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*Issue:* Application for Designation as an Eligible  
Telecommunications Carrier  
*Witness:* Kathryn G. Zentgraf  
*Sponsoring Party:* Missouri RSA No. 5 Partnership  
*Type of Exhibit:* Direct Testimony  
*Case No.:* TO-2006-0172  
*Date Testimony Prepared:* December 29, 2005

**MISSOURI RSA No. 5 PARTNERSHIP**

**DIRECT TESTIMONY**

**OF**

**KATHRYN G. ZENTGRAF**

**CASE NO. TO-2006-0172**

*December 29, 2005*

Exhibit No. 1  
Case No(s) TO-2006-0172  
Date 12-22-06 Rptr KF

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**DIRECT TESTIMONY**

**OF**

**KATHRYN G. ZENTGRAF**

**APPLICATION OF MISSOURI RSA NO. 5 PARTNERSHIP**

**CASE NO. TO-2006-0172**

**Q. Please state your name and business address.**

A. Kathryn G. Zentgraf, 1633 Kuahale Street, Kapa'a, Hawaii 96746.

**Q. By whom are you employed and in what capacity?**

A. I am the owner of Zentgraf Consulting, which is a telecommunications consulting firm, specializing in the operation of small, rural wireless and wireline service providers.

**Q. Please describe your educational background.**

A. I received my baccalaureate degree in Management in 1998 from William Woods College in Fulton, Missouri.

**Q. Please describe your work experience.**

A. Prior to forming Zentgraf Consulting in 2003, from December of 1992 to May of 2003, I was the Chief Executive Officer, President and General Manager of Mid-Missouri Cellular in Sedalia, Missouri. Prior to that, from 1990 to 1992, I was the General Manager of Cellular One of Columbia, in Columbia, Missouri.

**Q. What were your responsibilities while operating Mid-Missouri Cellular?**

Direct Testimony of  
Kathryn G. Zentgraf

1 A. I directed all company activities in sales, advertising, marketing, billing, customer  
2 service, staff development, budgets, financials, purchasing, inventory, system design,  
3 site acquisition and construction. I established and oversaw 3 retail stores. I also lead  
4 regulatory and legislative efforts on all state, federal and FCC mandates/issues and  
5 facilitated all contract negotiations, interconnection agreements, roaming contracts  
6 and oversaw financing covenants. I oversaw the preparation and successful  
7 prosecution of all company FCC filings and was directly involved in the preparation  
8 of the initial Mid Missouri Cellular Eligible Telecommunications Company (“ETC  
9 Application”). I directed company from start-up to maturity and reported directly to  
10 the Board of Directors.

11 **Q. To what professional associations have you or your firm belonged?**

12 A. While operating Mid-Missouri Cellular, I was a member of the Missouri  
13 Telecommunications Industry Association and served as First Vice Chairman. I was  
14 also a Board Member of the Rural Cellular Association (“RCA”) involved directly  
15 with facilitating Regulatory and Legislative efforts at the FCC and before Congress  
16 with respect to issues that effected small wireless carriers. Since forming Zentgraf  
17 Consulting, I have been involved in the formation of the Rural Telecommunications  
18 Group, an association also focused on the needs of small, rural wireless carriers and  
19 have served on its Board of Directors.

20 **Q. What is your familiarity with the rules and regulations of the Federal  
21 Communications Commission (“FCC”)?**

22 A. I am quite familiar with the requirements of those rules and regulations as they  
23 pertain to operation of wireless networks.

Direct Testimony of  
Kathryn G. Zentgraf

1 **Q. Are you familiar with the applicable statutory requirements, FCC rules and**  
2 **regulations, and precedent as it relates to the designation of a wireless carrier as**  
3 **an ETC?**

4 A. Yes I am.

5 **Q. What professional services have you provided to Missouri RSA No. 5**  
6 **Partnership (“MO 5”)?**

7 A. I have been involved, either directly or in a supervisory capacity, in most facets of the  
8 operation of the wireless business, including billing, interconnection, marketing and  
9 other work as requested. I have also advised the Company with respect to seeking  
10 designation as an ETC and have interfaced with legal and technical consultants with  
11 respect to the preparation of the MO 5 ETC application.

12 **Q. What is the purpose of your testimony in this proceeding?**

13 A. My testimony will support and expand upon certain statements and factual  
14 representations in MO 5’s Application For Designation As An Eligible  
15 Telecommunications Carrier for Purposes of Receiving Federal Universal Service  
16 Support Pursuant to Section 214(e)(2) Of The Telecommunications Act Of 1996  
17 (“Application”) in this docket. I will set forth the current legal framework and  
18 regulatory guidelines as they relate to ETC designations to assist the Missouri Public  
19 Service Commission in its determination of this matter, and why I believe that MO 5  
20 has demonstrated that the grant of ETC designation is in the public interest.

21 **Q. Please provide some background information concerning MO 5’s cellular service**  
22 **in Missouri RSA 5.**

Direct Testimony of  
Kathryn G. Zentgraf

1 A. Pursuant to its FCC cellular license (Call Sign KNKN487), MO 5 provides analog  
2 and digital cellular service in Missouri RSA No. 5, Market No. 508B, which is  
3 comprised of Linn, Macon, Shelby, Chariton and Randolph counties. MO 5 has also  
4 claimed a small portion of Knox county, which was previously unserved area, as part  
5 of its Missouri RSA No. 5 Cellular Geographic Service Area ("CGSA").

6 The FCC licenses cellular systems on the basis of a Cellular Geographic  
7 Service Area ("CGSA") and not on a per site basis. The CGSA is determined by  
8 applying FCC formulas to the operating parameters of a licensee's cell sites to  
9 determine the Service Area Boundary ("SAB") for each cell site, and then using the  
10 composite of the area encompassed within those SABs, as limited by the particular  
11 market boundary, to define the CGSA. Accordingly, only cell site locations with  
12 SABs that are used to form a part of the CGSA are listed on the FCC license.  
13 Additional cell sites having SABs that are wholly contained within the CGSA are not  
14 listed on the FCC license.

15 Within the area proposed for ETC designation in its Application, MO 5  
16 operates 23 individual cellular base stations (cell sites) and provides service utilizing  
17 analog ("AMPS"), time division multiple access ("TDMA") digital technology. In  
18 addition, MO 5 has overbuilt all of its cell sites with Global System for Mobile  
19 communications ("GSM") digital technology, plus it has one cell site that operates in  
20 GSM only. The antenna towers associated with these base stations are owned  
21 outright by MO 5.

Direct Testimony of  
Kathryn G. Zentgraf

1 **Q. Before discussing the communication services MO 5 provides in its proposed**  
2 **ETC area, please comment on the “rural telephone company” service areas that**  
3 **are included within MO 5’s proposed ETC area.**

4 A. Appendix A of the Application shows MO 5’s composite Cellular Geographic  
5 Service Area (“CGSA”) as licensed by the FCC. MO 5’s proposed ETC designated  
6 area is discussed at Section II of the Application, which references to Appendices C  
7 and D. The map set forth as Appendix C of the Application shows the area in which  
8 MO 5 seeks ETC designation. That area is superimposed over a map depicting the  
9 various wire centers for local exchange carriers (“LECs”) providing traditional  
10 wireline telephone service in this area. MO 5’s proposed ETC service area is  
11 comprised of the wire centers listed in Appendix D of the Application. All of these  
12 appendices were prepared by MO 5’s technical consultant, JDR Telecommunications,  
13 and are appended as attachments to the direct testimony of Mr. Jonathan D. Reeves.

14 The term “rural telephone company” is defined in Section 153(37) of the  
15 Communications Act, 47 U.S.C. § 153(37) as a local exchange carrier (“LEC”) that  
16 meets that statutory provision’s requirements with respect to size or service area  
17 criteria. LECs that do not qualify for designation as a “rural telephone company” are  
18 designated as non-rural, even though they may, in fact be providing service to a rural  
19 geographic area.

20 **Q. What is the significance of the rural versus non-rural telephone company**  
21 **designation in the context of an application seeking designation for a competitive**  
22 **ETC?**

23 A. Section 214(e)(2) of the Act states, in relevant part:

Direct Testimony of  
Kathryn G. Zentgraf

1           “Upon request and consistent with the public interest, convenience and  
2           necessity, the State commission may, in the case of an area served by a  
3           rural telephone company, and shall, in the case of all other areas,  
4           designate more than one common carrier as an eligible  
5           telecommunications carrier for a service area designated by the State  
6           commission, so long as each additional requesting carrier meets the  
7           requirements of paragraph (1). Before designating an additional  
8           eligible telecommunications carrier for an area served by a rural  
9           telephone company, the State commission shall find that the  
10          designation is in the public interest.”

11          Thus, from the language of the statute, the Commission must designate  
12          more than one carrier as an ETC in an area served by a non-rural telephone  
13          company if the requesting carrier meets the requirements of Section 214(e)(1)  
14          of the Act. With respect to areas served by a rural telephone company, the  
15          Commission may make the ETC designation if it finds that the designation is  
16          consistent with the public interest, convenience and necessity; and the  
17          requirements of Section 214(e)(1) of the Act are met. The requirements of  
18          Section 214(e)(1) of the Act are as follows:

19               (e) PROVISION OF UNIVERSAL SERVICE –

20                   (1) ELIGIBLE TELECOMMUNICATIONS CARRIERS. – A  
21                   common carrier designated as an eligible telecommunications carrier  
22                   under paragraph (2) or (3) shall be eligible to receive universal service  
23                   support in accordance with section 254 and shall, throughout the

1 service area for which the designation is received –

2 (A) offer the services that are supported by Federal  
3 universal service support mechanisms under section 254(c),  
4 either using its own facilities or a combination of its own  
5 facilities and resale of another carrier's services (including  
6 services offered by another eligible telecommunications  
7 carrier); and

8 (B) advertise the availability of such services and the  
9 charges therefore using media of general distribution.

10 **Q. What are the services that are supported by Federal universal service support**  
11 **mechanisms under Section 254(c)?**

12 A. Pursuant to Section 54.101(a) of the FCC's Rules, the following core services and  
13 functions are to be offered by an ETC and should be supported by federal universal  
14 support mechanisms:

15 a. Voice grade access to the public switched network; (the FCC concluded that  
16 voice-grade access means the ability to make and receive phone calls, within a  
17 bandwidth of approximately 2700 Hertz, within the 300 to 3000 Hertz  
18 frequency range).<sup>1/</sup>

19 b. Local usage; (to date, the FCC has not quantified any minimum amount of  
20 local usage required to be included in a universal service offering, but has

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<sup>1/</sup> See Federal-State Board on Universal Service (First Report and Order in CC Docket No. 96-45) 12 FCC Rcd 8776, 8810-11 (1997) ("First Report and Order").



Direct Testimony of  
Kathryn G. Zentgraf

- 1 initiated a separate proceeding to address this issue.<sup>2/</sup> Any minimum local  
2 usage requirement established by the FCC as a result of this proceeding will  
3 be applicable to all designated ETCs.)
- 4 c. Dual tone multi-frequency signaling or its functional equivalent; (DTMF is a  
5 method of signaling that facilitates the transportation of call set-up and call  
6 detail information). Consistent with the principles of competitive and  
7 technological neutrality, the FCC permits carriers to provide signaling that is  
8 functionally equivalent to DTMF in satisfaction of this service requirement.<sup>3/</sup>
- 9 d. Single-party service or its functional equivalent; (“Single-party service”  
10 means that only one party will be served by a subscriber loop or access line, in  
11 contrast to a multi-party line.)<sup>4/</sup>
- 12 e. Access to emergency services; (The ability to reach a public emergency  
13 service provider through dialing “911” is a required universal service offering.  
14 A wireless carrier such as MO 5 is not required to provide E911 services until  
15 a local emergency provider has made arrangements for delivery of ALI and  
16 ANI from carriers.)<sup>5/</sup>
- 17 f. Access to operator services; (Access to operator services is defined as any

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<sup>2/</sup> See, Federal-State Joint Board on Universal Service, CC Docket No. 96-45, Memorandum Opinion and Order and Further Notice of Proposed Rulemaking, 13 FCC Rcd 21252 (1998). As recently as March 17, 2005, the FCC has re-affirmed that while there is a local service requirement, it has set no minimum level of local usage as a pre-condition to ETC designation. See, Federal-State Joint Board on Universal Service, CC Docket No. 96-45, Report and Order, FCC-05-46 (Rel. March 17, 2005) (“*FCC Guidelines Report & Order*”) at ¶ 34.

<sup>3/</sup> 47 C.F.R. § 54.101(a)(3).

<sup>4/</sup> See, 12 FCC Rcd at 8810.

<sup>5/</sup> See, 12 FCC Rcd at 8815-8817.

Direct Testimony of  
Kathryn G. Zentgraf

1                   automatic or live assistance provided to a consumer to arrange for the billing  
2                   or completion, or both, of a telephone call.)

3           g.       Access to interexchange service; (An ETC providing universal service must  
4                   offer consumers access to interexchange service to make or receive toll or  
5                   interexchange calls. Interexchange service access entails access to live or  
6                   automatic operator assistance for the placement and billing of telephone calls,  
7                   including collect calls, calling card calls, credit card calls, person-to-person  
8                   calls, and third party calls, as well as obtaining related information.)

9           h.       Access to directory assistance; and

10           i.       Toll limitation for qualifying low-income consumers. On December 30, 1997,  
11                   the FCC changed its definition of toll-limitation services in its Fourth Order  
12                   on Reconsideration of the Universal Service Report and Order, CC Docket  
13                   Nos. 96-45 et al. The FCC stated, "we define toll-limitation services as either  
14                   toll blocking or toll control and require telecommunications carriers to offer  
15                   only one, and not necessarily both, of those services at this time in order to be  
16                   designated as eligible telecommunications carriers."

17   **Q.    What LEC wire centers are included in the MO 5 proposed ETC service area**  
18           **and which of those LECs are rural and non-rural telephone companies?**

19    A.    The specific LEC wire centers identified in Application Appendix D as being  
20           encompassed within the proposed ETC service area of ALLTEL Missouri, Inc.  
21           ("ALLTEL"), Chariton Valley Telephone Company ("CVT"), Grand River Mutual  
22           Telephone Company ("Grand River"), Mark Twain Telephone Company ("Mark  
23           Twain"), Northeast Missouri Rural Telephone Company ("NEMO"); Spectra

Direct Testimony of  
Kathryn G. Zentgraf

1           Communications Group. LLC (“Spectra”) are rural telephone companies while the  
2           wire centers set forth in paragraph 8 of the Application for Century Telephone of  
3           Missouri LLC (Central) (“CenturyTel”) and Southwestern Bell Telephone Company  
4           (“SBC”) are non-rural telephone companies.

5   **Q.   How did MO 5 determine what areas to include within its proposed ETC service**  
6   **area?**

7   A.   MO 5 is a facilities-based wireless CMRS FCC licensee. To the greatest extent  
8           possible, MO 5 tried to specify an ETC service area that corresponded to its FCC-  
9           licensed CGSA. With respect to the areas served by the non-rural LECs, MO 5’s  
10          proposed ETC service area corresponds with the MO 5 CGSA. However, where the  
11          MO 5 CGSA boundary crosses the area served by a rural LEC, MO 5 modified its  
12          proposed ETC service area to follow the LEC wire center boundaries. Application  
13          Appendix C, shows the relationship between the MO 5 CGSA and the wire centers  
14          that are included in the MO 5 proposed ETC service area.

15   **Q.   Why did MO 5 follow the wire center boundaries in the areas served by rural**  
16   **LECs as opposed to its FCC-licensed CGSA?**

17   A.   The FCC has recently issued a pair of orders providing guidance to state commissions  
18           in determining when the grant of an ETC designation will serve the public interest.  
19           Those orders are *In the Matter of Federal-State Joint Board on Universal Service,*  
20           *Virginia Cellular, LLC Application for Designation as an Eligible*  
21           *Telecommunications Carrier In the Commonwealth of Virginia, Memorandum*  
22           *Opinion and Order*, CC Docket No. 96-45, FCC 03-338 (rel. January 22, 2004),  
23           (“*Virginia Cellular Order*”); and *In the Matter of Federal-State Joint Board on*

Direct Testimony of  
Kathryn G. Zentgraf

1           *Universal Service, Highland Cellular Petition for Designation as an Eligible*  
2           *Telecommunications Carrier In the Commonwealth of Virginia, Memorandum*  
3           *Opinion and Order*, CC Docket No. 96-45, FCC 04-37 (rel. April 12, 2004),  
4           (*"Highland Cellular Order"*). In the *Highland Cellular Order* the FCC held that a  
5           proposed ETC service area may not specify an area below the wire center level for a  
6           rural LEC. Accordingly, where the MO 5 CGSA crossed a rural LEC wire center,  
7           MO 5 modified its proposed ETC service area to include only entire wire centers.

8                     In its *Virginia Cellular Order*, the FCC made it clear that where a wire center  
9           lies partially beyond a wireless ETC's FCC-licensed CGSA, it can meet its  
10          obligations as an ETC by providing service in those areas through agreements with  
11          other wireless carriers and MO 5 will do so with respect to the portions of wire  
12          centers that lie beyond the boundaries of MO 5's FCC-licensed service area.

13       **Q. How would MO 5's USF support be determined?**

14       A. The level of support available to MO 5 is a function of the level of support available  
15          to the LEC whose area is encompassed within MO 5's ETC service area. Where an  
16          MO 5 subscriber has a billing address in a particular LEC wire center, the amount of  
17          support available to MO 5 is based upon the per line level of support received by that  
18          LEC.

19       **Q. Does that result in a loss of USF for the underlying LEC?**

20       A. No, except in the limited case where an MO 5 subscriber disconnects its landline  
21          phone and replaces it with an MO 5 phone. Otherwise, from a USF support  
22          perspective, the MO 5 subscriber phone would look the same as an additional line for  
23          the underlying LEC.

Direct Testimony of  
Kathryn G. Zentgraf

1 **Q. Doesn't that place a substantial burden on the USF?**

2 A. All telecommunications carriers contribute to the USF. That includes all wireless  
3 carriers. While there is concern that the current practice could threaten the long-term  
4 viability of the USF, to date the evidence suggests that wireless ETC designations  
5 have not had an adverse impact on the USF. While wireless ETC designations have  
6 been increasing over the last two years, the level of carrier contribution to the USF  
7 (calculated as the percent of revenues needed to support the fund) has actually been  
8 decreasing. Specifically, the contribution factor has declined from 9.5% (3rd quarter  
9 2003), to 9.2% (4th quarter 2003) to 8.7% (1st quarter 2004) to 8.7%, the same factor  
10 as for the 1st quarter of 2004, for the 2nd quarter of 2004. The 3rd and 4th quarter  
11 2004 Universal Service Contribution Factors of 8.9% remained well below the  
12 contribution factor for the prior year and is a further indication of the current fund  
13 stability. The contribution factors for 2005 increased to 10.7% for the 1st quarter and  
14 11.1% for the second quarter. *Proposed Second Quarter 2005 Universal Service*  
15 *Contribution Factor*, DA 05-648 (CC Docket No. 96-45) (Rel. March 10, 2005).  
16 While this does represent an increase in the contribution factor, it should be noted that  
17 the increase is primarily attributable to increased program support costs for the  
18 Schools and Libraries Program. Comparing the Program Support levels from the 4th  
19 quarter 2004 to those projected for the 2nd quarter of 2005, the Schools and Libraries  
20 Projected Program Support increased 36.33% as compared to an increase of 5.21% in  
21 the High-Cost program. The contribution factors for the 3rd and 4th quarters of 2005  
22 were again reduced to 10.2% for each quarter and are proposed to remain at the same  
23 10.2% level for the 1st quarter of 2006. *Proposed First Quarter 2006 Universal*

Direct Testimony of  
Kathryn G. Zentgraf

1           *Service Contribution Factor*, DA 05-3203 (CC Docket No. 96-45) (Rel.  
2           December 15, 2005)

3   **Q.   While that may currently be the case, shouldn't this Commission be worried**  
4           **about the global impact on the USF of designating additional wireless ETCs?**

5   A.   No. The MO 5 Application is before this Commission under an established set of  
6           rules and statutory requirements. Denial of MO 5's Application will not affect the  
7           ability of wireless carriers in other states to draw upon the USF; it will only affect the  
8           ability of the citizens of rural Missouri to benefit from those federal funds. The grant  
9           of the MO 5 Application will, in and of itself, place an insignificant burden on the  
10          USF. Accordingly, the Commission should avoid consideration of generalized policy  
11          arguments relating to the wisdom of including wireless ETCs in the USF and the  
12          present funding mechanisms. These concerns are presently being fully considered by  
13          the Federal-State Joint Board on Universal Service, Congress and the FCC. The FCC  
14          issued a Notice of Proposed Rulemaking to consider recommendations advanced by  
15          the Federal-State Joint Board on Universal Service which could ultimately result in a  
16          change in the methodology for determining the level of wireless support from the  
17          USF. *In re Federal-State Joint Board on Universal Service*, FCC 04-127 (CC Docket  
18          No. 96-45) (Rel. June 8, 2004).

19   **Q.   Hasn't the FCC recently adopted new guidelines for its evaluation of ETC**  
20          **applications?**

21   A.   Yes. On March 17, 2005, the FCC issued *its FCC Guidelines Report & Order*  
22          adopting certain changes in the manner in which the FCC will process ETC  
23          applications on a going forward basis and setting forth those procedures as suggested

Direct Testimony of  
Kathryn G. Zentgraf

1 guidelines for state commissions to follow in processing ETC applications. In  
2 adopting those changes, the FCC again made it clear that rule changes adopted as a  
3 result of that or any future proceeding would affect the methodology for calculating  
4 USF support for all ETCs, including MO 5 if the subject ETC designation is granted.  
5 ETCs are not “grand-fathered” with respect to the method of determining their  
6 ongoing level of support. The FCC has made this abundantly clear in its *Virginia*  
7 *Cellular Order*. The *FCC Guidelines Report & Order* made no changes to the  
8 method by which USF support for ETCs would be calculated.

9 **Q. So shouldn't the MO 5 ETC Application be evaluated under those new FCC**  
10 **guidelines?**

11 A. The *FCC Guidelines Report & Order* largely codifies the individual FCC cases I have  
12 been discussing in this testimony. The FCC has made it clear that it intends to  
13 evaluate all ETC proposals that come before it under these criteria and urges the  
14 various state commissions to use these processes as guidelines in evaluating ETC  
15 applications that come before them. In adopting specific reporting requirements, the  
16 FCC will make those requirements applicable not only to new applicants but also to  
17 entities previously designated as ETCs by the FCC, after a reasonable transition  
18 period.

19 However, the FCC has set forth its specific processes merely as a suggested  
20 framework for states to use in evaluating ETC applications. The FCC recognizes that  
21 in many instances the state commissions are in a better position to weigh the various  
22 factors in making the public interest evaluations required by the Communications  
23 Act. While the FCC has left room for the state commissions to establish processes

Direct Testimony of  
Kathryn G. Zentgraf

1           that may differ from those followed by the FCC, in doing so the FCC has made it  
2           absolutely clear that any conditions imposed by the state commissions must be  
3           "...consistent with federal law to ensure that supported services are offered in a  
4           manner that protects consumers..." and that any state imposed requirements are  
5           imposed "...only to the extent necessary to further universal service goals." *FCC*  
6           *Guidelines Report & Order* at ¶ 30.

7   **Q.   Has the FCC yet evaluated any ETC applications under its new guidelines?**

8   A.   Not to my knowledge. The FCC is not applying these guidelines to any ETC  
9           applications that were pending at the time they were issued and has continued to  
10          apply the applicable statutory and regulatory precedent to applications that were filed  
11          before the guidelines were adopted. Accordingly, although the *FCC Guidelines*  
12          *Report & Order* sets forth suggested guidelines, those guidelines have not yet been  
13          applied or interpreted by the FCC.

14                 I should also point out that the *FCC Guidelines Report & Order* has not yet  
15                 even become a final FCC action. Many parties on both sides of the various issues  
16                 have sought further review of those guidelines and have raised, including, but not  
17                 limited to whether some of the requirements found in the guidelines are consistent  
18                 with the controlling statutory provisions.

19                 Because of this, I have set forth the current applicable precedents. To the  
20                 extent that the guidelines are codifications of those cases, this Commission has the  
21                 benefit of FCC interpretation of its requirements. I will also discuss how application  
22                 of the guidelines against the MO 5 ETC filing would bear on designation of MO 5 as  
23                 an ETC for informational purposes.



Direct Testimony of  
Kathryn G. Zentgraf

1           Finally, it is my understanding that the Commission is currently in the process  
2 of a rulemaking to develop its own ETC designation requirements. MO 5  
3 understands that it will ultimately be required to comply with all applicable  
4 requirements once they are fully adopted and in place. However, since the  
5 Commission has not yet adopted such rules, MO 5 assumes that it will be afforded a  
6 reasonable time to comply with any requirements that are not in effect as of the date  
7 of its ETC application filing, just as the FCC has allowed in adopting its guidelines.

8 **Q. With respect to this particular ETC designation, what would be the impact on**  
9 **the USF?**

10 A. Based upon current subscriber counts and locations, the total USF support MO 5  
11 expects to receive for its proposed service area is \$1,534,230 annually. That would  
12 represent approximately .037% of the total high cost support received by carriers  
13 from the USF. In sharp contrast, the LECs in the proposed ETC service area receive  
14 \$39,439,356<sup>6</sup> annually in high cost support from the USF for their service areas  
15 throughout the state of Missouri placing more than twenty-five (25) times the burden  
16 on the USF that designation of MO 5 as an ETC would place on the fund. In any  
17 event, the FCC has held that a potential high cost support of 1.88% of the total level  
18 of high-cost support, or approximately fifty (50) times the burden of the proposed  
19 MO 5 designation, did not represent a significant increased burden on the USF. *See,*  
20 *In the Matter of Federal-State Joint Board on Universal Service, NPCR, Inc. d/b/a*  
21 *Nextel Partners Application for Designation as an Eligible Telecommunications*

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<sup>6</sup> Annualizing USAC's projected first quarter 2006 filings with the FCC, the ILECS operating in MO 5's proposed ETC service area would receive the following in annual support for all of their wire centers in the state of Missouri: ALLTEL - \$2,550,288; CenturyTel Central - \$786,600; CVT - \$5,990,316; Grand River - \$4,837,104; Mark Twain - \$2,738,148; NEMO - \$3,907,380; SBC - \$3,155,304; and Spectra - \$15,474,216.

Direct Testimony of  
Kathryn G. Zentgraf

1           *Carrier In the states of Alabama, Florida, Georgia, New York, Pennsylvania,*  
2           *Tennessee and the Commonwealth of Virginia, Memorandum Opinion and Order, CC*  
3           Docket No. 96-45, DA 04-2667 (rel. August 25, 2004) (“*Nextel Order*”), at paragraph  
4           21. Indeed, in the *FCC Guidelines Report & Order*, the FCC acknowledged that  
5           “...given the size of the total high cost fund – approximately \$3.8 billion a year – it is  
6           unlikely that any individual ETC designation would have a substantial impact on the  
7           overall size of the fund.”<sup>71</sup>

8           **Q.   Returning to the specific MO 5 proposal as it relates to the rural LEC wire**  
9           **centers, how is the level of support determined for the rural LEC?**

10          A.   The rural LEC support is based upon its cost of providing service. These costs are  
11          either determined through a specific cost study or by following an average schedule  
12          of costs. The LEC wire centers of an individual carrier throughout the state are  
13          typically considered on an aggregated basis. Collectively, these wire centers are  
14          referred to as that LEC’s study area. In the MO 5 Application, it has proposed  
15          including the entire study area for CVT. However, in the case of ALLTEL, Grand  
16          River, Mark Twain, NEMO, and Spectra, the MO 5 proposal does *not* encompass the  
17          entire LEC study area.

18          **Q.   What is the significance of the fact that only a portion of the ALLTEL, Grand**  
19          **River, Mark Twain, NEMO and Spectra study areas are included in the**  
20          **proposed MO 5 ETC service area?**

21          A.   As I previously stated, the level of support received by these rural LECs in any given  
22          wire center is based upon their cost to provide service throughout their respective  
23          study areas. Where, as here, a competitive ETC seeks to only include a portion of the

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<sup>71</sup> *FCC Guidelines Report & Order* at ¶ 53 (footnote omitted).

Direct Testimony of  
Kathryn G. Zentgraf

1           LEC study area in its ETC service area, there is concern that a competitive ETC not  
2           be providing service to only a lower-cost portion of the LEC study area while  
3           receiving support based upon an overall higher average cost spread across the entire  
4           LEC study area.

5                     In its *Virginia Cellular Order* and *Highland Cellular Order*, the FCC  
6           examined the relative population densities for the portions of the study areas for each  
7           LEC that lie within the proposed CETC service area as compared to the population  
8           densities of the entire LEC study area. The FCC held that where the population  
9           densities of the entire ILEC study area are significantly lower than the population  
10          density within the ETC service area, cream skimming has occurred. As detailed in  
11          Mr. Reeves' testimony, that is *not* the case with respect to the service area  
12          redefinitions proposed by MO 5 in its ETC Application.

13   **Q.    Is population density the only consideration in these types of cases?**

14   A.    While the FCC based its *Virginia Cellular Order* and *Highland Cellular Order*  
15          decisions on this single factor, the FCC has previously considered this issue and  
16          formulated a procedure to virtually eliminate this concern even where the population  
17          density might not be as set forth herein.

18                     "[A]s the Commission concluded in *Universal Service Order*, the  
19          primary objective in retaining the rural telephone company's study  
20          area as the designated service area of a competitive ETC is to ensure  
21          that competitors will not be able to target only the customers that are  
22          the least expensive to serve and thus undercut the incumbent carrier's  
23          ability to provide service to the high-cost customers. Rural telephone

Direct Testimony of  
Kathryn G. Zentgraf

1            companies now have the option of disaggregating and targeting high-  
2            cost support below the study area level so that support will be  
3            distributed in a manner that ensures that the per-line level of support is  
4            more closely associated with the cost of providing service. *Therefore,*  
5            *any concern regarding “cream-skimming” of customers that may*  
6            *arise in designating a service area that does not encompass the entire*  
7            *study area of the rural telephone company has been substantially*  
8            *eliminated.*<sup>8/</sup>

9            ALLTEL, Grand River, NEMO and Spectra have already disaggregated their study  
10           areas into distinct zones.

11           Finally, while there is clearly no cream-skimming issues involved in the  
12           proposed redefinition, I note that the FCC has also recognized that the principle of  
13           competitive neutrality controls in the designation of CETCs, holding that

14           “Universal service support mechanisms and rules should be  
15           competitively neutral. In this context, competitive neutrality means  
16           that universal service support mechanism rules neither unfairly  
17           advantage nor disadvantage one provider over another and neither  
18           unfairly favor nor disfavor one technology over another.”<sup>9/</sup>

19           In the case of ALLTEL and Spectra, the various wire centers that comprise  
20           their study areas (or disaggregated portion thereof) are scattered in non-contiguous

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<sup>8/</sup> *Petitions for Reconsideration of Western Wireless Corporation's Petition for Designation as an Eligible Telecommunications Carrier in the State of Wyoming*, 16 FCC Rcd 19144, 19149 (2001) (emphasis added, footnotes omitted).

<sup>9/</sup> Report and Order, CC Docket No. 96-45, FCC 97-157 (May 8, 1997) (¶ 47).

Direct Testimony of  
Kathryn G. Zentgraf

1 geographic clusters throughout the state. In cases such as MO 5's, which is a  
2 Missouri-only regional CMRS carrier, the situation where the ILEC study area is  
3 scattered statewide warrants additional consideration. A CMRS ETC cannot  
4 effectively provide service to geographic areas far removed from its FCC-licensed  
5 service area. Accordingly, where, as here, the study area is comprised of numerous  
6 non-contiguous regions scattered throughout an expansive geographic area, the  
7 Commission should not apply a standard that would allow only one class of CMRS  
8 licensee (large nationwide licensees) to qualify for ETC status by being the only  
9 carriers that can cover an entire LEC study area.

10 Since no cream-skimming would result, MO 5 requests that this Commission  
11 redefine the ALLTEL, Grand River, Mark Twain, NEMO, and Spectra service areas  
12 to allow MO 5 to be designated as a competitive ETC only in the specified portions of  
13 those study area.

14 **Q. Since ALLTEL, Grand River, Mark Twain, NEMO, and Spectra apparently**  
15 **prepare all of their cost analysis based upon several wire centers, wouldn't this**  
16 **re-definition result in increased costs and administrative burden for those**  
17 **LECs?**

18 **A.** No. It is important to note that MO 5 is *not* seeking to redefine the *study* area for any  
19 rural LEC. Rather, MO 5 is seeking only to redefine the LEC *service* areas for  
20 purposes of designating a competitive ETC ("CETC"). As the FCC fully explained in  
21 the *Virginia Cellular Order*, the proposed *service* area redefinition would have no  
22 impact on the rural LEC reporting or administrative obligations. Specifically, the  
23 FCC found that redefining the rural telephone company *service* areas would not

Direct Testimony of  
Kathryn G. Zentgraf

1           require rural telephone companies to determine their costs on any basis other than the  
2           *study* area level. The redefinition, therefore, only enables MO 5, as an ETC, to serve  
3           an area that is smaller than the entire LEC study area. Accordingly, MO 5  
4           respectfully requests the redefinition of the ALLTEL, Grand River, Mark Twain,  
5           NEMO, and Spectra *service* area, but not *study* area, to include only those wire  
6           centers identified in Appendix D of the Application.

7   **Q. Does MO 5 offer ubiquitous service throughout its proposed ETC service area?**

8   A. The MO 5 network offers analog service throughout most of its market and TDMA  
9       digital service throughout much of its market. Recently, MO 5, in response to  
10      decisions by the major nationwide carriers to abandon the TDMA digital technology,  
11      has found it necessary to migrate its network to GSM. MO 5 has been able to overlay  
12      GSM at all of its cell sites, plus an additional GSM site, that provide service to the  
13      largest population centers and major traffic arteries within its FCC-licensed service  
14      area. However, there are areas within the market where the quality of primarily GSM  
15      digital services could be enhanced. Application Appendix E, identifies the areas  
16      where GSM coverage would benefit from coverage enhancement. These areas  
17      include some of the rural-most portions of the market. Application Appendix H  
18      depicts the areas where GSM coverage would be available by the proposed additional  
19      GSM sites testified to by Mr. Simon as representing MO 5's proposed use of USF  
20      funds to enhance MO 5's network coverage over the next five years, to the existing  
21      MO 5 GSM sites.

Direct Testimony of  
Kathryn G. Zentgraf

1 **Q. Does the existence of “dead spots” in the proposed ETC area preclude MO 5**  
2 **from satisfying its commitment to provide the core services set forth in FCC**  
3 **Rule 54.101(a)?**

4 A. No, it does not. Any carrier or operator that provides CMRS is virtually certain to  
5 have “dead spots” somewhere in the geographic area in which it provides service.  
6 Indeed, with respect to cellular service, the FCC’s Rules (47 C.F.R. § 22.99)  
7 expressly acknowledge the existence of “dead spots,” which are defined as “small  
8 areas within a service area where the field strength is lower than the minimum level  
9 for reliable service.” Acknowledging the prevalence of “dead spots,” the very same  
10 rule states that “[s]ervice within dead spots is presumed.” Moreover, the FCC has  
11 never required an ETC applicant to demonstrate an ability to provide ubiquitous  
12 coverage in the geographic area for which ETC designation was sought. To require a  
13 prospective ETC to demonstrate that it can provide the supported services before it  
14 receives the ETC designation effectively prohibits these aspiring entrants from  
15 providing service. In many cases, it is the availability of high-cost support that allows  
16 rural carriers to extend their networks into high cost areas.

17 This is consistent with the way LEC service is presently deployed. LEC  
18 service is available throughout its ETC service area only where there is a phone jack.  
19 Once the subscriber moves out of reach of his phone’s cable, the subscriber is  
20 essentially in a LEC “dead spot”. That is not to say that the LEC is not providing  
21 quality service. Rather, it merely highlights that any type of communications service,  
22 wired or wireless, is subject to areas of no service.

Direct Testimony of  
Kathryn G. Zentgraf

1 MO 5 is committed to extending its existing cellular network into the remote  
2 and high-cost regions of its proposed ETC area. The high-cost support that MO 5  
3 will receive once its Application is granted will allow it to fulfill this commitment.

4 **Q. Continuing with that analogy to LEC service, doesn't the LEC ETC have to**  
5 **provide ubiquitous service throughout its designated service area as a carrier of**  
6 **last resort?**

7 A. The LEC ETC has an obligation to provide service as a carrier of last resort.  
8 However, that is not to say that the LEC has to build lines and have phone jacks  
9 "standing by" in every corner of its market. LECs are continuously expanding their  
10 networks to extend their service to new areas (such as newly constructed retail and  
11 residential areas) as the need arises. LECs use their USF support to meet their  
12 ongoing construction and operational costs. The very fact that LECs continue to  
13 construct new lines year after year is indicative that even LEC ETCs are not  
14 providing ubiquitous service throughout their ETC service areas at the time of ETC  
15 designation and are continuously working to fill in their "dead spots".

16 **Q. What steps is MO 5 willing to undertake to provide service to a potential**  
17 **customer?**

18 A. Mr. Simon has testified as to the precise steps MO 5 would take to provide service to  
19 a potential customer. These steps comport with the requirements identified by the  
20 FCC in the *Virginia Cellular Order*.

21 **Q. Aside from the issues and topics already discussed in your testimony, what other**  
22 **matters should the Commission consider when it undertakes the public interest**  
23 **analysis required by Section 214(e)(2) of the Act?**



Direct Testimony of  
Kathryn G. Zentgraf

1 A. In accordance with controlling precedent, the Commission should consider the effects  
2 on competition and consumer welfare resulting from a grant of MO 5's Application.  
3 The FCC and many state public utility commissions have recognized that designation  
4 of qualified ETCs promotes marketplace competition, which enhances consumer  
5 welfare by increasing customer choice, and by promoting innovative services and  
6 new technologies. Designating MO 5 as an ETC will make it easier for customers in  
7 rural Missouri to choose telecommunications service based on pricing, service  
8 quality, customer service and service availability. In addition, this designation will  
9 facilitate universal service in MO 5's proposed ETC area by creating incentives to  
10 ensure that quality services are available at just, reasonable and affordable rates.

11 At the same time, the likelihood that consumers in MO 5's proposed ETC area  
12 will be harmed by a grant of MO 5's Application is negligible or non-existent. The  
13 strict public interest requirement with respect to areas served by a rural telephone  
14 company has been interpreted by the FCC as an expression of Congressional concern  
15 that consumers in rural areas continue to be adequately served if an ILEC exercises its  
16 right to relinquish ETC status under Section 214(e)(4) of the Act. Because MO 5 is  
17 committed to and capable of providing the core services set forth in FCC Rule  
18 54.101(a) using its own facilities, there is no reason to anticipate that consumers in  
19 the proposed ETC area will be inadequately served if one or more ILECs relinquish  
20 their ETC designation. Additionally, MO 5 has expressly committed to undertake  
21 carrier of last resort obligations in the event that a LEC within MO 5's ETC  
22 designated service area were to seek to drop its designation as an ETC with carrier of  
23 last resort obligations.

Direct Testimony of  
Kathryn G. Zentgraf

1 **Q. Are there any other CMRS carriers licensed to provide service in the same area?**

2 A. Yes. In addition to the two cellular licenses previously discussed, the FCC has issued  
3 six Personal Communications Service ("PCS") licenses throughout the United States.  
4 While the PCS licenses are issued on a Major Trading Area and Basic Trading Area  
5 basis (which does not match the MSA/RSA licensing scheme used for cellular  
6 licenses), just as with MSAs and RSAs, the BTAs combine to cover the entire  
7 country.

8 **Q. Since you have testified that there are other CMRS licenses for the same**  
9 **geographic area, how can the Commission find that the grant of ETC status**  
10 **would increase competition or otherwise be in the public interest where, as here,**  
11 **the ETC applicant is already providing service?**

12 A. The FCC has addressed this very issue. In the *Nextel Order*, the FCC's Wireline  
13 Competition Bureau considered these very arguments that had been advanced against  
14 granting ETC designation and found them unpersuasive. The FCC stated:

15 "Other commenters argue that the Commission should not designate  
16 Nextel as an ETC because such designation will not increase  
17 competition. They argue that Nextel is not a new entrant in the various  
18 markets and other CMRS operators are currently offering service in  
19 the designated service areas. [footnote omitted] We disagree. Quality  
20 service available at just, reasonable, and affordable rates is a  
21 fundamental principle of the Commission's universal service policies.  
22 [footnote omitted] Although Nextel and other CMRS operators may  
23 already offer service in the subject markets, designating Nextel as an

Direct Testimony of  
Kathryn G. Zentgraf

1           ETC will further the Commission's universal service goals by enabling  
2           Nextel to better expand and improve its network to serve a greater  
3           population and increase competitive choice for customers within the  
4           study areas of its ETC designation. (*Nextel Order* at ¶20)."

5           In the Nextel case, the FCC considered specific showings, comparable to  
6           those made by MO 5 here, and found that grant of the requested ETC designation  
7           would serve the public interest. Specifically, the FCC looked at the proposed  
8           network enhancement and service offerings and the expansion into the more rural  
9           portions of the market, coupled with the much larger local calling area being offered  
10          by the CMRS carrier and the benefits of mobility, especially in the context of  
11          "...access to emergency services that can mitigate the unique risks of geographic  
12          isolation associated with living in rural communities." (*Nextel Order* at ¶ 18). The  
13          grant of MO 5's ETC application would be wholly consistent with FCC precedent  
14          which has repeatedly found that the types of showings made by MO 5 in its  
15          Application and in Mr. Simon's testimony, more than sufficient to satisfy the public  
16          interest requirement of the applicable statutory provisions.

17   **Q.   Returning now to the new FCC guidelines, how would the MO 5 application be**  
18   **evaluated under these FCC guidelines?**

19   A.   The MO 5 proposal has been developed in accordance with the established FCC  
20   precedent. Inasmuch as the *FCC Guidelines Report & Order* is largely a codification  
21   of those orders, following those guidelines would result in the designation of MO 5 as  
22   an ETC. The *FCC Guidelines Report & Order* does add some additional suggested  
23   analysis to be performed on a "per wire center" basis. MO 5 has included such

Direct Testimony of  
Kathryn G. Zentgraf

1 information in its filing and testimony. Taken as whole, the guidelines set forth in  
2 *FCC Guidelines Report & Order* are intended to enable a state commission to be  
3 satisfied that the applicant, if designated as an ETC, would use the USF support it  
4 receives in a manner consistent with the Act and the applicable FCC rules and  
5 regulations and for the benefit of the citizens residing in the area from which the  
6 support is drawn. MO 5 has made a detailed showing as to how it would use USF  
7 support to enhance service throughout its proposed ETC service area. Accordingly,  
8 designation of MO 5 as an ETC would be consistent with the Act and an analysis  
9 based upon the *FCC Guidelines Report & Order* would lead to that determination.

10 **Q. Does that conclude your testimony?**

11 **A. Yes, it does.**

STATE OF MISSOURI

MISSOURI RSA NO. 5 PARTNERSHIP )  
Application for Designation as an )  
Eligible Telecommunications Carrier for )  
Purposes of Receiving Federal Universal ) Case No. TO-2006-0172  
Service Support Pursuant to Section )  
214(e)(2) of the Telecommunications Act )  
of 1996. )

**AFFIDAVIT OF KATHRYN G. ZENTGRAF**

COUNTY OF \_\_\_\_\_ )  
 ) ss.  
STATE OF MISSOURI )

Kathryn G. Zentgraf, of lawful age, on her oath states: that she has participated in the preparation of the foregoing Direct Testimony in question and answer form, consisting of \_\_\_\_\_ pages of testimony to be presented in the above case; that the answers in the foregoing Direct Testimony were given by her; that she has knowledge of the matters set forth in such answers; and that such matters are true and correct to the best of her knowledge and belief.

\_\_\_\_\_  
Kathryn G. Zentgraf

Subscribed and sworn to before me this \_\_\_\_\_ day of December, 2005.

\_\_\_\_\_  
Notary Public

My Commission expires: