

*Public Service Commission  
Of West Virginia*

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August 30, 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:

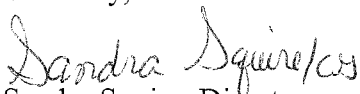
Pursuant to Rule 2 of the Commission's Rules of Practice and Procedure, we are enclosing a copy of the Staff memorandum in this matter. If you wish to respond to the enclosed Staff memorandum, you may do so in writing, within 10 days, unless directed otherwise, of this date.

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/cg  
Enc.- Memo

**FURTHER JOINT STAFF MEMORANDUM**

**TO: SANDRA SQUIRE**  
Executive Secretary

**DATE: AUGUST 30, 2010**

**FROM: CHRIS HOWARD** *CH*  
Staff Attorney

**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.

On August 12, 2010, Staff issued a Final Joint Staff Memorandum . Staff completed its review and determined the ETC filings were in substantial compliance with the Commission's Order. Two carriers (Fibernet, LLC, and Citizens Telecommunications Company of West Virginia) failed to supplement their filings with the amount of FUSF received, while, two other carriers (Nexus Communications, Inc., and TracFone Wireless, Inc.), 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. Staff recommended the carriers provide the requested information on or before August 26, 2010. Staff concluded pending receipt of the additional information, the compiled list of ETCs (attached) is in substantial compliance with the Commission Order and should be certified as ETCs for 2010.

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

On August 27, 2010, David Kennedy, Utilities Analyst for the Commission's Utilities Division (Technical Staff) issued a Further Final Recommendation. Technical Staff states all carriers except one have made the appropriate filings to receive FUSF funding. Tracfone has not provided Study Area Code Information or the Annual Lifeline Verification Compliance Certification. However, Tracfone filed a response on August 27, 2010, indicating the information was not due with the Universal Service Administration until August 31, 2010, and it would make the filing at that time. Technical Staff concludes all the ETCs with the exception of Tracfone have filed the required information and are now in compliance with the Commission's Order and should be certified as ETC for 2010. Upon receipt of this information from Tracfone, it will have satisfied the Commission ordered requirements.

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

Legal Staff has reviewed the documents including the Further Final Recommendation of Technical Staff. Legal Staff concurs with the findings and recommendations of Technical Staff. Tracfone indicates it will file its Annual Lifeline Verification Compliance Certification by August 31, 2010, which would bring all the utilities in substantial compliance with the Commission Order. Legal Staff recommends the utilities, with the exception of Tracfone, be found in substantial compliance and should be certified as ETC for 2010. Tracfone also should be certified upon receipt of the required information.

CLH/s  
Attachment

CWS CWS

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

**DATE:** August 27, 2010

**FROM:** *DK*  
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**

WEST VIRGINIA PUBLIC SERVICE COMMISSION  
LEGAL DIVISION  
10 AUG 27 PM 4:00

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 August 12, 2010, Staff filed a Final Joint Staff Memorandum stating the need for additional information from several carriers. As of today, one carrier has yet to provide the additional supplemental information requested in that recommendation.

Specifically, Tracfone has not provided Study Area Code information or the annual Lifeline Verification Compliance Certification as mandated in the Commission's order of April 27, 2010. On August 27, 2010, Tracfone responded to Staff's Final Joint Staff Memorandum by stating that the Lifeline certification is not due with the Universal Service Administration Company until August 31, 2010. The utility states that it will file the information by August 31, 2010. Staff notes that all other Eligible Telecommunications Carriers have been able satisfy the Commissions order by filing the most recent information available.

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

DTK:s

*OPW*