

Jacob T. Rodenbiker

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July 31, 2013



HAND DELIVERED

Darrel Nitschke
Executive Director
Public Service Commission
State Capitol
600 East Boulevard Avenue, Twelfth Floor
Bismarck, ND 58505

Re: Annual ETC Report for Calendar Year 2012 of New Cingular Wireless PCS, LLC

Dear Mr. Nitschke:

Enclosed for filing please find an original and seven copies of New Cingular's Annual ETC Report for Calendar Year 2012. By separate cover letter, and separately bound and placed in a sealed envelope labeled "TRADE SECRET - PRIVATE," is one copy of the Confidential Exhibits A-1, A-2, C and D referenced in the document.

Please contact me immediately if there are any questions about this filing. Thank you for your time and consideration.

Sincerely yours,

Jacob T. Rodenbiker

JTR/aar

1 PU-13-721 Filed 07/31/2013 Pages: 12
ND Admin Code Section 69-09-05-12.1 Annual Report - redacted
New Cingular Wireless PCS, LLC

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF NORTH DAKOTA**

In the Matter of Annual Report of Eligible
Telecommunications Carrier
New Cingular Wireless PCS, LLC

Docket No. PU-_____

**ANNUAL ELIGIBLE TELECOMMUNICATIONS CARRIER REPORT FOR
CALENDAR YEAR 2012 OF NEW CINGULAR WIRELESS PCS, LLC**

I. INTRODUCTION

Pursuant to NDAC § 69-09-05-12.1, New Cingular Wireless PCS, LLC (“New Cingular”) submits this Annual Report and Certification for its study area in the state of North Dakota. Section 69-09-5-12.1 requires that the annual report provide information in eight subject areas. Those eight areas are addressed below.

II. SUBJECT AREA INFORMATION

A. New Cingular’s Progress Report On Its Service Improvement Plan

Section 69-09-05-12.1 (1) of the Commission’s Rules requires an Eligible Telecommunications Carrier (“ETC”) to provide:

A report describing the amount of high-cost universal service support the eligible telecommunications carrier received in the prior calendar years and that support was used for the provision, maintenance, or upgrading of the carrier’s facilities and services. The report must explain any changes from the reports previously provided to the commission. The report must also include an estimate of the amount of federal high-cost universal service support the carrier anticipates receiving in the following calendar year and describe how that support is projected to be used for the provision, maintenance or upgrading of the carrier’s facilities and services pursuant to Section 254 of the Telecommunications Act of 1996. The prior calendar year and following calendar years must identify specific construction or upgrade projects, describe how service will be improved for each project and provide the start date and completion date for each improvement, the amount of investment for each improvement, the specific geographic area where each improvement will be made, and the estimated population that will be served for each improvement.

New Cingular is providing as **Confidential Exhibit A-1** its progress report on the previously filed Service Improvement Plan for New Cingular for calendar year 2012, along with a slightly revised Service Improvement Plan for calendar year 2013 and a new Service Improvement Plan for calendar year 2014 based on New Cingular's projected federal ETC support. The Service Improvement Plan is subject to change over time for various reasons, including, but not limited to, changes in consumer demand and projected costs, the amount of universal service support actually received, and delays to projects caused by zoning/permitting, weather, lease negotiations, and the back-order of equipment. New Cingular is also providing in **Confidential Exhibit A-2** a map depicting cell sites added in 2012 and coverage as of the end of that year and also depicting planned cell site locations for calendar year 2013 and 2014. **Confidential Exhibits A-1 and A-2** are being filed separately with a request for confidential treatment pursuant to NDCC §§ 44-04-18.4, 47-25.1-01 and NDAC § 69-02-09-01.

New Cingular has and will continue to utilize federal high-cost universal service support for the provision, maintenance, and upgrading of facilities and services for which the support is intended consistent with section 254(e) of the Telecommunications Act of 1996 (the "Act"). The use of funds certification of Hardmon Williams, III, Vice President/General Manager for New Cingular is attached as **Exhibit B**.

B. New Cingular Network Outages In North Dakota Designated Area

Section 69-09-05-12.1(2) of the Commission's Rules requires an ETC to annually report network outages within its Designated Area. The Rule specifically requires:

Detailed information on any outage, as that term is defined in 47 C.F.R. 4.5, of at least 30 minutes in duration for each designated service area for any facilities it owns, operates, leases, or otherwise utilizes that potentially affect at least ten percent of the end users served in a designated service area; or a 911 special facility, as defined in 47 C.F.R. 4.5(e). Specifically, the eligible telecommunications carrier's annual report must include information detailing: (a)

The date and time of onset of the outage; (b) a brief description of the outage and its resolution; (c) The particular services affected; (d) The geographic areas affected by the outage; (e) Steps taken to prevent a similar situation in the future; and (f) [The number of customers affected.

Confidential Exhibit C provides the number of outages and the required detailed information for each outage. **Confidential Exhibit C** is being filed separately with a request for confidential treatment pursuant to NDCC §§ 44-04-18.4, 47-25.1-01 and NDAC § 69-02-09-01.

C. New Cingular's Unfulfilled Requests For Service

Section 69-09-05-12.1(3) of the Commission's Rules require an ETC to annually report the number of requests for service from potential customers within the ETC's designated service area that were unfulfilled during the past year. The filing must also detail how the ETC attempted to provide service to those potential customers. In response to a request for service, New Cingular takes the following steps:

- 1) New Cingular will provide service on a timely basis to requesting customers within New Cingular's service area where New Cingular's network already passes the potential customer's premises.
- 2) If a customer cannot be served by New Cingular's existing facilities, New Cingular will provide service within a reasonable period of time, if service can be provided at reasonable cost by:
 - a) Modifying or replacing the requesting customer's equipment;
 - b) Deploying a roof-mounted antenna or other equipment;
 - c) Adjusting the nearest cell tower;
 - d) Adjusting network or customer facilities
 - e) Reselling services from another carrier's facilities to provide service; or
 - f) Employing, leasing or constructing an additional cell site, cell extender, repeater, or other similar equipment.

If, after these steps, the customer cannot be served, New Cingular will notify the customer and provide the Commission with an annual report of how many requests for service could not be filled. In 2011 New Cingular had one (1) unfulfilled request for service. Attached is **Confidential Exhibit D** with required information detailing the unfulfilled service request.

Confidential Exhibit D is being filed separately with a request for confidential treatment pursuant to NDCC §§ 44-04-18.4, 47-25.1-01 and NDAC § 69-02-09-01.

D. New Cingular's Complaints Per 1,000 Handsets Or Lines

Section 69-09-05-12.1(4) of the Commission's Rules require an ETC to annually report the number of complaints per 1,000 handsets or lines. New Cingular has identified the number of complaints received from the Public Service Commission of North Dakota, the Federal Communications Commission ("FCC"), the North Dakota Attorney General, and the Better Business Bureau ("BBB"), per 1,000 handsets during the 2012 calendar year as 0.0665 per 1,000 handsets. New Cingular believes that this information best represents customer complaints, which is the requirement. Calls into customer care can be for a large variety of reasons and do not necessarily constitute a complaint, but could instead be an inquiry about service, a question about a bill or so forth. However, customers that send a letter to a state or federal agency, the BBB or an AT&T executive more often than not have a complaint and are not contacting the company with an inquiry.

E. New Cingular's Certification Regarding Applicable Service Quality Standards And Consumer Protection Rules

Section 69-09-5-12.1(5) of the Commission's Rules requires an ETC to certify that it is complying with applicable service quality standards and consumer protection rules. New Cingular's compliance with the terms and conditions of the Cellular Telecommunications and Internet Association's ("CTIA") Consumer Code for Wireless Service meets this requirement. New Cingular certifies that it has complied and will continue to comply with the principles set forth therein. The certification of Hardmon Williams, III, Vice President/General Manager for New Cingular is attached as **Exhibit E**.

F. New Cingular's Certification Regarding Its Ability To Function In Emergency Situations

Section 69-09-05-12.1(6) of the Commission's Rules requires an ETC to certify an ability to function in emergency situations. AT&T Mobility has in place emergency operation procedures so that it can function in an emergency. Backup power is provided at switch locations and generally at cell sites through a combination of batteries, portable generators and permanent generators. New Cingular also has mobile switches and portable COWs (Cells on Wheels) that can be deployed in the event of an emergency. Based on the foregoing, New Cingular certifies it is able to function in emergency situations. The certification of Hardmon Williams, III, Vice President/General Manager for New Cingular is attached as **Exhibit E**.

G. New Cingular's Certification Regarding Its Provision Of A Comparable Local Usage Plan New Cingular's Certification Regarding Its Provision Of A Comparable Local Usage Plan

Section 69-09-05-12.1(7) of the Commission's Rules requires an ETC to certify it is offering a local usage plan comparable to the incumbent local exchange carrier ("ILEC") in the relevant service areas. In the *ETC Report and Order*, the FCC declined to adopt a specific local usage threshold or require that an applicant match the incumbent LEC's offering.¹ Rather, the FCC concluded that the comparability of rate plans should be evaluated on a case-by-case basis, in consideration of the number of included minutes, the size of the "local" calling area, monthly price, and other factors.²

While the inherent differences between mobile phone service and landline service make an exact comparison unfeasible, New Cingular offers calling plans that provide customers local usage that is comparable to the ILEC when taking into account all of the additional features,

¹ *Federal-State Joint Board on Universal Service*, Report and Order, CC Docket. No. 96-45, 20 FCC Rcd 6371, ¶¶ 32, 33 (2005) ("*ETC Report and Order*").

² *Id.* at ¶ 33.

functionalities of New Cingular's current service offerings along with the inherent mobile natures of New Cingular's service. For example, customers that choose the AT&T Nation® or the AT&T FamilyTalk® calling plans do not pay additional long distance charges for calls made within the United States. The AT&T Nation® and AT&T FamilyTalk® calling plans also include numerous features at no additional charge, such as, Voicemail, Caller ID, Call Forwarding, Call Waiting, and Three-Way Calling. These calling plans also include either a generous allotment or unlimited night and weekend minutes. In addition to these calling plans, New Cingular also offers an option for prepaid or pay-as-you-go wireless service. All of New Cingular's calling plans inherently include the added value of being mobile and as such increases the value of New Cingular's calling plans.

Based on the foregoing, New Cingular certifies that it offers and will continue to offer at least one local usage plan that provides local usage that, when taking into account all of the additional benefits of New Cingular's service offerings, including the added value of mobile service, are comparable to that offered by the ILEC in the relevant designated service area. The certification of Hardmon Williams, III, Vice President/General Manager for New Cingular is attached as **Exhibit E**.

H. New Cingular's Certification Regarding the Commission's Ability to Require It to Provide Equal Access

Section 69-09-05-12.1(8) of the Commission's Rules requires a wireless carrier to certify that the carrier acknowledges that the FCC may require it to provide equal access to long-distance carriers in the event no other eligible telecommunications carrier is providing equal access with the designated service area. This North Dakota rule mirrored an FCC rule previously contained in 47 C.F.R. 54.202(a)(5). The FCC eliminated this rule in 2011. Consequently,

there is no such federal requirement for which New Cingular or any wireless carrier could certify compliance.

III. CONCLUSION

New Cingular respectfully states it has provided all of the information required by NDAC § 69-09-05-12.1.

New Cingular Wireless PCS, LLC

Dated this 31 day of July, 2013.



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Attorneys for New Cingular Wireless PCS, LLC

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF NORTH DAKOTA

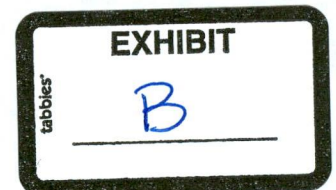
Certification of NEW
CINGULAR WIRELESS PCS, LLC
Eligible Telecommunications Carrier
Relating to Use of Federal Universal
Service Funds

DOCKET NO. PU-_____

CERTIFICATION

I, Hardmon Williams III, do hereby certify as follows:

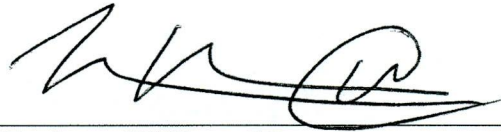
1. I serve as Vice President/General Manager for AT&T Mobility LLC (“Company”), and its subsidiary New Cingular Wireless PCS, LLC (“New Cingular”). My business address is 4300 Market Pointe Drive, Suite 350, Bloomington, Minnesota 55435.
2. In my capacity as Vice President/General Manager, I am an authorized representative of the Company and its subsidiary licensees and am authorized to execute this certification on behalf of New Cingular.
3. New Cingular has been designated as an Eligible Telecommunications Carrier (“ETC”) for the purpose of qualifying to obtain all available federal universal service support including, but not limited to, support for rural, insular and high costs areas, and for low-income customers, In the Matter of the Application of New Cingular Wireless PCS, LLC for Designation as an Eligible Telecommunications Carrier, Order, ND. PUC Case No. PU-11-86 (July 13, 2011).



4. New Cingular only used the federal high-cost universal service support received during the preceding calendar year (2012) and will only use the federal high-cost support received in the coming calendar year (2014) for the provision maintenance, and upgrading of facilities and services for which the support is intended as required by Section 254(e) of the Telecommunications Act of 1996.

I hereby certify under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.

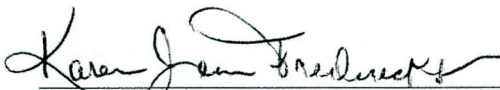
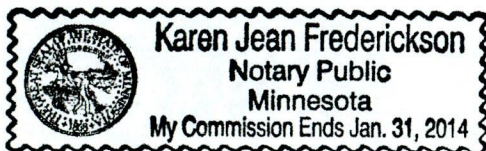
Executed on July 29, 2013.



Hardmon Williams III
Vice President/General Manager
Minnesota/Northern Plains Market

Signed at Bloomington, Minnesota

Subscribed and sworn to before me
This 29 day of July, 2013.


Notary Public

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF NORTH DAKOTA

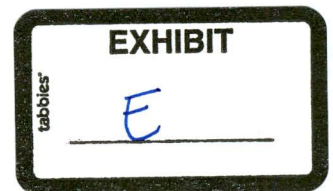
Annual Certification of NEW)
CINGULAR WIRELESS PCS, LLC)
Eligible Telecommunications Carrier)

DOCKET NO. PU-_____

CERTIFICATION

I, Hardmon Williams III, do hereby certify as follows:

1. I serve as Vice President/General Manager for AT&T Mobility LLC (“Company”), and its subsidiary New Cingular Wireless PCS, LLC (“New Cingular”). My business address is 4300 Market Pointe Drive, Suite 350, Bloomington, Minnesota 55435.
2. In my capacity as Vice President/General Manager, I am an authorized representative of the Company and its subsidiary licensees and am authorized to execute this certification on behalf of New Cingular.
3. New Cingular has been designated as an Eligible Telecommunications Carrier (“ETC”) to obtain federal universal service support including, but not limited to, support for rural, insular and high costs areas, and for low-income customers, In the Matter of the Application of New Cingular Wireless PCS, LLC for Designation as an Eligible Telecommunications Carrier, order, ND. PUC Case No. PU-11-86 (July 13, 2011).
4. New Cingular meets the following requirements pursuant to NDAC Section 69-09-05-12.1:
 - a) NDAC §69-09-05-12.1(5) requires that New Cingular comply with applicable service quality standards and consumer protection rules. New Cingular complies with the Cellular Telecommunications and Internet Association’s (CTIA) Consumer Code for Wireless Service (“Code”).
 - b) NDAC Section 69-09-05-12.1(6) requires New Cingular to be able to function in emergency situations. As described in the Application for Designation as an Eligible Telecommunications Carrier and its Annual Report for calendar year 2012, New Cingular has in place emergency operation procedures so that it can function in an emergency. In addition, backup power is provided at switch locations and generally at cell sites through a combination of batteries, portable generators and permanent generators. New Cingular can also deploy portable mobile cell sites, and has the ability to re-route traffic around damaged network facilities.



- c) NDAC Section 69-09-05-12.1(7) requires New Cingular to offer a local usage plan comparable to that offered by an incumbent local exchange carrier (“ILEC”) in the relevant designated service area. While the inherent differences between mobile phone service and landline service make an exact comparison unfeasible, New Cingular offers calling plans that provide customers local voice usage that is comparable to the incumbent local exchange company (“ILEC”) when all of the additional features and functionalities and the advantage of the mobile nature of wireless service are taken into account. For example, customers that choose the AT&T Nation[®] or the AT&T FamilyTalk[®] calling plans do not pay additional long distance charges for calls made within the United States. The AT&T Nation[®] and AT&T FamilyTalk[®] calling plans also include numerous features at no additional charge, such as: Voicemail, Caller ID, Call Forwarding, Call Waiting, and Three-Way Calling. These calling plans include either a generous allotment or unlimited nights and weekend minutes. As such these calling plans provide customers with local voice usage that, when taking into account all of the additional benefits of New Cingular’s service offerings, including the mobile nature of service, are comparable to the ILEC’s calling plans.

I hereby certify under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.


Executed on July 29, 2013.



Hardmon Williams III
Vice President/General Manager
Minnesota/Northern Plains Market

Signed at Bloomington, Minnesota

Subscribed and sworn to before me
This 29 day of July, 2013.


Notary Public

