGTXA
BEN LOMAND RURAL TELEPHONE COOPERATIVE, INC.	OLZITNXA
BEN LOMAND RURAL TELEPHONE COOPERATIVE, INC.	PLHMTNXA
BEN LOMAND RURAL TELEPHONE COOPERATIVE, INC.	RCISTNXA
BEN LOMAND RURAL TELEPHONE COOPERATIVE, INC.	SPNCTNXA
BEN LOMAND RURAL TELEPHONE COOPERATIVE, INC.	SPRLTNXA
BEN LOMAND RURAL TELEPHONE COOPERATIVE, INC.	TRCYTNXA
BEN LOMAND RURAL TELEPHONE COOPERATIVE, INC.	VIOLTNXA
BLEDSON TELEPHONE COOPERATIVE	CLSTTNXA
BLEDSON TELEPHONE COOPERATIVE	DNLPTNXA
BLEDSON TELEPHONE COOPERATIVE	FCFLTNA
BLEDSON TELEPHONE COOPERATIVE	NNMLTNXA
BLEDSON TELEPHONE COOPERATIVE	PKVLTNXA
CENTURYTEL OF ADAMSVILLE, INC.	ADVLTNXA
CENTURYTEL OF ADAMSVILLE, INC.	MDVLTNXA
CENTURYTEL OF ADAMSVILLE, INC.	SHLHTNXA
CITIZENS COMM CO TN DBA FRONTIER COMM OF TN, LLC	ALGDTNXA
CITIZENS COMM CO TN DBA FRONTIER COMM OF TN, LLC	CKVLTNXA
CITIZENS COMM CO TN DBA FRONTIER COMM OF TN, LLC	CSVLTNXA
CITIZENS COMM CO TN DBA FRONTIER COMM OF TN, LLC	DRSDTNXA
CITIZENS COMM CO TN DBA FRONTIER COMM OF TN, LLC	LTHMTNXA

Note: To the extent that any wire centers have been inadvertently excluded from this Exhibit, SI Wireless intends to serve the entirety of the rural incumbent local exchange carrier study areas identified.

CITIZENS COMM CO TN DBA FRONTIER COMM OF TN, LLC
CITIZENS COMM CO TN DBA FRONTIER COMM OF TN, LLC
CITIZENS COMM CO TN DBA FRONTIER COMM OF TN, LLC
CITIZENS COMM CO TN DBA FRONTIER COMM OF TN, LLC
CITIZENS COMM CO TN DBA FRONTIER COMM OF TN, LLC
CITIZENS COMM CO TN DBA FRONTIER COMM OF TN, LLC
CITIZENS COMM CO TN DBA FRONTIER COMM OF TN, LLC
CITIZENS COMM CO TN DBA FRONTIER COMM OF TN, LLC

CROCKETT TELEPHONE CO., INC.

CROCKETT TELEPHONE CO., INC.

CROCKETT TELEPHONE CO., INC.

DEKALB TELEPHONE COOPERATIVE
HUMPHREYS COUNTY TELEPHONE CO.

LORETTO TELEPHONE CO., INC.

PEOPLES TELEPHONE CO., INC.

PEOPLES TELEPHONE CO., INC.

PEOPLES TELEPHONE CO., INC.

TENNESSEE TELEPHONE CO.

UNITED TEL CO INC.

UNITED TEL CO INC.

UNITED TEL CO INC.

UNITED TEL CO INC.

WEST KENTUCKY RURAL TELEPHONE COOP. CORP., INC.
WEST KENTUCKY RURAL TELEPHONE COOP. CORP., INC.
WEST KENTUCKY RURAL TELEPHONE COOP. CORP., INC.
WEST KENTUCKY RURAL TELEPHONE COOP. CORP., INC.
WEST KENTUCKY RURAL TELEPHONE COOPERATIVE, INC.

MARTTNXA
MMVLTNXA
MTRYTNXA
PLHLTNXA
PLVLTNXA
SHRNTNXA
SIDNTNXA
SPRTTNXA
TANSTNXA
ALAMTNXA
FRSHTNXA
MRCYTNXA
SMVLTNXA
NWJHTNXA
ETRGTNXA
FVPLTNXA
LEOMTNXA
LRTTTNXA
STJSTNXA
ERINTNXA
HNRYTNXA
TNRGTNXA
BCTNTNXA
CFTNTNXA
CNWDTNXA
COVLTNXA
DCVLTNXA
HCRDTNXA
LBVLTNXA
LNDNTNXA
LVRGNTNXA
MTJLTNXA
PRSTNXA
SCHLTNXA
SRDSTNXA
WYBOTNXA
CPHLTNXA
ESSPTNXA
NLVLTNXA
UNVLTNXA
CTGVTNXA
CYPRTNXA
PRYRTNXA
HAZLKYXA
BRZLTNXA

Note: To the extent that any wire centers have been inadvertently excluded from this Exhibit, SI Wireless intends to serve the entirety of the rural incumbent local exchange carrier study areas identified.

BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	JCSNTNNS
BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	JSPRTNMT
BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	KNTNTNMA
BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	LRBGTNMA
BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	LWBGTNMA
BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	LXTNTNMA
BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	LYBGTNMT
BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	LYLSTNMA
BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	LYVLTNMA
BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	MCKNTNMA
BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	MCWNTNMT
BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	MDTNTNMA
BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	MEDNTNMA
BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	MILNTNMA
BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	MNCHTNMA
BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	MNPLTNMA
BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	MSCWTNMA
BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	NWBRTNMA
BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	OKGVKYES
BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	PARSTNMA
BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	PLMYTNMA
BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	PLSKTNMA
BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	PTBGTNMA
BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	RDGLTNMA
BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	SDDSTNMA
BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	SEWNTNMW
BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	SHVLTNMA
BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	SLMRTNMT
BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	SMTWTNMA
BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	SNTFTNMA
BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	SOVLTNMT
BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	SPBGTNMA
BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	SPCYTNMT
BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	SVNHTNMT
BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	TPVLTNMA
BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	TROYTNMT
BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	TRTNTNMA
BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	UNCYTNMA
BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	VNLRTNMA
BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	WHVLTNMT
BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	WHWLTNMA
BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	WLPTTNMA
BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	WNCHTNMA
BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	WVRLTNMT

Note: To the extent that any wire centers have been inadvertently excluded from this Exhibit, SI Wireless intends to serve the entirety of the rural incumbent local exchange carrier study areas identified.

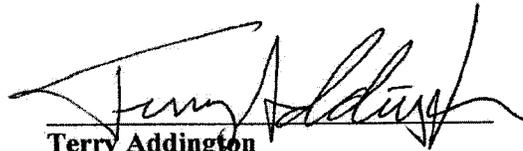
Exhibit D
SI Wireless Certification

CERTIFICATION

State of Georgia)
)
County of Fulton)

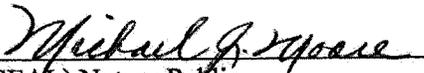
Terry Addington, being duly sworn, states that he files this Application as **CEO** of SI Wireless, LLC ("SI Wireless"); that in such capacity, he is qualified and authorized to file and verify such Application; that he has carefully examined all the statements and matters contained in the Application; and that all such statements made and matters set forth therein are true and correct to the best of his knowledge, information and belief.

Terry Addington further states that SI Wireless offers or will be able to offer, all of the services designated for support by the Federal Communications Commission throughout the areas in which SI Wireless is requesting designation as an ETC, and if SI Wireless is designated an Eligible Telecommunications Carrier ("ETC") by the Commission, SI Wireless will comply with the service requirements applicable to the support it receives.



Terry Addington
Chief Executive Officer
SI Wireless, LLC

Subscribed and sworn to before me, a
Notary Public in and for the State and
County named above, this 29 day
of **December**, 2012.


(SEAL) Notary Public

