

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

RECEIVED BY
2004 MAR -5 AM 11: 58
PUBLIC SERVICE
COMMISSION

IN THE MATTER OF CABLE & COMMUNICATIONS CORPORATION DBA MID-RIVERS CELLULAR Application for Designation as an Eligible Telecommunications Carrier)))))	UTILITY DIVISION DOCKET NO. 2003.8.105 ✓
IN THE MATTER OF 3 RIVERS PCS, INC., dba 3 RIVERS WIRELESS, Application for Designation as an Eligible Telecommunications Carrier))))	DOCKET NO. 2003.10.156
IN THE MATTER OF INTERBEL WIRELESS, INC. Application for Designation as an Eligible Telecommunications Carrier))))	DOCKET NO. D2004.1.5
IN THE MATTER OF TRIANGLE COMMUNICATION SYSTEM, INC. Application for Designation as an Eligible Telecommunications Carrier))))	DOCKET NO. D2004.1.6
IN THE MATTER OF SAGEBRUSH CELLULAR, INC. Application for Designation as an Eligible Telecommunications Carrier))))	DOCKET NO. D2004.1.7
IN THE MATTER OF NORTHERN COMMUNICATIONS, INC. Application for Designation as an Eligible Telecommunications Carrier))))	DOCKET NO. D2004.1.8
IN THE MATTER OF INTERBEL TELEPHONE COOPERATIVE, INC. Application for Designation as an Eligible Telecommunications Carrier))))	DOCKET NO. D2000.5.64

Montana Telecommunications Association

**RESPONSE IN SUPPORT OF MONTANA INDEPENDENT TELECOMMUNICATIONS
SYSTEMS
MOTION TO STAY OR SUSPEND PROCEEDINGS**

Comes now the Montana Telecommunications Association (“MTA”), in support of the Motion by Montana Independent Telecommunications Systems (“MITS”), on behalf of itself and its members, to stay or suspend proceedings in the above captioned petitions for designation as eligible telecommunications carriers (“ETC”) in areas served by Montana’s rural telecommunications carriers. (Hereinafter referred to as the “Motion.”)

MTA is an intervenor in D2003.8.105 (“Mid-Rivers Cellular”) and D2003.10.156 (“3 Rivers Wireless”), as well as D2003.1.14 (“Western Wireless”), which was not cited in MITS’ Motion.

MTA concurs with MITS’ findings in support of its Motion to stay or suspend proceedings in the above captioned ETC petitions. The Motion is directly related to the joint Petition for Rulemaking filed by MITS and MTA on February 13, 2004. That Petition seeks a rulemaking from this Commission which would establish minimum guidelines in reviewing applications for rural ETC designation in Montana. It is important to have such guidelines in place prior to making determinations as to the merits of individual rural ETC applications. Uniform standards, as proposed in the joint MITS/MTA Petition, can help establish a consistent approach by which to measure the merits of individual rural ETC applications, rather than proceeding in a piecemeal manner which may lead to the establishment of inconsistent or premature precedents.

In light of recent decisions by the FCC ¹, Federal-State Joint Board ², and Nebraska Public Utilities Commission³, it is clear that states are being strongly

¹ Memorandum Opinion and Order regarding the Virginia Cellular, LLC petitions for ETC designation in Virginia. (FCC 03-338, CC 96-45. January 22, 2004.

² In the Matter of Federal-State Joint Board on Universal Service. CC Docket No. 96-45. FCC 04J-1. Recommended Decision. February 27, 2004.

³ In the Matter of the Application of Amended NPCR, Inc., d/b/a Nextel Partners, Eden Prairie, Minnesota seeking designation as an eligible telecommunications carrier that may receive universal service support. Before the Nebraska Public Service Commission. Application No. C-

encouraged to subject all ETC applications to rigorous scrutiny, especially with regard to minimum qualifications of applicants seeking designation in rural service areas.

This Commission has the opportunity to avoid having to “look back” at ETC designations to determine whether they may or may not have received appropriate rigorous scrutiny. By granting the Motion, the Commission may proceed with a thorough and deliberate rulemaking that will help as a guide in considering current and future ETC applications.

Moreover, as MITS points out in its Motion, a preliminary determination of minimum public interest criteria, standards and expectations through one comprehensive rule-making proceeding is far more efficient than using the Commission, its staff and parties’ resources to review the same or similar issues in multiple case-by-case proceedings absent clear criteria, standards and expectations defined by Commission rule.⁴

In conclusion, MTA encourages the Commission to grant MITS’ Motion.

Respectfully submitted, this 5th day of March, 2004

MORRISON & FRAMPTON, PLLP



By: DIANE SMITH
Attorney for Montana Telecommunications
Association
341 Central Avenue
Whitefish, MT 59937
Telephone: 406-862-9600
Fax: 406-862-9611
e-mail: diane@morrisonframpton.com

2932. February 10, 2004.

⁴ MITS Motion, p4.