

*Public Service Commission  
Of West Virginia*

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Charleston, West Virginia 25323



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August 12, 2010

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RE: Case No. 10-0558-T-GI  
General Investigation Regarding Certification of  
Federal Universal Service Funding for Eligible  
Telecommunications Carriers in West Virginia

Ladies and Gentlemen:

Pursuant to Rule 2 of the Commission's Rules of Practice and Procedure, we are enclosing a copy of the Staff memorandum in this matter. If you wish to respond to the enclosed Staff memorandum, you may do so in writing, within 10 days, unless directed otherwise, of this date.

Your failure to respond in writing to the utility's answer, Staff's recommendations, or other documents may result in a decision in your case based on your original filing and the other documents in the case file, without further hearing or notice.

If you have provided an email address you will automatically receive notifications as documents are filed in this proceeding. The email notifications allow recipients to view a document within an hour from the time the filing is processed. If you have not provided your email address, please send an email to [caseinfo@psc.state.wv.us](mailto:caseinfo@psc.state.wv.us) and state the case number in the email subject field.

**General reminder** - if you submit any additional documents - in addition to filing an original and 12 copies of all documents with the Commission, you are required to **mail** a copy to all other parties of record. Please note - the Public Service Commission does not accept electronic filings.

Sincerely,



Sandra Squire, Director  
Executive Secretary Division

SS/sh  
Enc.

**FINAL JOINT STAFF MEMORANDUM**

**TO: SANDRA SQUIRE**  
Executive Secretary

**DATE: AUGUST 12, 2010**

**FROM: CHRIS HOWARD**  
Staff Attorney

02:31 PM AUG 12 2010 PSC EXEC SEC DIV

**RE: CASE NO. 10-0558-T-GI**  
**GENERAL INVESTIGATION REGARDING CERTIFICATION OF**  
**FEDERAL UNIVERSAL SERVICE FUNDING FOR ELIGIBLE**  
**TELECOMMUNICATIONS CARRIERS IN WEST VIRGINIA**

On April 2, 2010, the Public Service Commission of West Virginia (Commission) opened a General Investigation Regarding Certification of Federal Universal Service Funding for Eligible Telecommunications Carriers (ETC) in West Virginia. Federal Communications Commission of the United States (FCC) requires each state to certify that all high-cost funds flowing to rural and non-rural carriers in that state are used in accordance with Section 254(e) of the Telecommunications Act of 1934. All ETCs will be required to file their reports with the Commission on or before July 1, 2010, with the final recommendation of Commission Staff due on August 16, 2010.

On May 18, 2010, Staff issued an Initial Joint Staff Memorandum. Staff stated it would file a final recommendation after it has received and reviewed the information submitted by the affected telecommunications carriers by the August 16, 2010 Commission deadline.

*Final Recommendation of the Commission's Utilities Division Staff*

On August 11, 2010, David Kennedy, Utilities Analyst for the Commission's Utilities Division (Technical Staff) issued a Final Recommendation. Technical Staff has completed its review and believes the ETC filings are in substantial compliance with the Commission's Order. Two carriers (Fibernet, LLC, and Citizens Telecommunications Company of West Virginia) have failed to supplement their filings with the amount of FUSF received. Additionally, two other carriers (Nexus Communications, Inc., and TracFone Wireless, Inc.), have failed to provide their Study Area Code information, and a copy of the annual Lifeline verification compliance certification as described in FCC Public Notice DA 07-3088. Technical Staff recommends these carriers provide the requested information on or before August 26, 2010. Technical Staff concludes pending receipt of the additional information,

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Date: August 12, 2010  
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the compiled list of ETCs (attached) is in substantial compliance with the Commission Order and should be certified as ETCs for 2010.

*Final Recommendation of the Commission's Legal Division Staff*

Legal Staff has reviewed the filings of the carriers and the Final Recommendation of Technical Staff. Legal Staff concurs with the findings and recommendations of Technical Staff. The list of carriers compiled by Technical Staff are in compliance with the Commission Order and should be certified as ETCs for 2010 in accordance with Section 254(e) of the Telecommunications Act of 1934. The following carriers need to provide the requested information by Technical Staff in order to receive ETC certification:

Fibernet, LLC, and Citizens Telecommunications Company of West Virginia have failed to supplement their filings with the amount of FUSF received.

Nexus Communications, Inc., and TracFone Wireless, Inc., have failed to provide their Study Area Code information, and a copy of the annual Lifeline verification compliance certification as described in FCC Public Notice DA 07-3088.

These carriers should provide the requested information on or before August 26, 2010, in order to be certified as an ETC for 2010. Upon receipt of the requested information, Legal Staff will make a further filing regarding these carriers ETC status.

CLH/cls  
Attachment

CWS CWS

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MEMORANDUMTO.wpd

INTERNAL MEMORANDUM

RECEIVED  
10 AUG 11 PM 1:22  
WV PUBLIC SERVICE COMM.  
LEGAL DIVISION

TO: STAFF ATTORNEY  
LEGAL DIVISION

FROM: DAVID KENNEDY, UTILITIES ANALYST  
UTILITIES DIVISION

DATE: August 11, 2010

SUBJECT: **Case No. 10-0558-T-GI**  
**GENERAL INVESTIGATION REGARDING**  
**CERTIFICATION OF FEDERAL UNIVERSAL**  
**SERVICE FUNDING FOR ELIGIBLE**  
**TELECOMMUNICATIONS CARRIERS IN WEST VIRGINIA**

Transmitted herewith is the Utilities Division's Recommendation in the above-referenced case. Please submit this report to the Commission.

**PUBLIC SERVICE COMMISSION OF WEST VIRGINIA  
UTILITIES DIVISION FINAL RECOMMENDATION**

**DATE:** August 11, 2010  
**FROM:** David Kennedy, Utilities Analyst  
Utilities Division

**Re: Case No. 10-0558-T-GI  
GENERAL INVESTIGATION REGARDING  
CERTIFICATION OF FEDERAL UNIVERSAL  
SERVICE FUNDING FOR ELIGIBLE  
TELECOMMUNICATIONS CARRIERS IN WEST VIRGINIA**

REC'D  
10 AUG 11 PM 1:22  
WEST VIRGINIA PUBLIC SERVICE COMMISSION  
LEGAL DIVISION

On April 27, 2010, The Commission initiated a General Investigation regarding filing requirements of the Federal Communications Commission (FCC) concerning Federal Universal Service Funding (FUSF) in West Virginia. This is an ongoing and annual process.

On April 27, 2010 The Commission issued an order requiring Eligible Telecommunications Carriers (ETCs) to file certain information necessary for certifying compliance with FCC regulations.

Staff has reviewed the ETCs filings and believes that the filings are in substantial compliance with the Commission's order.

Two ETCs failed to include information on the amount of FUSF support received during the most recent calendar year. Staff has contacted each utility and received the information requested. However, in order to complete the record, Staff recommends that the following ETCs supplement their filings with the amount of FUSF received.

FiberNet, LLC  
Citizens Telecommunications Company of West Virginia

Two ETCs failed to provide their Study Area Code(s). Staff recommends that the following ETCs supplement their filings with their Study Area Code.

Nexus Communications, Inc.  
TracFone Wireless, Inc.

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*Utility Division*  
*Staff Memorandum*

Two ETCs failed to provide a copy of the annual Lifeline verification compliance certification as described in FCC Public Notice DA 07-3088. Staff recommends that the following ETCs supplement their filings and with this verification.

Nexus Communications, Inc.  
Tracfone Wireless, Inc

Staff recommends that these ETCs be required to respond by August 26, 2010.

Pending receipt of the above information from the ETCs, Staff believes the attached list of ETC's to be in substantial compliance with the Commission's order and should be certified as ETCs for 2010.

DTK:s

DPW

Case No. 10-0558-T-GI  
 Utility Division  
 Attachment

Hardy Telecommunications (CLEC) 209009		Rural	Competitive
Hardy Telecommunications (ILEC) 200259		Rural	Incumbent
West Virginia PCS Alliance, LC 209909 DBA NTELOS		Non Rural	Competitive
New Cingular Wireless PCS, LLC 209012 DBA AT&T Mobility		Rural Non Rural	Competitive
Alltel Communications, LLB 209008 DBA Verizon Wireless.		Non Rural	Competitive
Sprint Nextel Corporation 209007		Non Rural	Competitive
USOC of Cumberland & Hardy Cellular 209005		Rural Non Rural	Competitive
Spruce Knob Seneca Rocks Telephone, Inc. 200257		Rural	Incumbent
Gateway Telecom, LLC 209001 DBA Stratuswave Communications		Non Rural	Competitive
Fibernet Telecom, LLC 209002		Rural Non Rural	Competitive
War Acquisition Corp. DBA 200258 OTT Communications		Rural	Incumbent
Verizon West Virginia, Inc. 205050		Non Rural	Incumbent
Citizens Telecommunications 200271 Company of 204338 West Virginia 204339		Rural Rural Rural	Incumbent Incumbent Incumbent
Nexus Communications, Inc.			
Tracfone Wireless, Inc.			
Armstrong Telephone Company Northern Division 200267 West Virginia 200256		Rural Rural	Incumbent Incumbent
West Side Telecommunications 200277		Rural	Incumbent