

Law Offices

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

BRENT R. CROMLEY  
GERALD B. MURPHY  
K. KENT KOOLEN  
GREGORY G. MURPHY  
W. A. FORSYTHE  
DOUG JAMES  
BRAD H. ANDERSON  
THOMAS E. SMITH  
JOHN T. JONES  
HARLAN B. KROGH  
DUNCAN A. PEETE

SUITE 1900, SHERATON PLAZA  
27 NORTH 27TH STREET  
P. O. BOX 2559

**BILLINGS, MONTANA 59103-2559**

Telephone (406) 248-7731

Fax (406) 248-7889

[www.moultonlawfirm.com](http://www.moultonlawfirm.com)

NANCY BENNETT  
WILLIAM J. SPEARE  
GERRY P. FAGAN  
VICKI L. McDONALD  
MICHELE L. JENSEN  
THOMAS A. MACKAY  
MICHAEL E. BEGLEY  
WILLIAM O. RYAN, JR.  
JEFF G. SORENSON  
JESSICA T. KOBOS

FREDRIC D. MOULTON  
[1912-1989]

W. S. MATHER  
[1922-1998]

WM. H. BELLINGHAM  
[1920-2002]

BERNARD E. LONGO  
OF COUNSEL

October 12, 2004

**FEDERAL EXPRESS**

①  
RECEIVED BY  
PUBLIC SERVICE  
COMMISSION  
OCT 13 11:09:10  
2004

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

RE: Responses of Cable & Communications Corporation dba Mid-Rivers Cellular to  
Public Service Commission's Staff Data Requests PSC-014 to PSC-023  
Docket No.: D2003.8.105  
Our File No. 11401,064

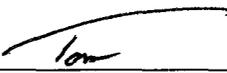
Dear Mr. Vick:

Enclosed herewith please find the original and ten (10) copies of Responses of Cable & Communications Corporation dba Mid-Rivers Cellular to Public Service Commission's Staff Data Requests PSC-014 to PSC-023 in the above-referenced docket.

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

Sincerely,

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

By   
THOMAS E. SMITH

TES/mt  
Enclosure

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

\* \* \* \* \*

IN THE MATTER OF CABLE & )  
COMMUNICATIONS CORPORATION dba )  
MID-RIVERS CELLULAR, Petition for )  
Designation as an Eligible )  
Telecommunications Carrier throughout its )  
Service Area. )

Utility Division

Docket No. D2003.8.105

RECEIVED BY  
PUBLIC SERVICE COMMISSION  
MONTANA  
JUN 13 11 09 AM '03

RECEIVED BY

**RESPONSES OF CABLE & COMMUNICATIONS CORPORATION dba MID-RIVERS  
CELLULAR TO PUBLIC SERVICE COMMISSION'S STAFF DATA REQUESTS  
PSC-014 to PSC-023**

**PSC-014**

Regarding: public interest, application, plans, obligation to serve, RSAs  
Witness: Gerry Anderson

- a. In regard to the response to PSC-001(a), what is Cable & Communications Corporation's (CCC's) status in terms of its point along the five-year path and in terms of the percent of "the entire market" that it serves today?

As noted in CCC's response to PSC-001(a), the original licensee for each frequency block of each of the 734 cellular markets area was afforded a five-year period within which it had an exclusive right to serve the entire geographic area of the respective Metropolitan Statistical Area (MSA) or Rural Service Area (RSA) market. After the expiration of the five-year period, other entities were eligible to apply to serve that portion of each market left unserved by either of the original licensees (hence, the name, "fill-in" licensees). Fill-in cellular licensees, such as CCC, are licensed to serve only the specific geographic area proposed by an application, and the application's proposed cellular geographic service area (CGSA) must not overlap with areas already claimed by an existing licensee. Since CCC was not an original licensee, it was not afforded a right to serve "the entire market" within a five year period, but is licensed only to serve those areas proposed by its applications. With respect to those areas, CCC serves 100% of the geographic area encompassed by its CGSA.

- b. In regard to "a." above, does the right to "serve the entire market" have a concomitant obligation to serve the entire market?

The original cellular licensees' right to serve the entire market was not accompanied by a duty to serve the entire market.

- c. [omitted by PSC]
- d. Is CCC's petition to be designated a petition to provide service by means of cellular and, or, PCS?

CCC seeks ETC designation throughout the entire study area of Mid-Rivers Telephone Cooperative, Inc., and the entire study area of Range Telephone Cooperative, Inc. and would provide service throughout that area by appropriate means. Although CCC's original petition referred to its FCC-licensed cellular service area, CCC has since clarified that it seeks to avoid the disruption of disaggregation which would be caused by defining the geographic expanse of its proposed ETC designation as anything smaller than the relevant study areas. Given that the request is defined by reference to a specific geographic area, the specification of a wireless technology through which CCC will fulfill its universal service obligations if designated as an ETC is immaterial. CCC has, in fact, indicated that it would seek to provide service through the resale of wireline telephone service in areas where it does not provide wireless service in lieu of seeking mandatory disaggregation of the relevant study areas.

CCC's licensed cellular service area is shown on Exhibit 1 of its Petition. CCC also holds licenses to provide PCS service in portions of the Billings, MT and Great Falls, MT Basic Trading Areas (BTAs), areas which are, in part, coextensive with CCC's cellular licensed areas.

- e. As we do not have paper copies of the cited C.F.R. (22.909 and 22.947) what are RSAs, how are they determined in terms of their physical size, and does CCC seek designation in areas other than RSAs 3, 4 and 10?

47 C.F.R. §22.909(b) defines RSAs as the 428 distinct areas, comprised of counties, for licensing of cellular systems outside of Metropolitan Statistical Areas (areas defined by the Census Bureau). Pursuant to a series of order in the 1980's designed to avoid the administrative difficulties that would occur in processing applications for undefined geographic areas,<sup>1</sup> the FCC established licensing areas intended to meet various criteria, including geographic contiguity, consistency with economic communities of interest, and economic viability. The county components of all MSAs and RSAs are listed in Public Notice Report No. CL-92-40, 7 FCC Rcd 742 (1992).

As noted in response to PSC-014(d) above, CCC seeks designation throughout the entire study area of Mid-Rivers Telephone Cooperative, Inc., and the entire study area of Range Telephone Cooperative, Inc.

---

<sup>1</sup> See, e.g., *First Report and Order*, Amendment of the Commission's Ruling for Rural Cellular Service, 60 Rad. Reg. (P&F) 1029 (1986); Amendment of the Commission's Rules for Rural Cellular Radio Service, 52 FR 22461 (1987); *Third Report and Order*, Amendment of the Commission's rules for Rural Cellular Service, 4 FCC Rcd. 2440 (1988).

**PSC-015**

Regarding: public interest, application, wireless providers, E911, lifeline linkup  
Witness: Gerry Anderson, Vern Stickel

- a. In regard to the response to PSC -001(c), do Triangle Com. Inc. and Gold Creek continue to serve the noted cell sites and does CCC also serve these cell sites?

To CCC's knowledge, Triangle Com. Inc. and Gold Creek continue to serve the noted cell sites. By definition, CCC, as a fill-in cellular licensee, cannot provide cellular service within the geographic area served by the original "B" block licensees; duplicate service utilizing the same frequencies would result in unacceptable interference and preclude service to the public.

PCS service is licensed on different frequencies. Six (6) different licenses for each geographic area originally were available: Each of the A, B and C Block licensees originally were granted 30 MHz of spectrum, and the D, E and F Block licensees were granted 10 MHz licenses. Because the FCC allows spectrum disaggregation, it is possible that more than six PCS licensees are licensed in each geographic area in the US.

CCC has constructed PCS facilities in Glendive and Sidney, Montana, areas in which Gold Creek has constructed cellular facilities. Both Glendive and Sidney are outside the area within which CCC seeks ETC designation.

- b. In regard to the response to PSC -002(b), explain fully what actions CCC might take that would diminish its universal service offerings.

To the extent that it becomes necessary to do so because of economic imperatives, resulting either from an inability to absorb additional costs or an inability to sustain appropriate revenue levels, CCC would first forego expansion of its service to conserve resources. Other measures, such as delaying planned upgrades and improvements in existing service areas could be undertaken. Beyond that, economic realities could require CCC to turn down specific sites, or cease operations altogether. CCC would consider all options and attempt to take the most prudent course under any set of circumstances.

- c. Is the response to PSC -002(c), what is the reason for the delayed offering of E911 (also see PSC -003(a))?

CCC's response to PSC-002(c) explained that the fact that wireless service is available at all (and in the vast majority of CCC's service area, it is the only wireless service provider) constitutes a public service by providing a means for communications in times of emergencies. CCC's response to PSC-002(c) did not refer to E911 services. The

reason that E911 services are not currently provided is that the public service answering points (PSAPs) in CCC's service territory have not requested the implementation of this technology. To the extent that PSAPs have not upgraded their own facilities to make use of E911 data, the provision of such information is useless.

- d. In regard to "c" above, for each of the cell sites for which CCC seeks ETC designation when CCC will be able to provide E911?

CCC does not seek ETC designation with respect to cell sites, but rather seeks ETC designation coextensive with the areas defined by the study areas of Mid-Rivers Telephone Cooperative, Inc. and Range Telephone Cooperative, Inc. CCC will provide wireless E911 services consistent with the timeframes established by the FCC's rules, including the FCC's provisions for considering extension or waiver requests. As CCC has stated consistently throughout this process, receipt of universal service support would assist the company in contributing to the public safety needs of the public.

- e. Please show the components for the Lifeline receipts (\$10 and \$18.85) that CCC is receiving on a recurring basis as it provides wireless service to qualified low income customers (DR PSC -007(b)).

CCC currently is not receiving any Lifeline funding because it is not yet designated as an ETC.

CCC calculated projected receipt of \$18.95 monthly for Tribal customers and \$10 monthly for non-Tribal customers based upon its understanding of the application of the following FCC rules to its lowest cost service plan (security plan for \$19.95 per month), as follows:

47 C.F.R. §54.403(a)(1) *Tier One*. The tariffed rate in effect for the primary residential End User Common Line charge of the incumbent local exchange carrier serving the area in which the qualifying low-income consumer receives service, as determined in accordance with §69.104 or §§69.152(d)(1) and 69.152(q) of this chapter, whichever is applicable:

\$6.50

47 C.F.R. §54.403(a)(2) *Tier Two*. Additional federal Lifeline support in the amount of \$1.75 per month will be made available to the eligible telecommunications carrier providing Lifeline service to the qualifying low-income consumer, if that carrier certifies to the Administrator that it will pass through the full amount of Tier-Two support to its qualifying, low-income consumers and that it has received any non-federal regulatory approvals necessary to implement the required rate reduction:

\$1.75

47 C.F.R. §54.403(a)(3) *Tier Three*. Additional federal Lifeline support in an amount equal to one-half the amount of any state-mandated Lifeline support or Lifeline support otherwise provided by the carrier, up to a maximum of \$1.75 per month in federal support, will be made available to the carrier providing Lifeline service to a qualifying low-income consumer if the carrier certifies to the Administrator that it will pass through the full amount of Tier-Three support to its qualifying low-income consumers and that it has received any non-federal regulatory approvals necessary to implement the required rate reduction:

\$1.75

47 C.F.R. §54.403(a)(4) Additional federal Lifeline support of up to \$25 per month will be made available to a eligible telecommunications carrier providing Lifeline service to an eligible resident of Tribal lands, as defined in §54.400(e), to the extent that:

(i) This amount does not bring the basic local residential rate (including any mileage, zonal, or other non-discretionary charges associated with basic residential service) below \$1 per month per qualifying low-income subscribers; and

(ii) The eligible telecommunications carrier certifies to the Administrator that it will pass through the full Tier-Four amount to qualifying eligible residents of Tribal lands and that it has received any non-federal regulatory approvals necessary to implement the required rate reduction.

\$8.95

#### **PSC-016**

Regarding: public interest, cellular versus PCS, digital vs analog, competition  
Witness: Gerry Anderson, Vern Stickel

- a. In regard to the initial application to provide Cellular service, does CCC now or will it once designated an ETC, provide PCS in the same areas for which it is designated as a Cellular provider? When will it provide PCS?

As noted in response to PSC-014(a), CCC provides cellular service in the specific and discrete areas for which it has applied and has been granted a license, and is confined to apply only for those areas not already claimed by another B block cellular licensee. Consequently, its "initial" application to provide Cellular service has been augmented by subsequent applications to provide service to additional geographic areas. CCC has almost doubled the service area proposed in its original application.

CCC does not currently provide PCS service in those areas where it provides Cellular Service, but it is licensed by the FCC to provide PCS service in the following counties where it currently provides Cellular service: Carter, Custer, Dawson, Fallon, Garfield, and McCone. It will provide PCS service consistent with its FCC obligations and prudent business considerations.

- b. Does CCC believe that its designation as an ETC in this docket would extend to and permit it to submit to USAC customer counts for universal service support for both the wireless service it provides by means of cellular and by PCS?

CCC understands the current USF rules to provide for the presentation of a customer count within the area of a carrier's ETC designation on a per line basis, regardless of the technology utilized to provide service.

- c. Is CCC's application to provide wireless service by means of analog and, or, digital technology?

CCC's authorization to provide Cellular service enables it to provide both analog and digital service. PCS service is, by definition, a digital technology.

- d. Re: PSC -011: Will CCC receive universal service funds and Lifeline and Link Up funds for high-cost lines located on any Reservation if it is not designated an ETC (in this docket)? If it is designated an ETC in this docket?

No, CCC will not receive universal service funds and Lifeline and Link Up funds for high-cost lines located on any Reservation if it is not designated an ETC in this docket. If CCC is designated an ETC in this docket, then it will receive universal service funds and Lifeline and Link Up funds for those subscribers who sign up and provide a subscriber's address situated within a Reservation. As noted in CCC's Response to PSC-011, presently only a very minimal number of subscribers, if any, reside within the Northern Cheyenne Indian Reservation.

- e. Does the FCC's recent Virginia Cellular Memorandum Opinion and Order (released January 22, 2004, FCC 03-338, CC 96-45) permit the MPSC to apply public interest standards and, or, requirements with which CCC disagrees?

As noted in its Response to MITS-038, CCC agrees that the MPSC may impose ETC eligibility requirements, including but not limited to public interest criteria, in addition to those imposed by the FCC. CCC has not, and does not now, contend that whether CCC agrees with those requirements is relevant.

#### **PSC-017**

Regarding: public interest, toll and reciprocal charges, interconnect contracts  
Witness: Gerry Anderson, Bill Wade, Vern Stickel

- a. In regard to the response to PSC -003(d), why would there be charges to CCC's cellular customers for calls that they receive?

Wireless services typically are measured and charged by air-time use. A wireless customer utilizes airtime both when he or she initiates and receives calls. Other service plans promoted by other carriers may be structured differently. The issue is purely a matter of rate design.

- b. For each of the cell sites for which CCC seeks ETC designation will CCC have an nxx that is unique or will the nxxs that CCC uses be those allocated to the ILEC from whom CCC obtains numbers?

Again, CCC does not seek ETC designation with respect to cell sites, but rather seeks ETC designation coextensive with the areas defined by the study areas of Mid-Rivers Telephone Cooperative, Inc. and Range Telephone Cooperative, Inc. CCC does not obtain number from an ILEC, but rather applies directly to Neustar, the numbering administrator. CCC currently utilizes unique nxxs for assignment to its customers, but, subject to numbers exhaustion and number porting, that situation may change.

- c. (re PSC -008(d) and (e)): For each of the cell sites for which CCC seeks ETC designation assume that there is a CCC wireless customer that also takes wireline service from the ILEC located in the same residence. For a call that originates on the CCC wireless network at the customer's residence and that terminates at the customer's residence wireline phone what reciprocal compensation rates will be assessed by the terminating carrier and what toll rates will be assessed (of whom and by whom) for this call?

\$0.04/minute for reciprocal compensation. No toll rate would apply.

- d. In regard to "c" above, if instead the call originates on the wireline phone at the same residence and terminates at the wireless phone at the same residence, what reciprocal compensation rates will be assessed by the terminating carrier and what toll rates will be assessed (of whom and by whom)?

\$0.04/minute for reciprocal compensation. No toll rate would apply.

- e. Re PSC -009(c): Based upon what contract arrangements (e.g., interconnection agreements, EAS etc) will CCC exchange local traffic with companies for which CCC's parent Mid-Rivers Co-op has an arrangements to exchange local traffic and at what rates will CCC's customers exchange local traffic?

Within the relevant service area defined by the study areas of Mid-Rivers Telephone Cooperative, Inc. and Range Telephone Cooperative, Inc., CCC does not exchange local traffic with Qwest, Nemont, Western Wireless or Verizon, the only companies with which CCC's parent, Mid-Rivers Co-op, has an arrangement to exchange local traffic. CCC has direct arrangements with Range, Mid-Rivers and Sagebrush Cellular.

**PSC-018**

Regarding: public interest, support, complaints, toll block, wireless competitors  
Witness: Gerry Anderson, Bill Wade, Vern Stickel

- a. Please provide the support that is available on a per line basis for each of the wire centers (site names/markets) in this ETC application and identify the ILEC who receives the support that CCC will now receive.

The USAC website High Cost Appendices reflects that Mid-Rivers Telephone Cooperative, Inc. and Range Telephone Cooperative receive \$50.35 and \$31.77 per line respectively.

Under current FCC rules, CCC's receipt of support does not reduce any ILEC's USF receipts.

- b. What records does CCC keep of customer complaints about service and is CCC agreeable to providing the MPSC reports about customer complaints?

CCC logs all wireless customer trouble call with a trouble code and solution code in CCC's trouble ticket system. The trouble ticket system notes the customer's name, phone number, a description of the trouble and resolution code. The information is retained for one year.

CCC would agree to provide the MPSC reports about customer complaints to the extent that such reporting rules are properly enacted and apply to all similarly situated carriers.

- c. If CCC will charge separately for toll blocking, what will the charge be (DR PSC -005)?

\$2.00 per month per subscriber.

- d. In regard to the response to PSC -008(c), if CCC is disadvantaged due to the scope of its calling plans, vis-à-vis the scope of calling plans that national carriers offer, why does CCC not combine its offerings with those of a national carrier?

Data Request PSC-008(c) asserted that the "Freedom West" plan provided CCC a "competitive advantage" over its competition. CCC's Response stated that Freedom West only covers four states whereas other wireless carriers provide nationwide free long distance, thus resulting in a competitive advantage to other wireless carriers. CCC has determined in its business judgment that, at the present time, combining its offerings with those of national carriers is not in the best interest of CCC or its subscribers and would not result in an economic benefit to either. CCC assesses plan offerings from time to time and may revisit the issue.

- e. In regard to “d.” above, does it also follow that Mid-Rivers Co-op, CCC’s parent, is equally handicapped by virtue of not offering expanded area service throughout Montana? If CCC’s parent is handicapped [sic]

CCC is a subsidiary of Mid-Rivers Telephone Cooperative, Inc., but is a separate and distinct Montana corporation and is not authorized to respond herein on behalf of Mid-Rivers Telephone Cooperative, Inc.

**PSC-019**

Regarding: public interest, competition, tower sharing

Witness: Gerry Anderson, Bill Wade

- a. re PSC -008(c): If CCC cannot compete effectively or efficiently with other wireless carriers, why should CCC receive universal service funds when there are carriers able to provide better quality service?

CCC can and does compete effectively and efficiently with other wireless carriers and provides high quality wireless service to subscribers in the sparsely populated areas of rural Eastern Montana. As noted in CCC’s Response to PSC-001, CCC operates and provides wireless service in areas which were abandoned by other wireless carriers and without CCC the most rural residents of Eastern Montana would not have reliable, quality wireless service – or any wireless service at all.

- b. Please list all of the other wireless carriers in Montana with whom CCC and or its parent Mid-Rivers Co-op has contractual arrangements to share CCC’s towers and, or, other infrastructure.

CCC does not have any tower sharing agreements or infrastructure sharing agreements with any other wireless carriers.

- c. In regard to “b.” above, what arrangements do CCC or its parent Mid-Rivers Co-op have to share towers and, or, other infrastructure of other wireless carriers so that it can provide service in the areas for which it seeks ETC designation?

None.

- d. What impediments are there to placing new towers or expanding the transmission strength of existing towers so as to improve CCC’s service quality?

Cost is the most significant impediment to erecting new towers. Construction of towers requires the acquisition of suitable land, the requisite easements, the expense and maintenance of the tower, the licensing process, and subsequent enhancement of the tower to improve transmission capabilities.

- f. For what purposes will CCC use federal universal service funds if and when it is designated an ETC pursuant to this docket's petition?

As stated in CCC's Response to MTA-023, USF will be utilized for statutorily appropriate purposes, "for the provision, maintenance, and upgrading of facilities and services for which the support is intended. 47 U.S.C. Section 254(e). Major portions of Eastern Montana have no mobile or wireless service and it is CCC's intention to expand the access to mobile or wireless services in Eastern Montana. As noted in CCC's Response to PSC-006, ETC designation will enhance CCC's ability to contribute to public safety needs by expanding access for emergency calling. CCC will comply with all existing and future lawful requirements imposed on all ETCs.

### **PSC-020**

Regarding: public interest, unserved areas, line extensions charges  
Witness: Gerry Anderson

- a. In regard to the unserved portion of the population in each wire center (exhibit # 1 to filing) for which CCC seeks ETC designation what is CCC's view of its obligation to serve those customers?

CCC does not seek ETC designation with respect to wire centers, but rather seeks ETC designation coextensive with the areas defined by the study areas of Mid-Rivers Telephone Cooperative, Inc. and Range Telephone Cooperative, Inc. As stated in CCC's Petition and CCC's Responses to MTA-004, MTA-010, and MTA-050, CCC will provide service to its subscribers through its own facilities or through resale.

- b. In regard to "a." above, for customers that CCC is unable to serve that are in the wire centers (site names/markets) for which it seeks ETC designation, what are CCC's plans to serve these customers?

CCC does not seek ETC designation with respect to wire centers, but rather seeks ETC designation coextensive with the areas defined by the study areas of Mid-Rivers Telephone Cooperative, Inc. and Range Telephone Cooperative, Inc. As stated in CCC's Petition and CCC's Responses to MTA-004, MTA-010, and MTA-050, CCC will provide service to its subscribers through its own facilities or through resale. To the extent that resale of wireline services will be required, CCC will purchase such services pursuant to the carriers' retail price list.

- c. In regard to "a." above, what charges, over and above the advertised non-recurring and recurring charges for wireless service packages, will CCC assess of those customers that it cannot initially serve but that it will serve?

None.

- d. In regard to “a.” above, what are CCC’s plans to serve customers that CCC is unable to serve and that reside outside the wire centers (site names/markets) for which it seeks ETC designation?

CCC does not seek ETC designation with respect to wire centers, but rather seeks ETC designation coextensive with the areas defined by the study areas of Mid-Rivers Telephone Cooperative, Inc. and Range Telephone Cooperative, Inc. As stated in CCC’s Petition and CCC’s Responses to MTA-004, MTA-010, and MTA-050, CCC will provide service to its subscribers through its own facilities or through resale. CCC is built-out and provides coverage throughout the service area. As also noted above, if designated an ETC, CCC will use USF to expand and improve coverage within the service area.

- e. Western Wireless offers service via a “wireless access unit.” Will CCC offer service by either the same technology, or another technology, in order to serve unserved or difficult to serve areas?

If designated an ETC, CCC will use USF to expand and improve coverage within the two subject study areas.

#### **PSC-021**

Regarding: public interest, broadband, no charge local use, maps  
Witness: Gerry Anderson, Bill Wade, Vern Stickel

- a. What is the performance, in terms of speed, of the advanced and, or, broadband services that CCC offers today?

CCC offers only analog cellular service today.

- c. What amount of free-of-charge local usage will CCC provide to customers?

As stated in CCC’s Response to MTA-048, CCC does not provide free service, just as wireline companies do not offer “free” local service.

- c. For each of the wire centers (site names/markets in the original filing) please provide base rate area maps that precisely identify the boundaries (base rate areas or otherwise) of each wire center for which CCC seeks ETC designation.

CCC is not seeking ETC designation with respect to cell sites or wire centers, but rather seeks ETC designation coextensive with the areas defined by the study areas of Mid-Rivers Telephone Cooperative, Inc. and Range Telephone Cooperative, Inc. CCC does not possess “base rate maps” as requested.

## PSC-022

Regarding: public interest, 96 Act, Federal-State Joint Board Recommendation  
Witness: Gerry Anderson

The Telecommunications Act of 1996 (§214 (e) (2)) includes, in part, the following:

### Designation of eligible telecommunications carriers

A State commission shall upon its own motion or upon request designate a common carrier that meets [ETC requirements] as an eligible telecommunications carrier for a service area designated by the State commission, Upon request and consistent with the public interest, convenience, and necessity, the State commission may, in the case of 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 by the State commission, so long as each additional requesting carrier meets [ETC requirements]. Before designating an additional eligible telecommunications carrier for an area served by a rural telephone company, the State commission shall find that the designation is in the public interest.

For non-rural carriers, a state commission must designate more than one common carrier as an ETC but only if such designation is consistent with the public interest. A state commission need not designate more than one common carrier as an ETC if such designation is not consistent with the public interest.

- a. Why is competition by CCC, that duplicates others' facilities, and, or, services consistent with the public interest?

Noting for the record that the case at hand implicates areas served by rural telephone companies and, accordingly, is appropriately subject to a public interest determination, CCC respectfully suggests that neither competition, nor duplication of facilities, to the extent that such duplication exists, is an adequate surrogate for, or a complete inquiry into, the public interest. For more than a year, CCC has prosecuted this application for ETC designation noting that the complementary nature of wireless services provides enhanced choices to consumers and an essential public safety net across the vast expanses of CCC's service area where no other service – wireline or wireless – exist. The designation of CCC as an ETC will enhance its ability to continue and improve this service. Clearly, the public interest favors promotion of this goal.

- b. Should the same public interest standards and criteria apply equally when considering an additional ETC designation for either a rural and or a non-rural carrier? If not, why not?

Given that this proceeding clearly implicates the public interest standards applicable to rural ETC designation, CCC respectfully declines to participate in a policy debate which is the subject of a pending proceeding.

- c. In February of this year the Federal State Joint Board released its Recommended Decision to the FCC. The recommendation includes a more

comprehensive public interest analysis. Does CCC agree or disagree with this recommendation?

See Response to PSC-022(b).

**PSC-023**

Regarding: public interest, -104dbm  
Witness: Gerry Anderson, Bill Wade

- a. In each of the wire centers(site names/markets) for which CCC seeks to be designated an ETC, what percent of the population can and does CCC service cover at each of -85dbm, -95dbm and -104dbm? Provide the basis for the response in terms of the source of the population estimates and the engineering, or otherwise, basis for the quality of coverage.

CCC is not seeking ETC designation with respect to cell sites or wire centers, but rather seeks ETC designation coextensive with the areas defined by the study areas of Mid-Rivers Telephone Cooperative, Inc. and Range Telephone Cooperative, Inc. CCC does not possess any breakdown or calculation of the percentage of population receiving specific coverage of service and, given the mobile nature of wireless service, CCC believes that it would be impossible to derive such information. The best information CCC possesses is a map regarding dbm's coverage areas (CCC's Predicted RF Coverage) that was attached to CCC's Responses to MTA Data Requests as Attachment #2 which is hereby incorporated by reference.

- b. In each of the wire centers (site names/markets) for which CCC seeks to be designated an ETC, what percent of each exchange's geographic area can and does CCC service cover at each of -85dbm, -95dbm and -104dbm?

CCC is not seeking ETC designation with respect to cell sites or wire centers, but rather seeks ETC designation coextensive with the areas defined by the study areas of Mid-Rivers Telephone Cooperative, Inc. and Range Telephone Cooperative, Inc. CCC does not possess any breakdown or calculation of the percentage of exchanges geographic areas in various dbm's. The best information CCC possesses is a map regarding dbm's coverage areas (CCC's Predicted RF Coverage) that was attached to CCC's Responses to MTA Data Requests as Attachment #2 which is hereby incorporated by reference.

- c. In each of the wire centers (site names/markets) for which CCC seeks to be designated an ETC, what percent of each exchange's existing land-line customer base can and does CCC service cover at each of -85dbm, -95dbm and -104dbm?

CCC is not seeking ETC designation with respect to cell sites or wire centers, but rather seeks ETC designation coextensive with the areas defined by the study areas of Mid-

Rivers Telephone Cooperative, Inc. and Range Telephone Cooperative, Inc. CCC does not possess any breakdown or calculation of the percentage of exchanges existing land line customer base in various dbm's. The best information CCC possesses is a map regarding dbm's coverage areas (CCC's Predicted RF Coverage) that was attached to CCC's Responses to MTA Data Requests as Attachment #2 which is hereby incorporated by reference.

- d. In regard to "a.", "b." and "c" above, how does CCC establish its ability to provide each quality of service?

CCC derived the coverage area map through utilization of a standard industry computer propagation model. CCC continually monitors its base station transmitters to ensure that they are operating with licensed parameters. CCC also responds promptly to subscriber questions regarding levels and quality of service.

DATED this 12<sup>th</sup> day of October, 2004.

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

By 

THOMAS E. SMITH

Suite 1900, Sheraton Plaza, P. O. Box 2559  
Billings, Montana 59103-2559  
Telephone: (406) 248-7731

ATTORNEYS FOR CABLE & COMMUNICATIONS  
CORPORATION dba MID-RIVERS CELLULAR  
P O Box 280  
Circle, MT 59215  
(406) 485-3301