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**BEFORE THE PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA**

**COLUMBIA, SOUTH CAROLINA**

**COMMISSION DOCKET NO. 2003-277-C    MARCH 15, 2006    3:00 P.M.**

*HARGRAY WIRELESS, LLC -- Allowable Ex Parte Communication Briefing to Discuss Status of Federal Universal Service Program Following the FCC's Report & Order in CC Docket No. 96-45, Released March 17, 2005; Review of ETC Designation Cases in other States; Q&A on Federal Universal Service Mechanisms and Criteria for Designation.*

BRIEFING BEFORE: G. O'Neal HAMILTON, VICE CHAIRMAN.

**APPEARANCES:** David A. LaFuria, Esq. and William W. Jones, Jr., Esq., representing Hargray Wireless, Inc.; and Bob Labonte, VP and COO for Hargray Wireless, Inc.

Wendy Cartledge, Esq., Lessie Hammonds, Esq., and Nanette Edwards, Esq., representing the State of South Carolina, Office of Regulatory Staff.

REPORTED BY: Janet L. LeVeque  
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1 MR. LAFURIA: Good afternoon. I'm David LaFuria,  
2 and I'm here on behalf of Hargray Wireless. With me is Bob  
3 Labonte from the company, and William Jones, who is the  
4 company's general counsel.

5 Do we have any new people in the room? I don't have  
6 to do the housekeeping, we can just get started.

7 Well, I'm here today to talk about the federal  
8 universal service program. And it was thought, I guess, from  
9 the company's perspective that I've been in about 25 different  
10 states dealing with universal service over the last six years,  
11 and doing a little bit of a briefing on some of the new things  
12 and the changes and updates to the program, the federal side  
13 of the program anyway, might be useful for all the  
14 commissioners, and that's why we're here today.

15 I'm going to whip through my slides pretty quickly,  
16 but what I really want to make sure you know is that, for me,  
17 I'd much rather we have kind of a casual conversation and you  
18 feel free to interrupt me whenever you want with questions and  
19 we'll just go from there.

20 On the federal universal service side, as you  
21 probably know, all consumers of interstate services pay into  
22 the fund, whether they are wireline customers or wireless  
23 customers or long-distance customers; if they have interstate  
24 charges on their phone, they have to pay into the fund. And  
25 when the dollars go up to the federal government, the federal

1 program has, in the universal service world, they have the  
2 high-cost program, which pays out dollars to carriers to build  
3 networks out in rural areas; there is the low-income program,  
4 which provides subsidies to consumers who are low-income so  
5 that they can afford telephone service there; there's the  
6 school and libraries program, which provides subsidies for  
7 broadband connections, for schools and libraries to get  
8 connected up to the Internet; and there's the rural health  
9 care program, which provides them subsidies to hospitals and  
10 other healthcare providers out in remote areas.

11 Right now, this is about a \$7-billion program in  
12 '06, and the part that I'm here to talk about today is the  
13 high-cost piece of it, which is about 4 billion out of that 7  
14 billion in total.

15 Right now, today, wireless consumers are  
16 contributing about a third of the total program, about \$2.5  
17 billion a year; and in 2005, the numbers that we've come up  
18 with, wireless carriers drew a little less than 10 percent of  
19 that, and I think it will be closer to 15 percent or so in  
20 2006, because around the country, carriers have been getting  
21 designated so there are more carriers drawing from the fund  
22 now than before.

23 Here in 2006 all but a few rural states have been  
24 designated at least one or more competitive ETCs. I put  
25 together a map, which my engineers left off Alaska and Hawaii,

1 but if you look on this map, they've designated competitive  
2 carriers. And I have a case pending in Illinois, which is  
3 expected to be acted on pretty soon, and up in the northeast  
4 part of the country, they don't have rural areas, so to speak,  
5 and so they are not going to be designating any carriers; so  
6 we're down now towards Idaho, Iowa and South Carolina are the  
7 last three we have to designate a competitor.

8           The way that the statute was originally set up, the  
9 states have the option to designate competitive carriers if  
10 they wish, and there's nine states that decided that they  
11 didn't want to have jurisdiction over wireless, and in those  
12 cases you have to make an application to the FCC and they do  
13 the designation.

14           And the FCC decided about a year, it was a year ago  
15 this week, that what they needed was a set of guidelines and  
16 rules of the road, kind of a road map, for competitors to be  
17 able to understand if you want the benefit of these funds what  
18 are your obligations going to be, what do you have to do, and  
19 they released this order. I have a copy of it here. I'll be  
20 happy to leave it with you on the way out, but it's an order  
21 in which the FCC said, If you come to us, here's what you have  
22 to do; we think this is a good compromise based on how can we  
23 provide benefits to consumers and make sure the carriers are  
24 doing what they're supposed to do and make sure they're  
25 accountable.

1           While the FCC was not allowed to impose these  
2 requirements on the states, it's relevant because I think it's  
3 a pretty good compromise. If you ask me do I have issues,  
4 I've got a few, but I think everybody who participated in it  
5 has a few issues. But, overall, it's a good compromise and a  
6 good set of guidelines which a state could take and say,  
7 Here's a good set of guidelines, if you want to be designated  
8 and you want to be eligible, you need to do this.

9           And since that came out a year ago, a number of  
10 states have taken up proceedings in which they've either  
11 designated a competitive carrier and said this is what you've  
12 got to do, or they adopted rules in which they said here are  
13 the rules for everybody who comes hereafter, here is what you  
14 have to do to become eligible, here's what you have to do to  
15 stay eligible.

16           There have been a number of states, and I think the  
17 FCC has made two or maybe three designations since this came  
18 out using those guidelines. And, as I said, I think it's a  
19 pretty good compromise.

20           Last weekend I went to the -- I did a little bit of  
21 research and came up with, in the surrounding states in this  
22 part of the country, how many dollars are going out to  
23 competitive ETCs in these states, and the vast majority of  
24 these dollars go to wireless carriers. And I think what's  
25 important here is that, while the amounts vary, with some of

1 these states these are significant dollars which these  
2 carriers are being accountable, and I represent a number of  
3 them. What they have to do is demonstrate to the state  
4 commissions that they got the dollar and that they use that  
5 dollar to invest in their networks out in the rural areas

6 I represent Cellular South down in Mississippi, and  
7 they draw a significant chunk of that \$62 million that goes  
8 out to competitors in that state. And what's important in  
9 that state is that over the past three or four years, while  
10 Cellular South has been using these dollars to build up their  
11 network, they had an experience last fall, when Katrina struck  
12 the Gulf Coast, which was significant, and that was the next  
13 day after that storm made landfall, they had service available  
14 to first responders. It wasn't much, the general public  
15 didn't have much, but the emergency folks who needed it could  
16 get a call through. And in 13 days they had their network up  
17 to full capacity throughout that Biloxi-Gulfport area.

18 The second thing that was important was that up in  
19 Mississippi, in the northern part where it's more rural,  
20 people in massive numbers moved up there, they were displaced;  
21 and when they were displaced out to these more rural areas,  
22 they had enough cell sites and capacity available so that when  
23 consumers moved into these areas, they had the ability to use  
24 their wireless phones, to call their insurance company, to  
25 keep in touch with loved ones, to do all the things that they

1 needed to do when they were displaced out of that coastal  
2 area.

3 VICE CHAIRMAN HAMILTON: How would the universal  
4 service funds be used to upgrade the service, especially in  
5 rural areas?

6 MR. LAFURIA: Any carrier who gets funds is required  
7 to use them only for the provision, maintenance and upgrading  
8 of their facilities out in the high-cost areas; and so what  
9 states have typically done is say, Look, we want you to be  
10 accountable. Let's say you get a million dollars this year,  
11 we want to know what you did with your million dollars. We  
12 want to know how it went into your facilities.

13 Carriers are free to use it -- in other words, they  
14 could use it to build a cell site, they could use to put in  
15 battery backups, they could use it to build redundancies in  
16 their network when they go down, they could use it to invest  
17 in the tower structures, in the real estate around it. They  
18 have to invest in their network in those areas.

19 And so while states can't say you have to build a  
20 tower for me over here in this town, they certainly can say,  
21 if you've got a million dollars, I want to know that I'm  
22 getting some bang for my buck. I want to know what you're  
23 doing.

24 And Cellular South, in Mississippi, is an example.  
25 They report to the state on a regular basis: Here's the

1 dollars we got for the prior period and here are the places  
2 where we built cell sites, here are the towns that now have  
3 service, here are the battery backups we installed, here are  
4 the generators we installed, here's the additional capacity  
5 that we installed, here are the links, the back hall links  
6 that get the signal from the cell site back to our switch so  
7 they can get in the phone network, and they lay out for them,  
8 here are the investments that we made.

9           So I will tell you, in a number of places where I  
10 represent clients there are towns that are under 1,000, that  
11 would never get a cell site otherwise, that now have cellular  
12 service as a result of a company going out there and building  
13 a cell site where it wouldn't make economic sense otherwise,  
14 and so there have been some really significant positive  
15 benefits in a number of states around the country.

16           VICE CHAIRMAN HAMILTON: In your scenario, to get  
17 the money, then they have to come back and tell what they did  
18 with it, they don't have to do it up front?

19           MR. LAFURIA: Yeah. In the FCC's guidelines, there  
20 are two parts to it, if the commission were to follow that.  
21 The FCC's guidelines say before you get the dollars we want to  
22 see a particular plan for what you propose to do, and we're  
23 not going to hold you to it too tightly because the hard part  
24 is you don't know exactly how much money you're going to get  
25 until you get out there.

1           So I can tell you it requires a little bit of  
2 software, a little bit of tools to figure out a good estimate  
3 of whether you're going to get a million dollars or 10  
4 million. So whatever number that is your project, you need to  
5 provide the state with a plan, here's what we are going to do  
6 with it, and we project it's going to be a million, here's our  
7 plan. If it turns out to be 2 million, we got to come back in  
8 a year and say, Well, we got 2 and here's what we did with  
9 that, and then give you periodic reports.

10           VICE CHAIRMAN HAMILTON: Even though you aren't  
11 regulated, wireless?

12           MR. LAFURIA: Right.

13           VICE CHAIRMAN HAMILTON: We can set up guidelines or  
14 rules for universal service funds for you to apply for in  
15 South Carolina, could they be more stringent than the FCC  
16 guidelines?

17           MR. LAFURIA: Yes.

18           VICE CHAIRMAN HAMILTON: And would it be something  
19 that would be pointed to rural areas where service is in many  
20 cases poor?

21           MR. LAFURIA: You clearly are the authority to do  
22 something different than what the FCC did, more or less, no  
23 question about it. The limitations on what you can do are in  
24 the federal statute, that is, you can't regulate rates of  
25 competitive carriers and their entry, but you could regulate

1 "other terms and conditions" if you're authorized by the state  
2 statute. And I confess I don't know the state statutes well,  
3 but, clearly, if you decided to say, well, look, for all  
4 carriers who get universal service funds, we want a report  
5 annually of what you're doing with the funds that you got and  
6 an update.

7 VICE CHAIRMAN HAMILTON: If we take the money away  
8 from the incumbent and give it to wireless, would that cause  
9 more money to be paid? Could that be done? Or would more  
10 money have to come from somewhere else? Would customers have  
11 to pay more money?

12 MR. LAFURIA: That's a good question. Under the  
13 current program, the way the federal program is set up, when a  
14 competitive carrier comes in and gets funds, it does not  
15 affect at all what the incumbent gets; so if the incumbent is  
16 getting \$1 million this year and a competitor comes in there  
17 and gets 200,000 in that area, let's say, that increases the  
18 size of the fund. They don't share it or fight over with the  
19 incumbent carrier.

20 If there is more than one competitor in an area, the  
21 competitor carriers all have to fight for the available  
22 dollars. And the way that they set it up, they said for  
23 competitors you only get support if you get a customer, so  
24 first you got to build it. If you can't get a customer, you  
25 don't have a sale. Once you build it and the customer signs

1 up, you can get the customer's revenue and you can get the  
2 support dollars for that customer. And if you lose that  
3 customer, you lose the support. And so there's a mechanism in  
4 place that puts the incentive on the competitors to go find  
5 those areas which are high-cost and where there is support  
6 available and to invest out there. And part of the state's  
7 job is make sure that the money just doesn't come back and get  
8 invested back here in Columbia, for example, in downtown  
9 Columbia where it's a low-cost area.

10 VICE CHAIRMAN HAMILTON: If we don't get the money,  
11 somebody in New York might get it.

12 MR. LAFURIA: One of the pitches that I make in  
13 every state is that the wireless consumers in South Carolina  
14 today are paying in roughly a dollar a month. I think there's  
15 a little over a million wireless lines in this state, so  
16 there's, say, 12 to 15 million bucks a year going out, and it  
17 goes out and it goes to Nebraska and it goes to Wyoming, it  
18 goes to all other states, but it doesn't come back here to  
19 fund any wireless infrastructure in this state.

20 And as a general matter, I think wireless consumers  
21 out in the rural areas really need to see a bang for the buck  
22 that they are putting in, and that why I think a lot of states  
23 have designated carriers like the FCC has. I think they  
24 recognize this.

25 VICE CHAIRMAN HAMILTON: Excuse me, you might have

1 answered all these questions in the slides.

2 MR. LAFURIA: No, I'm happy to do it. I'm much  
3 happier at Q and A than I am going through slides. I only  
4 brought them as a few bullets.

5 VICE CHAIRMAN HAMILTON: You tell me.

6 MR. LAFURIA: Go right ahead.

7 The other thing I think that's on here is when a  
8 competitive carrier decides to be an ETC, under the federal  
9 program they do take on federal carrier-of-last-resort  
10 obligation, and it's the same as what the ILECs have on the  
11 federal side, and that is you have to respond to all  
12 reasonable requests for service. So today a wireless carrier,  
13 when they get a call from a customer that says, I just bought  
14 your phone, I took it out, it doesn't work all over the place  
15 where I live. A carrier today pretty much says, Well, I'm  
16 sorry, you maybe need to try another carrier but we just don't  
17 do anything about that.

18 Once you're an ETC, you need to make an effort to  
19 respond to all reasonable requests. If a consumer came to  
20 this commission and said, Hey, I want service from this  
21 carrier and I don't get it, I want you to investigate it, you  
22 would have the opportunity to look at a carrier and say, Tell  
23 me how much it's going to cost to get service out to that  
24 house. And let's say it's just \$3,000, it's a little repeater  
25 you have to put out there, you'd have the authority to say,

1 Look, the customer is going to pay about 50 bucks a month,  
2 there's another 20 bucks in support, look at this, looks like  
3 you're going to get a return on your investment in two years,  
4 I'm not sure why you wouldn't have to build that for them.  
5 You have the ability to declare that to be a reasonable  
6 request.

7           Likewise, if there was a consumer out there and it  
8 would cost \$300,000 to build a whole cell site, you might say  
9 to that consumer, Well, look, you're going to have to find  
10 another alternative, there's got to be another way to get the  
11 service, but building you a new cell site is not necessarily  
12 the best way to use the funds. That's a bigger program, I  
13 think, in the Montana area than it is in rural South Carolina.

14           There are folks out there in cabins, in places where  
15 they -- hunting camps where they are 100 miles from the  
16 nearest cell site, or even more.

17           VICE CHAIRMAN HAMILTON: We seem in this state to  
18 have a lot of towers but poor service in most areas. I assume  
19 the wireless company owns the tower and other folks can't use  
20 the tower, they can't do like an interconnection or anything  
21 with a landline.

22           MR. LAFURIA: The cellphone companies sometimes own  
23 the towers and sometimes they lease them. There are tower  
24 companies out there that do nothing but -- it's like a real  
25 estate play, they just put up towers and get tenants. But

1 there is a fair amount of sharing that goes on among carriers,  
2 especially in rural areas, because a lot of times if you can  
3 avoid building that tower, that's the most expensive piece,  
4 they will -- in a rural area they will try to get what's  
5 called colocation on a tower to share it.

6 VICE CHAIRMAN HAMILTON: So most of them are that  
7 way?

8 MR. LAFURIA: If they can, they will.

9 There's not as much sharing in the urban areas  
10 because typically you're not building a big tower, you're just  
11 putting it on top of a building and so they'll just go to  
12 building tops where it's available or a water tower or  
13 something like that, an existing structure.

14 VICE CHAIRMAN HAMILTON: Okay.

15 MR. LAFURIA: I want to hit on just, real quickly, I  
16 know I touched on the whole Katrina thing about consumer  
17 benefits.

18 Part of what you said a minute ago is important  
19 because one of the questions I get from a lot of states is:  
20 It seems to us that your client, David, is already out there  
21 in a wireless area and you're already built out there without  
22 support, you don't really need these dollars. And my answer  
23 to that is: Go out there and drive around and really use your  
24 phone out there because it's not like it is here in Columbia.  
25 There is a business plan that supports a carrier going out

1 there and building on the interstates and the major roads and  
2 in the major towns. But knitting together a good network that  
3 a person could depend on where they live, work and play is  
4 really not possible; and if it were possible, it would have  
5 happened by now. It's a pretty entrepreneurial country and  
6 wireless licenses have been around 15 years now; somebody  
7 would have done it if there was money to be made out there.

8           And what's needed is a certain amount of support to  
9 enable the carriers to build cell sites in areas that they  
10 wouldn't otherwise build them. Once that happens, the  
11 consumer benefits are pretty big. Right off the bat, it's the  
12 911 thing.

13           The cellphones, the digital phones now, they come  
14 with a GPS chip in the phone that talks to the satellite, and  
15 so if a cell site goes up in an area and lights up 100 square  
16 miles of an area, and everybody in that area who tries to dial  
17 911 can immediately be located, because that GPS chip can talk  
18 straight up to the satellite and locate you with 20, 30 feet,  
19 depending on where you are, and so those benefits are  
20 immediately available when that cell site gets constructed.  
21 And those dead areas where oftentimes farmers are on tractors  
22 or where someone who has a business that does deliveries or  
23 does repairs, where they need to use their phone in between  
24 the major roads and the major towns, that all becomes  
25 available.

1           VICE CHAIRMAN HAMILTON: Most of our co-ops have  
2 connections with wireless companies now. And if this thing  
3 did go where, you know, in South Carolina you start getting  
4 universal service funds, they would be equally eligible too.

5           MR. LAFURIA: Absolutely, yes.

6           The other thing on health and safety, I think, is,  
7 I've learned in the last year or so how police and emergency  
8 medical technicians depend on wireless phones now.

9           We had a sheriff who made a presentation to the FCC  
10 in a case, who came down and described how he uses a wireless  
11 phone all the time. The example he gave, which is really a  
12 practical one, is he gets a call for a domestic disturbance  
13 and he said, When I go out, I tell the dispatcher to give me  
14 the number of that house, because I want to call in there  
15 before I knock on that door and I want to know all the facts:  
16 Is there a drunk guy in there, does we have a weapon, are  
17 there kids? He said, I can get a good sense of what's going  
18 on and how much danger I'm in before I ever knock on that  
19 door. He said, That's a real big deal to me because I do it  
20 all the time in metropolitan Portland, or wherever he is, but  
21 he said, When I get out in the rural areas, I don't like it  
22 when I have to go knocking, I don't have a choice about  
23 knocking, that's my job to do it.

24           He also said that the emergency medical technicians  
25 use wireless phones now because when they get on the radio

1 scanners, the police scanners, they are not secure, and they  
2 have problems with, for example, next of kin getting notified  
3 early from folks who pick this stuff up off the scanners, and  
4 so they use wireless phones to transmit the license plates and  
5 the other information because it's secure.

6 And they use them for undercover operations. They  
7 got a guy in the field and he's in a car and he's watching a  
8 house. He had that digital phone, which is secure, so he can  
9 make a call and communicate back in any, way shape or form  
10 without worrying about it being picked up

11 VICE CHAIRMAN HAMILTON: Makes sense.

12 MR. LAFURIA: The other thing is economic  
13 development. There is no question but that when businesses  
14 look to locate out to rural areas, one of the things on their  
15 checklist now is do you have a good telecommunications network  
16 out there.

17 I think we hear a lot about broadband. Right along  
18 with it is, is there mobile wireless communication. I mean,  
19 are our workers going to be able to move around and do their  
20 jobs efficiently and have the benefits of mobile.

21 And one of the things that is interesting about this  
22 program is that the money is really only supposed to be used  
23 for providing voice service, and so the companies can't use  
24 these funds to invest in data, the Blackberry devices or that  
25 kind of thing. But to get the data, you need to have the

1 tower and you need to have the microwave back hall. You need  
2 to have all these big expensive pieces that you use for voice.

3           So once that tower is up with the universal service  
4 money, once that big investment is made, the company can use  
5 internally generated capital to add on the data piece of this  
6 and bring consumers mobile data and other mobile wireless  
7 services that aren't necessarily voice, because it's a much  
8 smaller investment than that first big piece, and so there are  
9 significant consumer benefits as a result.

10           Lastly, I'd say a big part of the '96 act, I know,  
11 was the idea that consumers out in rural areas really deserved  
12 to have choices in telecommunications that are similar, even  
13 if we can't get eight competitors out there the way we have  
14 here in Columbia, but they deserve to have some similar  
15 choices in service providers as those in urban areas, and it's  
16 much more than just connecting people up to the network.

17           We had that job done in 1996. Our nationwide  
18 telephone penetration rate is now the same or slightly lower  
19 than it was then. The big job that Congress wanted to get  
20 done was to find a way to get consumers out in rural areas  
21 this modern infrastructure and use the high-cost support  
22 mechanism to do that.

23           I can tell you a lot of stories in a lot of states  
24 where carriers have been ETCs for a few years now, they have  
25 got some terrific tales to tell about how cell sites have been

1 built in towns less than 1,000 people that have gotten cell  
2 service for the first time, and the way that it's being used  
3 out there, and, literally, sometimes life-saving stories of  
4 people out there able to use their phones in this fashion.

5 MR. LABONTE: The commissioner asked a question  
6 regarding additional ETCs being approved in areas. Could you  
7 elaborate a little more on how that process works and how that  
8 would affect the fund?

9 MR. LAFURIA: Sure. I apologize if I rambled off in  
10 some other direction.

11 The way that the federal fund works is that the  
12 competitors, when they come in, only get paid when they get a  
13 customer, and they lose support when they lose a customer.  
14 And so if we use, in our imagination, a rural area with 100  
15 people, let's say there's 100 lines out there to be had. If  
16 the state designates one competitive ETC in that area, and  
17 there's 100 lines available in that area, and they get 100  
18 lines, there's X amount of support that gets paid out.

19 If you designate three carriers in that area, and  
20 they all share those 100 lines, each one of them has 33, the  
21 same amount of support gets paid out. These carriers all have  
22 to fight each other for that same amount of support, no matter  
23 how many you designate in a particular area.

24 And the incumbent carrier is not a part of that  
25 equation. The incumbent carrier gets the same amount of

1 support even when you designate a competitor that comes in.

2           And there was a policy decision made at the federal  
3 level that we're not going to have the wireline carriers  
4 fighting for support and losing support, yet we want, first of  
5 all, for there to be a transition period of who knows how long  
6 it will be at this point, but there was a decision made not to  
7 effect the incumbent carrier in that way.

8           VICE CHAIRMAN HAMILTON: Right, I've captured that.

9           MR. LAFURIA: The competitors are all kind of  
10 butting heads for whatever available support is in that  
11 particular area.

12           VICE CHAIRMAN HAMILTON: How much money has been  
13 collected from South Carolina? I know you had the regional  
14 figure. You got any idea?

15           MR. LAFURIA: On the wireless wide, I'd give you a  
16 back-of-the-envelope calculation. We think there is about 1.2  
17 million to 1.4 million wireless lines in the state.

18           And I can tell you from my calculations, the average  
19 wireless subscriber right now pays in about a dollar a month,  
20 and so there is about 1.2 million, 1.4 million going out every  
21 month. So let's say it's somewhere between 12 and \$18 million  
22 a year, I would suppose on those numbers. If I'm off, it's a  
23 little bit either way, but I'd say there's probably  
24 back-of-the-envelope, \$15 million a year going out of the  
25 state from wireless consumers.

1 VICE CHAIRMAN HAMILTON: And zero coming in.

2 MR. LAFURIA: Today there is zero coming in.

3 I can tell you there are probably folks out in  
4 Nebraska who are getting new wireless cell sites right now on  
5 some of those pennies that South Carolina folks are putting  
6 in.

7 VICE CHAIRMAN HAMILTON: We do the same with our  
8 federal gas tax, send it somewhere else.

9 MR. LAFURIA: Well, I think the big piece of this --  
10 and what I tell states all the time, a big piece of this is  
11 accountability. You know, if a carrier is willing to come in  
12 here and say, Look, we'll give you an annual report and we'll  
13 tell you whatever we got and we'll tell you what we did with  
14 it and we'll demonstrate on a map how you got some bang for  
15 your buck here, that's a big deal and it's a big benefit that  
16 can be demonstrated for South Carolina consumers.

17 They should be willing to come in with an estimate  
18 of what they think they are going to get and give you a basic  
19 plan, which then every year, if they deviate from it, as  
20 investment often does, you know, when you're planning more  
21 than a year ahead, be able to tell you, okay, here is our plan  
22 and here is what we did.

23 And I've got a number of clients who do that. I  
24 mean, some of them it's a very minimal report and some of them  
25 it's a fairly extensive report, depending on the various

1 states. But that accountability is a big piece of it, because  
2 you all should be able to go back to consumers and say, Hey,  
3 the service is a lot better now than it was years ago and  
4 here's why.

5 VICE CHAIRMAN HAMILTON: What records, service  
6 records do you do versus complaints versus where you are  
7 getting the funds and where you have built into these areas?  
8 Have you got any statistics on how the service is actually and  
9 how the consumer feels like your service has been?

10 MR. LAFURIA: In other states -- let me think about  
11 this.

12 One of the things I always say is that carriers,  
13 especially carriers who get a lot of dollars, initially their  
14 complaints go up because they get more customers, and that's  
15 always a good thing, but then you get more of that.

16 But, overall, the experience from carriers has been  
17 that when the network quality improves, the complaints go  
18 down, because most of the complaints they get: My call  
19 dropped, I don't have service here, I got a fast busy signal,  
20 or something having to do with bad coverage, and it's the  
21 quality of the network.

22 There really aren't that many consumers that call up  
23 and say, You defrauded me on my bill, or, you put something on  
24 the bill that it shouldn't have been. Those kind of  
25 complaints are fairly rare. The big ones are, You don't have

1 service where I need it, that's the big one.

2 VICE CHAIRMAN HAMILTON: I think that's right  
3 because I think most people in rural areas feel like it's nice  
4 to have but not dependable.

5 MR. LAFURIA: Exactly. Exactly right.

6 VICE CHAIRMAN HAMILTON: They just can't depend on  
7 it. If you really need it, you better get a landline phone  
8 because there are so many areas that you just can't get  
9 service.

10 MR. LAFURIA: Well, let me tell you about  
11 northeastern Colorado. I have a client up there who just  
12 decided that what they were going to do is invest in analogue  
13 phones. Back in 1999, when everybody was starting to go  
14 digital, they bought up a whole bunch of used equipment on the  
15 cheap and they completely blanketed a six-county area with  
16 service.

17 And consumers in that area who had analogue phones,  
18 there were no dead spots. It was like a downtown area in a  
19 very remote part of -- you know, go look at northeastern  
20 Colorado, there's nothing out there. Fort Morgan is  
21 considered a big town.

22 And with universal service funds, what he's been  
23 doing is he's been overlaying that network with digital, and  
24 so all that investment that he made years ago in getting the  
25 towers up and getting the networks out for analogue, he's now

1 transitioning all his customers over to digital with his  
2 universal service funds.

3 I'll tell you, it's an amazing thing out there. I  
4 mean, consumers out there, they have a much different  
5 experience than when you just cross that border into Nebraska.

6 When I was in Nebraska for our hearing this summer,  
7 there were two salesmen who said, I drive to Denver all the  
8 time and I cross that border, and all the way into downtown  
9 Denver my phone works everywhere. When I come back, I hit the  
10 state line, I get into Nebraska, nothing until I make McCook.  
11 It was really an amazing story of the difference in the two  
12 networks

13 And I dare say, if you were a business looking to  
14 locate or you were thinking about the quality of those  
15 networks, it's not even close in that part of the world. And  
16 so there are stories out there like that where this is  
17 happening.

18 It takes a little more time because the designations  
19 aren't that old yet. I mean, most of them have just gotten to  
20 the last year or two. And even if you'd had it for two or  
21 three years, it takes time to get the zoning approval and then  
22 you get your cell sites built and then you start to market it  
23 and it starts to ramp up, so it takes a little bit of time.  
24 But there are some real terrific stories from Alaska to Oregon  
25 to Minnesota and lot of these places.

1 VICE CHAIRMAN HAMILTON: Sounds great.

2 They didn't send me a lawyer. Maybe I can borrow  
3 one to ask some of these technical questions. They left me on  
4 my own, and I'm a gas man.

5 MR. LAFURIA: It's a big year for gas. Made \$14  
6 this year.

7 VICE CHAIRMAN HAMILTON: I caused all this nice  
8 winter.

9 MR. LAFURIA: That's right. Scared off Mother  
10 Nature.

11 Well, that's all I've got. Thanks for taking your  
12 time.

13 VICE CHAIRMAN HAMILTON: I've enjoyed it. It's been  
14 very informative and we'll certainly give it all the  
15 consideration.

16 MR. LAFURIA: Thank you very much.

17 MR. LABONTE: Thank you. Appreciate it.

18

19 {WHEREUPON, at approximately 3:33  
20 p.m., on March 15, 2006, the Briefing was  
21 adjourned.}

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CERTIFICATE OF REPORTER

I, Janet L. LeVeque, Registered Professional Reporter and Notary Public for the State of South Carolina at Large, do hereby certify that the foregoing transcript is a true, accurate, and complete record.

I further certify that I am neither related to nor counsel for any party to the cause pending or interested in the events thereof.

March 15, 2006

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Janet L. LeVeque  
Notary Public,  
State of South Carolina at Large.  
My Commission expires  
July 3, 2006.

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