

**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

1. 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

2. On March 21, 2013, the FCC approved the assignment of certain properties held by U.S. Cellular to two subsidiaries of Sprint Nextel.³ The transaction, which is expected to close in May 2013, will involve the assignment of 10 to 20 MHz of PCS spectrum in all or portions of 31 Cellular Market Areas ("CMAs"), along with the transfer of 585,000 subscribers in those areas. The CMAs in question include portions of Illinois, Indiana, Michigan, Missouri, and Ohio.

3. 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 the areas covered by the licenses to be transferred to Sprint. The designated service areas for which U.S. Cellular seeks to relinquish its ETC designation are set forth in Exhibit A (non-rural ILEC areas) and Exhibit B (rural ILEC areas). The areas in which U.S. Cellular seeks to retain its ETC designation are set forth in Exhibit C. 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 D.

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.")

³ See Public Notice, *Wireless Telecommunications Bureau Grants Consent to the Assignment of Portions or All of Three Personal Communications Service Licenses Covering Parts of Illinois, Indiana, Michigan, Missouri, and Ohio From United States Cellular Corporation to Sprint Nextel Corporation*, DA 13-522 (rel. March 21, 2013).

II. DISCUSSION

4. 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.”

5. 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 Exhibits A and B 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, at least one provider of resold wireless service has been designated as ETCs 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.

6. 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

⁴ See, TracFone Wireless, Inc., Order Granting Designation as an Eligible Telecommunications Carrier, Case No. TA-2009-0327 (Sept. 5, 2009).

rural ILEC 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

7. Second, as demonstrated in Exhibit E, U.S. Cellular does not seek to relinquish its ETC designation in primarily lower-density areas. U.S. Cellular’s partial relinquishment would involve its withdrawal from the entirety of three rural ILEC areas (Fidelity Tel. Co., Orchard Farm Tel. Co., and Steelville Tel. Exch.). For these areas, the cream skimming analysis is not applicable because no portion of these study areas will remain inside U.S. Cellular’s ETC service area. U.S. Cellular also seeks to relinquish its ETC designation in portions of two rural ILEC service areas (Spectra Communications Group, LLC and Windstream Missouri, Inc.). With respect to these two areas, U.S. Cellular seeks to withdraw from areas that have a *higher* overall population density than the areas in which it will remain an ETC. Accordingly, there is no possibility of targeting areas that are densely populated.

8. 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.

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.”)

III. MOTION FOR EXPEDITED TREATMENT

9. 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 June 12, 2013.

10. Expedited treatment will allow relinquishment to roughly coincide with closing of the assignment of certain properties held by U.S. Cellular, along with the transfer of 585,000 subscribers in those areas, to two subsidiaries of Sprint Nextel in May 2013. Because 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, Commission action on this Motion to Partially Relinquish Eligible Telecommunications Carrier Designation by June 12, 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. U.S. Cellular's by Motion to Partially Relinquish Eligible Telecommunications Carrier Designation was filed as soon as it could have been.

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 Exhibits A and B on an expedited basis.

Respectfully submitted,

/s/ Karl Zobrist

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Certificate of Service

A copy of the foregoing motion has been served by email this 17th day of May, 2013 upon counsel of record in this proceeding.

/s/ Lisa A. Gilbreath

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