

granted by the Federal Communications Commission (FCC) as shown on Exhibit 2.

As demonstrated below, Mid-Rivers Cellular meets all of the statutory requirements for ETC designation. Designating Mid-Rivers Cellular as an ETC will serve the public interest by providing customers in the Mid-Rivers Cellular area a choice of communication providers and communication technologies and by allowing Mid-Rivers Cellular to upgrade and improve its service through use of Universal Service Funds. Accordingly, Mid-Rivers Cellular requests expedited review and approval of this petition.

II. REQUIREMENTS FOR ETC DESIGNATION

A. Mid-Rivers Cellular offers all services required for designation as an Eligible Telecommunications Carrier.

As noted above, Mid-Rivers Cellular provides communications services in the area pictured on the map attached as Exhibit 1. The cellular coverage area served by Mid-Rivers Cellular, in accordance with licenses granted by the FCC, include portions of Rural Service Areas (RSA's) 3, 4, and 10, which encompass exchanges served by Mid-Rivers Telephone Cooperative, Inc. and Range Telephone Cooperative, Inc. as noted above. A portion of the Northern Cheyenne Indian Reservation is included in the Mid-Rivers Cellular service area.

Section 214(e)(1)(A) of the Act requires an ETC to offer those services supported by the Federal Universal Service Fund. The FCC has identified the following services as those supported by the Federal Universal Service Fund and therefore required of ETC's:

- 1) voice grade access to the public network;

- 2) access to free of charge "local usage" defined as an amount of minutes of use of exchange service;
- 3) dual tone multi-frequency signaling or its functional equivalent;
- 4) single-party service or its functional equivalent;
- 5) access to emergency services;
- 6) access to operator services;
- 7) access to interexchange service;
- 8) access to directory assistance; and
- 9) toll limitation services for qualifying low-income customers.¹

Mid-Rivers Cellular currently provides all subject services within its cellular service area through its own facilities and the facilities of others.²

B. Mid-Rivers Cellular will advertise and promote its universal service offerings.

A carrier designated as an ETC must advertise the availability of those services and the charges therefore supported by the federal universal service support mechanism in media of general distribution.³ Mid-Rivers Cellular advertises the availability of its services throughout its service area. Mid-Rivers Cellular employs several advertising media to promote its service offerings including radio, newspaper, cable television and public meetings. Mid-Rivers Cellular will expand on these advertising and promotional efforts, as necessary, to ensure that customers within the service area are fully informed of Mid-Rivers Cellular's universal service offerings.

¹ 47 C.F. R. § 54.101(a)(1)

² Mid-Rivers Cellular has local interconnection agreements with Mid-Rivers Telephone Cooperative, Inc. and Range Telephone Cooperative, Inc.

³ 47 U.S.C. § 214(e)(1)(B)

C. Mid-Rivers Cellular designation as an ETC is in the public interest.

Mid-Rivers Cellular seeks to be designated as an ETC in an area served by rural telephone companies, i.e. Mid-Rivers Telephone Cooperative, Inc. and Range Telephone Cooperative, Inc.⁴ As such, in addition to providing the statutorily mandated services noted above, an additional ETC designation must be in the public interest.⁵

The Commission's designation of Mid-Rivers Cellular as an ETC will clearly serve the public interest by providing the customers in the Mid-Rivers Cellular service area a choice of communications providers and communication technologies. Mid-Rivers Cellular serves "fill-in" cellular markets, i.e. areas abandoned by the original cellular licenses, presumably for economic reasons. The customers in this most rural area of Montana must be able to avail themselves of telecommunications services comparable to those in urban areas at rates also comparable to those in urban areas as prescribed by the Act.⁶ The designation of Mid-Rivers Cellular as an ETC would afford Mid-Rivers Cellular the financial ability to continue to provide universal service offerings to these customers. Mid-Rivers Cellular service is essential to public safety in the area it serves. Designation of Mid-Rivers

⁴ 47 U.S.C. § 3(37)

⁵ 47 U.S.C. § 214(e)(2)

⁶ 47 U.S.C. § 254(b)(3)

Cellular as an ETC would enhance Mid-Rivers Cellular's ability to contribute to public safety needs in further satisfaction of the public interest standard.⁷

III. CONCLUSION

Mid-Rivers Cellular has demonstrated that it meets the statutory requirements to be designated as an ETC in its service area, and that such designation would be in the public interest. Mid-Rivers Cellular has already made a commitment to universal service principles by providing a needed telecommunication service to an area that former licensees abandoned. Designation as an ETC would afford Mid-Rivers Cellular the financial ability to continue its universal service commitment. Designation of Mid-Rivers Cellular as an ETC will increase wireless access for rural subscribers as prescribed in the recent FCC initiative. Designation of Mid-Rivers Cellular as an ETC complies with a specific principle that the preservation and advancement of Universal Service is based upon, i.e. "competitive neutrality," which in the context of this petition would mean that neither cellular (wireless) or wireline technology would be unfairly advantaged or disadvantaged.⁸ Accordingly, Mid-Rivers Cellular respectfully requests prompt designation as an Eligible Telecommunications Carrier throughout its service area in accordance with the provisions of the Communications Act of 1934, as amended.

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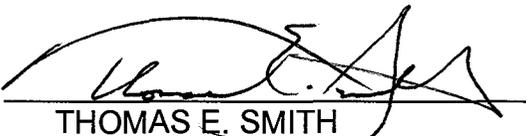
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⁷ 47 U.S.C. § 254(c)(1)(a)

⁸ 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)

Respectfully submitted this 5th day of August, 2003.

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W013

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C&CC CELLULAR SITE LICENSE GRANT/ TURN-UP DATES				
Site Name	Call Sign	License Grant/Turn-up Date	RSA	Market No.
Baker	KNKR293	12/4/96	Montana 10-Prairie	CMA532
Cabin Creek	KNKR293	12/4/96	Montana 10-Prairie	CMA532
Ekalaka	KNKR293	12/4/96	Montana 10-Prairie	CMA532
Richey	KNKR290	12/16/96	Montana 4-Daniels	CMA526
Rimroad	KNKR290	12/16/96	Montana 4-Daniels	CMA526
Jordan	KNKR289	1/13/97	Montana 3-Phillips	CMA525
Sand Springs	KNKR289	1/13/97	Montana 3-Phillips	CMA525
Van Norman	KNKR289	1/13/97	Montana 3-Phillips	CMA525
Locate	KNKR293	9/24/98	Montana 10-Prairie	CMA532
Broadus	WPSD973	3/23/01	Montana 10-Prairie	CMA532
South Ekalaka	WPTV839	12/27/01	Montana 10-Prairie	CMA532
Ashland	WPVK992	12/13/02	Montana 10-Prairie	CMA532

D2003.8.105

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August 5, 2003

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Steve Vick
Montana Public Service Commission
1701 Prospect Avenue
Helena, MT 59620-2601

RE: In the Matter of the Petition of Cable & Communications Corporation dba Mid-Rivers Cellular for Designation as an Eligible Telecommunications Carrier Throughout its Service Area.
Docket No.: Unassigned
Our File No. 12540,010

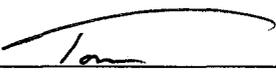
Dear Mr. Vick:

Enclosed for filing please find the original and eleven (11) copies of the Petition of Cable & Communications Corporation dba Mid-Rivers Cellular for Designation as an Eligible Telecommunications Carrier Throughout its Service Area. Also enclosed herewith please find a pre-addressed and stamped envelope for the return of one (1) copy to me after it has been conformed with the docket number.

Thank you for your assistance. If you have any questions, please feel free to contact me.

Sincerely,

MOULTON, BELLINGHAM, LONGO
& MATHER, P.C.

By 
THOMAS E. SMITH

TES/mt
Enclosure
cc. Gerry Anderson w/enc.