

**BEFORE THE PUBLIC SERVICE COMMISSION
STATE OF MISSOURI**

In the Matter of the Application of USCOC of)
Greater Missouri, LLC for Designation as an) Case No. TO-2005-0384
Eligible Telecommunications Carrier Pursuant to the)
Telecommunications Act of 1996)

**USCOC OF GREATER MISSOURI, LLC's
MOTION TO PARTIALLY RELINQUISH ITS DESIGNATION
AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER
AND MOTION FOR EXPEDITED TREATMENT**

USCOC of Greater Missouri, LLC (the “Company” or “U.S. Cellular”) respectfully moves the Missouri Public Service Commission (“PSC” or “Commission”) to Partially Relinquish its designation as an Eligible Telecommunications Carrier (“ETC”) pursuant to Section 214(e)(4) of the Telecommunications Act of 1934, as amended (“Act”), 47 U.S.C. § 214(e)(4), Part 54 of the Federal Communications Commission’s (“FCC”) rules. U.S. Cellular further requests expedited treatment of its Motion to Partially Relinquish Eligible Telecommunications Carrier Designation, pursuant to 4 CSR 240-2.080(14). U.S. Cellular is an ETC for purposes of receiving support from the federal Universal Service Fund (“USF”) including, but not limited to, support for high-cost areas and low-income customers. U.S. Cellular is an operating company controlled by United States Cellular Corporation. In support of this Motion, the following is respectfully shown:

I. BACKGROUND

U.S. Cellular was designated as an ETC by the PSC on May 13, 2007 in Case No. TO-2005-0384. U.S. Cellular’s designation had immediate effect in non-rural incumbent local exchange carrier (“ILEC”) areas and in rural ILEC study areas that were entirely within U.S. Cellular’s service area. With respect to rural ILEC areas only partially within U.S. Cellular’s service area, the designation was conditional upon an FCC grant of concurrence in redefining

those areas. U.S. Cellular petitioned the FCC,¹ and concurrence was granted via operation of the FCC's rules when the 90-day review window closed on April 28, 2008.²

On December 13, 2013, the FCC approved the assignment of certain properties held by U.S. Cellular to Verizon Wireless. The transaction, which has closed with an effective date of December 12, 2013, involves the assignment of 25 MHz of spectrum in all or portions of Missouri RSA #13- Washington, Cellular Market Area ("CMA") 516.

In Missouri, the transaction will result in the assignment of licenses covering areas in the eastern portion of U.S. Cellular's ETC service area. U.S. Cellular will maintain its operations in the remaining portions of its licensed area, including the remainder of its ETC service area. Therefore, this Motion seeks to amend the scope of U.S. Cellular's ETC designation to exclude, subject to certain exceptions made necessary by the FCC's minimum geographic area rule³, the areas covered by the licenses to be transferred to Verizon. The designated service areas for which U.S. Cellular seeks to relinquish its ETC designation are set forth in **Exhibit A**. The areas in which U.S. Cellular seeks to retain its ETC designation are set forth in **Exhibit B**. A map showing both the areas in which U.S. Cellular seeks relinquishment as well as those in which it seeks to retain its ETC designation is attached as **Exhibit C**.

¹ See Public Notice, *Comment Sought on a Petition by USCOC of Greater Missouri, LLC d/b/a U.S. Cellular for Commission Agreement in Redefining the Service Areas of Rural Telephone Companies in the State of Missouri*, CC Docket No. 96-45, DA 08-181 (rel. January 29, 2008).

² 47 C.F.R. § 54.207(c)(3)(ii) ("If the Commission does not act on the petition within ninety (90) days of the release date of the Public Notice, the definition proposed by the state commission will be deemed approved by the Commission and shall take effect in accordance with state procedures.")

³³ For areas served by rural ILECs, the FCC has designated the wire center as the minimum geographic area for competitive ETC designations. See *Highland Cellular, Inc.*, CC Docket No. 96-45, 19 FCC Rcd 6422, 6438, ¶ 33 (2004). U.S. Cellular proposes to retain its ETC designation, and thus continue its service commitments, in all wire centers that are at least 90% within its remaining licensed areas.

II. DISCUSSION

Pursuant to Section 214(e)(4) of the Act, the Commission “shall permit an eligible telecommunications carrier to relinquish its designation as [an ETC] in any area served by more than one eligible telecommunications carrier.” Section 214(e)(4) further provides that prior to approving a relinquishment, a state commission must “require the remaining eligible telecommunications carrier or carriers to ensure that all customers served by the relinquishing carrier will continue to be served, and shall require sufficient notice to permit the purchase or construction of adequate facilities by any remaining eligible telecommunications carrier.”

As demonstrated herein, U.S. Cellular meets the requirements of Section 214(e)(4). First, each of the areas to be relinquished pursuant to this Motion is currently served by at least one Commission-designated ETC. Besides U.S. Cellular, each wire center listed in Exhibit A is served by an incumbent local exchange carrier (“ILEC”) that has ETC status. As ETCs and telecommunications carriers, these companies are required to offer and advertise service to everyone in their service areas, which would be all of the customers now served by U.S. Cellular. In addition, multiple providers of resold wireless service have been designated as an ETC throughout Missouri for purposes of providing discounted telephone service to qualifying low-income consumers.⁴ Moreover, the customers served by U.S. Cellular have been given written notice of the transaction and informed of their option to take service from another ETC in their area. Therefore, customers in the affected areas will not lose service.

U.S. Cellular respectfully submits that the public interest would be served by approving the partial relinquishment of U.S. Cellular’s ETC designation as described herein. There will be no possibility of “cream skimming” by retaining low-cost, high-density portions of rural ILEC

⁴ *See, e.g.* TracFone Wireless, Inc., Case No. TA-2009-0327 (Sept. 5, 2009). Virgin Mobile USA L.P., Case No. RA-2012-0264 (March 4, 2013).

service areas as a result of the partial relinquishment. First, “cream skimming” is no longer a concern because as of January 1, 2012, U.S. Cellular receives frozen monthly high-cost support and is no longer required to file line counts. Because U.S. Cellular’s high-cost support no longer depends on the location of a customer’s billing address within an ILEC wire center or cost zone, there is no possibility of targeting areas for customer acquisition based on the level of per-line support.⁵

Second, as demonstrated in **Exhibit D**, the population density analysis, U.S. Cellular does not seek to relinquish its ETC designation in primarily lower-density areas. On the contrary, U.S. Cellular seeks to withdraw from the more densely populated portions of its ETC service area and continue to serve as an ETC in the more rural, sparsely populated areas.

In light of the foregoing, U.S. Cellular respectfully requests that the Commission grant this Motion to Partially Relinquish Eligible Telecommunications Carrier Designation and issue an Order amending the scope of U.S. Cellular’s designation as an ETC to exclude the areas listed in Exhibits A and B.

III. MOTION FOR EXPEDITED TREATMENT

In order to ensure a smooth transition for the customers in the areas to be relinquished, U.S. Cellular requests that its Motion to Partially Relinquish Eligible Telecommunications Carrier Designation be granted on an expedited basis. U.S. Cellular respectfully requests that the Commission grant its Motion by December 23, 2013.

Expedited treatment will allow relinquishment to roughly coincide with closing of the assignment of certain properties held by U.S. Cellular to Verizon Wireless. Because customers

⁵ See *Federal-State Joint Board on Universal Service, Report & Order*, 20 FCC Rcd 6371, 6392 (2005) (“By serving a disproportionate share of the high-density portion of a service area, an ETC may receive more support than is reflective of the rural incumbent LEC’s costs of serving that wire center because support for each line is based on the rural telephone company’s average costs for serving the entire service area unless the incumbent LEC has disaggregated its support.”)

served by U.S. Cellular have been given written notice of the transaction and informed of their option to take service from another ETC in their area, Commission action on this Motion to Partially Relinquish Eligible Telecommunications Carrier Designation by December 23, 2013 will have no negative effect on U.S. Cellular's customers or the general public. Customers in the affected areas will not lose service.

WHEREFORE U.S. Cellular respectfully requests that the Commission grant this Motion to Partially Relinquish Eligible Telecommunications Carrier Designation and Motion for Expedited Treatment, and issue an Order amending the scope of U.S. Cellular's designation as an ETC to exclude the areas listed in Exhibit A on an expedited basis.

Respectfully submitted,

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Certificate of Service

A copy of the foregoing motion has been served EFIS filing this 16th day of December, 2013 upon counsel of record in this proceeding.

/s/ Andrew J. Zellers
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