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September 30, 2003

**FEDERAL EXPRESS**

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

RE: In the Matter of Cable and Communications Corporation's dba Mid-Rivers Cellular  
Response to Public Service Commission Staff Data Requests PSC-001 - PSC-013  
Docket No.: D2003.8.105  
Our File No. 12540,008

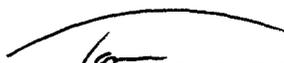
Dear Mr. Vick:

Enclosed herewith please find the original and ten (10) copies of Cable and  
Communications Corporation's dba Mid-Rivers Cellular Response to Public Service Commission  
Staff Data Requests PSC-001 - PSC-013.

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.

DEPARTMENT OF PUBLIC SERVICE REGULATION  
BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MONTANA

2003 OCT -1 AM 8:47

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PUBLIC SERVICE COMMISSION ORIGINAL

IN THE MATTER OF CABLE & )  
COMMUNICATIONS CORPORATION dba ) Utility Division  
MID-RIVERS CELLULAR, Petition for )  
Designation as an Eligible Telecommunications ) Docket No. D2003.8.105  
Carrier throughout the Mid-Rivers Cellular )  
Service Area. )

**CABLE & COMMUNICATIONS CORPORATION'S DBA MID-RIVERS CELLULAR  
RESPONSE TO  
PUBLIC SERVICE COMMISSION STAFF DATA REQUESTS PSC-001 – PSC-013**

**PSC – 001**

**Regarding: public interest, application**

**Witness:** GERRY ANDERSON, Manager Cable & Communications Corporation,  
dba Mid-Rivers Cellular

- a. In its ETC petition, Mid-Rivers Cellular uses the term “fill-in” cellular markets’. Define “fill-in” cellular markets’. (p.4, ¶2)

Under the licensing rules for cellular systems established by the Federal Communications Commission (“FCC”), the country was divided into specific geographic areas, Metropolitan Statistical Areas (“MSAs”) and Rural Service Areas (“RSAs”). (See 47 C.F.R. § 22.909) Two licenses were awarded per market, one for the “A” Block and one for the “B” Block frequencies (See 47 C.F.R. § 22.947). The original licensee for each market was afforded a five-year period within which it had exclusive right to serve the entire market. (See 47 C.F.R. § 22.947) Thereafter, areas unserved by the original licensee within each market were available for licensing to other entities, who could file applications to “fill-in” the portions of the market not yet served. (See 47 C.F.R. § 22.949)

- b. Which providers “abandoned” the “original cellular licenses”? (p.4, ¶2)

Mid-Rivers Cellular is licensed to provide service in Montana RSAs 3, 4 and 10 on “B” Block frequencies. Based upon the FCC’s licensing records, it appears that the original licensees for these markets are as follows:

Montana RSA 3: Triangle Communication System, Inc. ("Triangle") (Call Sign KNKQ439); the five-year build-out period expired on September 21, 1995.

Montana RSA 4: Gold Creek Cellular of Montana Limited Partnership ("Gold Creek") (Call Sign KNKN354); the five-year build-out period expired March 7, 1996.

Montana RSA 10: Gold Creek (Call Sign KNKN263); the five-year build-out date expired September 21, 1995.

- c. With regard to "b.", what service areas were the licenses for?

Montana RSA 3: Based on the FCC's records, it appears that only one cell site, located 4 miles south of Wagner, Montana, was constructed prior to the expiration of the five-year fill-in period. Thereafter, three additional sites were added, one each near Whitewater, Zortman and in Malta, Montana.

Montana RSA 4: Based on the FCC's records, it appears that Gold Creek has built two cell sites, one located in Glendive, Montana and one located in Sidney, Montana.

Montana RSA 10: Based on the FCC's records, it appears that Gold Creek has built two cell sites, one located in Terry, Montana and one located in Miles City, Montana.

Mid-Rivers Cellular's application suggests that areas within its service area have been "abandoned by original cellular licenses, presumably for economic reasons". (p.4, ¶12)

- d. Why does Mid-Rivers Cellular presume the areas were abandoned for "economic reasons"? For what "economic reasons" does Mid-Rivers Cellular presume the areas were "abandoned"?

The areas originally served by Gold Creek and Triangle were among the most populous in each market. Initiating cellular service in less populated areas (or areas outside main transportation routes, such as the I-94 corridor from Miles City to Glendive) yielded a diminished return on each construction dollar. Because there is little difference in the technical requirements for service provision throughout the subject RSAs, it would appear that the rationale for failing to serve all areas within the original market is economic, specifically, diminished return on investment for dollars spent outside areas likely to generate significant volume of use. Because business plans for cellular service historically were built upon per-minute charges (a component of most current business plans), it would appear that construction decisions were based upon expected return. The presumption that previous license holders did not construct systems in the areas that Mid-Rivers Cellular now serves for economic reasons is an obvious one – dollars spent in areas of heavy cellular usage will generate a higher return than those spent in sparsely populated and lightly traveled rural areas, such as the Mid-Rivers Cellular area.

- e. What allows Mid-Rivers Cellular to remain operational in the same areas and not abandon them for the same or similar “economic reasons”?

Mid-Rivers Cellular is a locally owned and controlled company. As such, it has the welfare of the local communities it serves much more in mind than a large national corporation. The motivation for providing cellular service was and remains the fact that cellular service is necessary in rural areas and that without Mid-Rivers Cellular providing the service the residents of Eastern Montana would not have this service. Mid-Rivers Cellular does not operate on a formulistic revenue basis, but rather is willing to serve local markets promising a reasonable return, particularly those in which Mid-Rivers Cellular subscriber-owners reside and travel.

## PSC-002

**Regarding: public interest, E911, 47 C.F.R. § 54.101(a)(5)**

**Witness:** GERRY ANDERSON, Manager Cable & Communications Corporation,  
dba Mid-Rivers Cellular

- a. What universal service offerings does Mid-Rivers Cellular currently provide customers? (p.4, ¶2)

All services required by 47 C.F.R. § 54.101(a), as more specifically detailed in our application for ETC status.

- b. If Mid-Rivers Cellular is not designated as an ETC, will it continue to provide universal service offerings to customers of its service area? (p.4, ¶2)

That is the intent, but lack of financial resources and probable government service mandates could result in a decrease of universal service offerings.

- c. In what manner is Mid-Rivers Cellular service “essential to public safety in the area in which it serves”?

Mid-Rivers Cellular provides cellular service to a vast and remote area of Eastern Montana. As residents of this area conduct their every day affairs, they do not have landline telephone service available at many times of the day. At these times, Cellular service is essential to meet safety needs, both personal and public. These needs could be of a medical or law enforcement nature. An example is the recent fires for which cellular service was available for the firefighters and residents.

**PSC-003**

**Regarding: public interest, E911, C.F.R. § 54.101(a)(5)**

**Witness: GERRY ANDERSON, Manager Cable & Communications Corporation,  
dba Mid-Rivers Cellular**

- a. How does Mid-Rivers Cellular provide 911 and/or E911 service?

A 911 call is routed to a secondary emergency telephone number designated by the PSAP that serves the area where the receiving cell site is located.

E911 is not provided to any PSAP's at this time.

- b. How would designation as an ETC affect how Mid-Rivers Cellular currently provides access to emergency services?

Designation as an ETC would have no effect.

- c. What is a Mid-Rivers Cellular customer billed in relation to 911 and/or E911 services?

Mid-Rivers Cellular charges \$.50 per customer per month pursuant to Section 10-4-201, MCA.

- d. On September 3, 2003, information given at the following two URLs indicated that a Mid-Rivers Cellular customer may be charged for portions of particular incoming calls. What charges may be incurred by a Mid-Rivers Cellular customer with regard to ANI as mentioned in 47 C.F.R. § 54.101(a)(5)?

<http://www.midrivers.com/Cellular/cellularplans/htm?Cellular=true>

<http://www.midrivers.com/Cellular/cellularfaq.htm?Cellular=true>

Charges may be incurred by the cellular customer depending on where he is located and if he is called back by the PSAP. There is no charge to place a 911 call; however, if he is called back by the PSAP and he is roaming there could be airtime, roaming, and long distance charges applied.

**PSC-004**

**Regarding: advertising**

**Witness: GERRY ANDERSON, Manager Cable & Communications Corporation,  
dba Mid-Rivers Cellular**

- a. With regard to FCC rules pertaining to ETC requirements, how will Mid-Rivers Cellular meet the requirement to publicize the availability of Lifeline and Link-Up services in a manner designed to reach those who are likely to qualify for such services?

Information on the availability of "Lifeline and Link-Up" programs will be provided to Mid-Rivers Cellular customers through print advertising. Mid-Rivers Cellular will provide Lifeline, Link-Up and Toll Blocking information to county courthouses and

Action for Eastern Montana offices. Mid-Rivers Cellular will also work with the State of Montana to identify Lifeline and Link-Up recipients. This information will also be presented through periodic billboards. Customer Service Representatives will present information to customers and applicants with regard to Lifeline and Link-Up services.

- b. How will Mid-Rivers Cellular expand on advertising efforts to ensure that customers within the service area are fully informed of Mid-Rivers Cellular's universal offerings? (p.3, § II(B), ¶1)

Mid-Rivers Cellular will take whatever steps necessary to meet the Montana Public Service Commission's requirements.

- c. At what rates, or based on what calling plans, will Mid-Rivers Cellular advertise Lifeline and Link-Up services in its service area?

Mid-Rivers Cellular intends to offer Lifeline and Link-up services on its lowest cost service.

- d. Please provide a general description of each of the various calling plans, optional calling plans and optional features that Mid-Rivers Cellular intends to market to residential and business customers in its service area.

See the URL's referred to in PSC-003 and the Cellular Information Sheet therein.

#### **PSC-005**

**Regarding: public interest, public safety, ETC designation requirements**

**Witness:** GERRY ANDERSON, Manager Cable & Communications Corporation,  
dba Mid-Rivers Cellular

- a. How does Mid-Rivers Cellular provide access to directory assistance?

Directory assistance can be accessed by dialing the 411 directory assistance number or a cellular customer may contact specific area assistance by dialing 1 + the area code and 555-1212.

- b. How would ETC designation change Mid-Rivers Cellular's providing of the service addressed in "a."?

Designation as an ETC would have no effect.

- c. What toll limitation services will be available for qualified low-income customers of Mid-Rivers Cellular's service area?

Toll blocking.

- d. How will Mid-Rivers Cellular provide toll blocking or toll control, or both?

Toll blocking would be placed on the service for the specific cell customer. We do not offer toll control.

- e. How will Mid-Rivers Cellular implement rules 47 C.F.R. § 54.411 through § 54.415?

Mid-Rivers Cellular will implement these rules in the same manner as a wireline carrier does. A non-Tribal customer would be connected for one-half (½) the activation fee and a Tribal customer would be connected for no fee.

#### **PSC-006**

**Regarding: public interest, public safety, ETC designation requirements**

**Witness:** GERRY ANDERSON, Manager Cable & Communications Corporation, dba Mid-Rivers Cellular

- a. In what manner would Mid-Rivers Cellular's designation as an ETC "enhance Mid-Rivers Cellular's ability to contribute to public safety needs"? (p.5, ¶1)

ETC designation would render Mid-Rivers Cellular eligible for universal service support. Consistent with the intended use for universal service funding, Mid-Rivers Cellular will be better able to upgrade and extend facilities to expand access to mobile emergency calling.

- b. In terms of size and location, how does Mid-Rivers Cellular intend to expand its service area?

As feasible, and if approved by the FCC, Mid-Rivers Cellular would provide cellular service into presently unserved areas near to or contiguous to our present service area. For example, Mid-Rivers Cellular has in the last few years expanded its service area to previously unserved areas such as Broadus, Ashland and southern Carter County.

#### **PSC-007**

**Regarding: requirements, support**

**Witness:** GERRY ANDERSON, Manager Cable & Communications Corporation, dba Mid-Rivers Cellular

- a. How does rule 47 C.F.R. § 54.501 impact Mid-Rivers Cellular if it receives ETC designation?

Because funding availability under 47 C.F.R. § 54.501 is dependent upon the eligibility of the telecommunications customer, i.e., a school or library, not the carrier, there is no direct impact on Mid-Rivers Cellular if it receives ETC designation under this rule section.

- b. Based on 47 C.F.R. § 54.400 through § 54.409, illustrate the impact of ETC designation on the amount of Lifeline support Mid-Rivers Cellular will receive.

Please provide examples for both non-Tribal and Tribal customers, depicting how effects will vary.

Based on Mid-Rivers Cellular's intention to provide Lifeline and Link-up services on its lowest cost service, Mid-Rivers Cellular would receive \$10 in monthly support for a non-Tribal customer and \$18.95 in monthly support for a Tribal customer. In both cases, Mid-Rivers Cellular would receive \$2 per month per customer for toll blocking services.

- c. Please provide an illustration similar to that given for "b." above for 47 C.F.R. § 54.411 through § 54.415 pertaining to Link-Up support.

Based on Mid-Rivers Cellular's intention to provide Lifeline and Link-up services on its lowest cost service, Mid-Rivers Cellular would receive \$7.50 support for connecting a non-Tribal customer and \$15.00 support for connecting a Tribal customer.

- d. At what rates, or based on what calling plans, will Mid-Rivers Cellular provide services mentioned in "b." and "c." above?

Please see the answer to PSC-004(c).

#### **PSC-008**

**Regarding: calling plans, Freedom West**

**Witness:** GERRY ANDERSON, Manager Cable & Communications Corporation, dba Mid-Rivers Cellular

As indicated at the URLs provided above in "PSC-003d," Mid-Rivers Cellular provides an optional calling plan known as "Freedom West".

- a. If a description of "Freedom West" is not provided above, please provide one.

See the URL's referred to in PSC-003 and the Cellular Information Sheet therein.

- b. If Mid-Rivers Cellular receives ETC designation, does it intend to still offer "Freedom West"?

Yes.

- c. How does "Freedom West" not provide Mid-Rivers Cellular a competitive advantage over its competition?

Freedom West only covers four states whereas other wireless carriers provide nationwide free long distance. This would mean that other carriers have a competitive advantage over Mid-Rivers Cellular.

- d. What charges can a Mid-Rivers Cellular customer incur by completing a call to one of the states in the named four state region if that customer has exceeded the "free minutes" allotted in their chosen plan?

Airtime charges only.

- e. What charges can a Mid-Rivers Cellular customer incur by receiving and/or accepting a call from the states mentioned in the four state region?...from any other area not in the four state region (ie. incoming calls from either a state in US not in the four state region, from Canada or any other foreign country)? Please explain for cases where a call is either shorter than or longer than one minute in length.

If the cellular customer has Freedom West and is within the four state area, the cellular customer will not incur any long distance charges from a call placed from either within or outside the four state area. However, the applicable airtime charges will be applied. If the cellular customer is outside the four state area, the cellular customer will incur both airtime and long distance charges. In all cases, if the call is terminated in less than one (1) minute, there will be no airtime charges. However, the applicable long distance charges will still be applied.

**PSC-009**

**Regarding: Freedom West, petition**

**Witness:** GERRY ANDERSON, Manager Cable & Communications Corporation,  
dba Mid-Rivers Cellular

From the map provided with Mid-Rivers Cellular's ETC petition, it appears Mid-Rivers Cellular's service area overlaps at least one other state.

- a. Does Mid-Rivers Cellular's service area, in fact, cover areas not within Montana?

Yes.

- b. Does Mid-Rivers Cellular have customers not within Montana?

Yes.

- c. Does Mid-Rivers Cellular have local interconnection agreements with service providers other than Mid-Rivers Telephone Cooperative, Inc. and Range Telephone Cooperative, Inc.? If so, with whom?

No.

**PSC-010**

**Regarding: general, requirements, support, application**

**Witness:** GERRY ANDERSON, Manager Cable & Communications Corporation,  
dba Mid-Rivers Cellular

Particular provisions vary for residential and business customers. How does Mid-Rivers Cellular differentiate between residential and business customers?

Mid-Rivers Cellular does not differentiate between residential and business customers.

**PSC-011**

**Regarding: general, requirements, support, application**

**Witness:** GERRY ANDERSON, Manager Cable & Communications Corporation,  
dba Mid-Rivers Cellular

Does Mid-Rivers Cellular intend to petition the FCC for ETC designation on the Northern Cheyenne Indian Reservation? Please explain.

No, only a very minimal number of subscribers reside in the Northern Cheyenne Indian Reservation.

**PSC-012**

**Regarding: general, requirements, support, application**

**Witness:** GERRY ANDERSON, Manager Cable & Communications Corporation,  
dba Mid-Rivers Cellular

What "recent FCC initiative" is referenced? (p.5, § III)

Please see Attachment 1.

**PSC-013**

**Regarding: toll free NPA codes**

**Witness:** GERRY ANDERSON, Manager Cable & Communications Corporation,  
dba Mid-Rivers Cellular

What charges will a Mid-Rivers Cellular customer incur by completing a call to a "toll free" number, that is, 800-NXX, 866-NXX, etc.?

The cellular customer will incur charges for the airtime if they are over the allotted amount of airtime in their plan.

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Respectfully submitted this 30<sup>th</sup> day of September, 2003.

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

By 

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# NEWS

Federal Communications Commission  
 445 12<sup>th</sup> Street, S.W.  
 Washington, D. C. 20554

This is an unofficial announcement of Commission action. Release of the full text of a Commission order constitutes official action. See MCL v. FCC, 515 F.2d 385 (D.C. Cir. 1974).

FOR IMMEDIATE RELEASE  
 July 2, 2003

NEWS MEDIA CONTACT:  
 Meribeth McCarrick at (202) 418-0654  
[mmccarr1@fcc.gov](mailto:mmccarr1@fcc.gov)

## FCC AND USDA HOLD KICK-OFF MEETING OF THE "FEDERAL RURAL WIRELESS OUTREACH INITIATIVE"

Washington, D.C. – Today the Federal Communications Commission's Wireless Telecommunications Bureau (FCC/WTB) and the U.S. Department of Agriculture Rural Utilities Service (USDA/RUS) held the kick-off meeting of the "Federal Rural Wireless Outreach Initiative." The event brought together representatives from the federal government, the wireless industry, the rural community as well as other interested stakeholders. The initiative is designed to exchange program and regulatory information about rural development and wireless telecommunications access in rural areas.

"This partnership is the first of its kind between the Commission and USDA," said John Muleta, Chief of the FCC's Wireless Telecommunications Bureau. "We hope the dialogue from this Initiative will lay the groundwork to expedite the deployment of wireless services throughout rural America."

"The cooperation between USDA and the FCC is essential to make high speed telecommunications happen in rural America," stated RUS Administrator Hilda Legg. "Deploying this technology in a practical, effective manner is crucial to economic growth in rural areas."

Today's meeting was the first in a series of events to (1) promote the exchange of information regarding rural development and telecommunications, and to (2) encourage greater deployment of wireless services. The four main goals of the Initiative include:

- To exchange information about products and services each agency offers to promote the expansion of wireless telecommunications services in rural America.
- Harmonize rules, regulations and processes whenever possible to maximize the benefits for rural America.
- Educate partners and other agencies about FCC/WTB and USDA/RUS offerings.
- Expand the FCC/WTB and USDA/RUS partnership, to the extent that it is mutually beneficial, to other agencies and partners.

Additional information concerning this Initiative may be obtained from Nancy Plon (FCC/WTB) at (202) 418-2899 or [nplon@fcc.gov](mailto:nplon@fcc.gov); or Roberta Purcell (USDA/RUS) at (202) 720-9554 or [bpurcell@rus.usda.gov](mailto:bpurcell@rus.usda.gov)