

**PUBLIC SERVICE COMMISSION
OF WEST VIRGINIA
CHARLESTON**

At a session of the PUBLIC SERVICE COMMISSION OF WEST VIRGINIA in the City of Charleston on the 15th day of September 2010.

CASE NO. 10-0558-T-GI

GENERAL INVESTIGATION REGARDING
CERTIFICATION OF FEDERAL UNIVERSAL SERVICE
FUNDING FOR ELIGIBLE TELECOMMUNICATIONS
CARRIERS IN WEST VIRGINIA.

COMMISSION ORDER

The Commission finds that certain eligible telecommunications carriers (ETCs) in West Virginia are appropriately using federal universal service funds (USF) and that rates in rural areas served by non-rural incumbent carriers are comparable to rates charged in urban areas nationwide.

BACKGROUND

The Federal Communications Commission (FCC) requires states to annually certify which carriers are eligible for USF and file a certificate stating that all federal high-cost funds flowing to rural and non-rural carriers in that state will be used in accord with Section 254(e) of the Telecommunications Act of 1934 (as amended)¹ (Act). 47 U.S.C. §254(e), 47 C.F.R. §§54.313 and 54.314. If a state commission files a certification with the FCC prior to October 1, then USF for the next calendar year will be forwarded to rural and non-rural carriers. *Id.* Therefore, the Commission initiated this general investigation (GI) regarding the certification of federal USF for ETCs in West Virginia for calendar year 2011.

On March 17, 2005, the FCC strengthened its reporting requirements for ETCs to ensure that high-cost universal service support continues to be used for its intended purposes. In the Matter of Federal-State Joint Board on Universal Service, CC Docket No. 96-45, Report and Order, FCC 05-46 (Rel. March 17, 2005). The FCC encouraged state commissions to adopt the same annual reporting requirements for all ETCs, not just

¹This section states that federal USF received by ETCs must be used “only for the provision, maintenance and upgrading of facilities and services for which the support is intended.”

competitive ETCs. *Id.* at ¶71. The FCC also recognized that state commissions possess the authority to rescind ETC designations for failure of an ETC to comply with the requirements of section 214(e) of the Act or any conditions imposed by the state. *Id.* at ¶72. On May 17, 2005, this Commission adopted the FCC's annual reporting requirements in addition to the reporting requirements of previous years, including the requirement that all ETCs file verified statements certifying that they use universal service support only for the provision, maintenance and upgrading of facilities and services for which the support is intended.

Pursuant to 47 C.F.R. §54.316, each state must annually compare the residential rates in areas served by non-rural incumbent local exchange carriers to urban rates nationwide and certify to the FCC and Universal Service Administrative Company (USAC) that the rates are reasonably comparable. Frontier West Virginia Inc. (Frontier WV)² is the only non-rural incumbent local exchange carrier in West Virginia. Only carriers serving non-rural service areas are required to make rate comparability certifications.

The Commission directed that (i) its Executive Secretary post the verified statements of each carrier on the Commission website, (ii) notice of its Order and the internet posting of verified carrier statements be published once in the Charleston Gazette and Charleston Daily Mail and (iii) interested persons could file comments with the Commission by July 16, 2010. *Id.*

The Commission granted the Consumer Advocate Division (CAD) request to intervene on May 10, 2010.

The following ETCs filed their respective documentation and requests that the Commission certify to the FCC and the USAC their eligibility to continue to receive federal high-cost support in calendar year 2011:

1. Alltel Communications, LLC, dba Verizon Wireless
2. Armstrong Telephone Company - Northern Division
3. Armstrong Telephone Company - West Virginia
4. Citizens Telecommunications of West Virginia, Inc.
5. FiberNet, LLC
6. Frontier West Virginia Inc.
7. Gateway Telecom, LLC, dba StratusWave Communications, LLC
8. Hardy Telecommunications, Inc. CLEC
9. Hardy Telecommunications, Inc. ILEC
10. New Cingular Wireless PCS, LLC dba AT&T Mobility

²On May 13, 2010, the Commission approved the transfer of the former Verizon West Virginia Inc., from Verizon Communications Corporation to companies controlled by Frontier Communications Corp. The parties to that matter closed on the transfer on July 1, 2010. Frontier Communication Corp., et al., Case No. 09-0871-T-PC, (Commission Order, May 13, 2010).

11. Nexus Communications, Inc.³
12. Sprint Nextel Corporation
13. Spruce Knob-Seneca Rocks Telephone, Inc.
14. Tracfone Wireless, Inc.⁴
15. USCOC of Cumberland and Hardy Cellular Telephone, Inc.
16. War Acquisition Corp., dba OTT Communications
17. West Side Telecommunications
18. West Virginia PCS Alliance, LC dba NTELOS

Staff filed a memorandum recommending that the Commission certify to the FCC that the eighteen ETCs filing in this proceeding are adequately in compliance with all applicable ETC/USF requirements in the current reporting period. Staff noted in its filing that two ETCs, including Citizens Telecommunications of West Virginia, Inc. (Citizens), and FiberNet, LLC (FiberNet), did not initially advise the Commission of the amount of USF each received. Staff also noted that Nexus and Tracfone did not provide their Study Area Codes or Lifeline disclosures. Staff requested that the carriers with incomplete filings supplement their applications on or before August 26, 2010. August 12, 2010 Staff Memorandum.

On August 17, 2010, Citizens supplemented its filing with the additional information Staff requested.

On August 18, 2010, FiberNet supplemented its filing with additional information.

On August 26, 2010, Nexus filed an amended report and filed an additional exhibit on August 27, 2010.

Staff filed a supplemental memorandum stating that every ETC except for Tracfone has filed the information Staff requested. Therefore, Staff recommended that the Commission certify all ETCs except for Tracfone as eligible for continued USF support. Staff also recommended that the Commission certify Tracfone once it files the information Staff requested. August 30, 2010 Staff Memorandum.

On August 31, 2010, Tracfone filed the information Staff requested.

³Nexus Communications, Inc. (Nexus) submitted a late certification filing limited to seeking USF support for its Lifeline and Link Up program.

⁴ Tracfone Wireless, Inc. (Tracfone) submitted a late certification filing limited to seeking support for its SafeLink Wireless Lifeline service.

DISCUSSION

Use of High-Cost Support Certification - All Carriers

With regard to the use of USF, the Commission accepts the Staff recommendation and concludes that the following telecommunications carriers should be certified to receive Federal Universal Service support during calendar year 2011, because they use federal universal service support only for the provision, maintenance and upgrading of facilities and services for which the support is intended, consistent with Section 254(e) of the Act:

1. Alltel Communications, LLC, dba Verizon Wireless
2. Armstrong Telephone Company - Northern Division
3. Armstrong Telephone Company - West Virginia
4. Citizens Telecommunications of West Virginia, Inc.
5. FiberNet, LLC
6. Frontier West Virginia Inc.
7. Gateway Telecom, LLC, dba StratusWave Communications, LLC
8. Hardy Telecommunications, Inc. CLEC
9. Hardy Telecommunications, Inc. ILEC
10. New Cingular Wireless PCS, LLC dba AT&T Mobility
11. Nexus Communications, Inc.
12. Sprint Nextel Corporation
13. Spruce Knob-Seneca Rocks Telephone, Inc.
14. Tracfone Wireless, Inc.
15. USCOC of Cumberland and Hardy Cellular Telephone, Inc.
16. War Acquisition Corp., dba OTT Communications
17. West Side Telecommunications
18. West Virginia PCS Alliance, LC dba NTELOS

Therefore, the Commission should certify by letter to the FCC and the USAC that the above-listed ETCs are properly using USF consistent with Section 254(e) of the Act. Finally, the Commission notes that the requests of Nexus and Tracfone are limited to support for their Lifeline programs.

Rate Comparability Certification - Non-rural ILEC Service Areas

The Commission concludes that the rates charged by the incumbent non-rural carrier, Frontier WV, to residential customers in rural areas of West Virginia are comparable to rates charged in urban areas for purposes of 47 U.S.C. §254(e). Three of the four residential calling plans available to all Frontier WV customers in West Virginia, including those in rural areas, have basic rates that fall below the national urban benchmark of \$36.52 per month set forth in the FCC Reference Book on Rates, Price Indices and Expenditures for Telephone Service, (2008 Edition). June 24, 2010 filing of the former Verizon West Virginia

Inc., at Attachment E. The fourth calling plan, Frequent Caller, has basic rates that are only seventeen cents above the benchmark (excluding federal excise taxes). The Commission finds the small amount that the Frequent Caller plan exceeds the urban benchmark is de minimis. The Commission finding is also supported by the following facts:

1. Since 1988 the rates charged to residential customers in West Virginia have been uniform geographically throughout the state.
2. "Local calling areas" are uniformly defined throughout West Virginia and consist of all adjacent wire centers and wire centers within twenty-two air miles of the customer's home wire center. This means that every residential customer in every Frontier WV wire center in West Virginia, rural or urban, has a large local calling area, usually in excess of fifty miles in diameter. These large local calling areas benefit residential customers by reducing the need to make long distance calls for normal daily activities.
3. Every residential customer in every Frontier WV wire center has the choice of the same four calling plans. Since the rate plans are optional, no customer is forced to purchase service under any particular plan.
4. The Frequent Caller Plan is an optional calling plan that provides flat-rate local calling across a very large area. Customers do not have to choose that plan, because there are other alternative calling plans available from Frontier WV and competitive carriers. Moreover, that plan gives customers flat-rate local calling for calls that are normally billed as long distance calls in other, more urban states.

Additional Rate Comparability Certification - Competitive ETCs

The Commission also reviewed the comparability of the residential rates of competitive ETCs charged in rural areas of West Virginia served by Frontier WV and determined that they are reasonably comparable to rates charged in urban areas. Most of these carriers⁵ offer at least one residential plan to customers in rural wire centers served by Frontier WV that fall below the national urban benchmark. See, ETC Statements generally. To the extent that some of these competitive ETCs offer basic calling plans with rates that are above the national urban benchmark, the Commission finds that plans are nevertheless comparable to urban rates nationwide because these plans include calling features that are

⁵The Commission considered the filings of (i) Alltel Communications, LLC, dba Verizon Wireless (Verizon Wireless), (ii) Tracfone, (iii) Nexus, (iv) Fibernet, LLC, (v) Gateway Telecom, LLC, dba StratusWave Communications, (vi) New Cingular Wireless PCS, LLC, dba AT&T Mobility (AT&T Mobility), (vii) Sprint Nextel Corporation (Sprint), (viii) USCOC of Cumberland and Hardy Cellular Telephone, Inc. (US Cellular), and (ix) West Virginia PCS Alliance, LC dba NTELOS.

not federally supported such as long distance calling and vertical services, the existence of uniform residential rates, uniformly defined “local calling areas” in West Virginia and the existence of competitive carriers offering alternative calling plans.

Therefore, the Commission concludes that it should certify by letter to the FCC and the USAC that residential rates in area served by Frontier WV are comparable to urban rates nationwide.

Annual Lifeline Verification Certifications

On July 10, 2007, the FCC issued Public Notice DA 07-3088, “Deadline for Annual Lifeline Verification Surveys,” requiring ETCs in a state with its own state-based Low-income program to submit a certification, signed by an officer of the company to USAC by August 31 of each year, attesting that the ETC has complied with the state verification procedures. Pursuant to the FCC notice, each state with a state-based low-income program is required to establish state-specific verification procedures. The state procedures should include how ETCs verify continued eligibility and to whom the results should be submitted.

W.Va. Code §24-2C-4 sets forth this State’s procedures for its state-based low-income program called “Tel-Assistance.” The West Virginia Department of Health and Human Resources (DHHR) verifies initial and continuing eligibility of Tel-Assistance recipients. ETCs communicate with DHHR and verify continuing eligibility. The Commission is responsible for establishing the procedures governing the application for and providing of Tel-Assistance.

As directed in the April 27, 2010 Commission Order, all ETCs have filed a copy of the annual Lifeline verification certification. The Commission, however, will direct ETCs that filed a 2009 Lifeline disclosure to file a 2010 form within fifteen days of the entry of this Order.⁶ Frontier WV may request additional time if necessary based on its unique circumstances.

Requests for Protective Treatment

Most ETCs did not request any type of protective order for their filings in this matter. Five of the filers, however, requested protective treatment for portions of their filing including:

Sprint Nextel

- Attachment 3 – Build-out Plan Update
- Attachment 4 – 2009 Outage Report

⁶At this point, the Commission believes that all ETCs except for USCOC of Cumberland and Hardy Cellular Telephone, Inc., Sprint Nextel Corporation and Frontier WV have filed 2010 Lifeline forms.

- Attachment 5 – Map of Improvements

US Cellular

- Ex. 1 pg 3 – List of Expenditures on Capital Improvements

AT&T Mobility

- Attachments 2-1, 2-2 – Service Improvement Plan (SIP)
- Attachments 3-1, 3-2 – Maps Showing Cell Coverage Improvements
- Attachment 4 – 2009 Outage Information
- Attachment 5 – Unfulfilled Requests
- Attachment 6 – Complaints per Thousand Handsets

Verizon Wireless

- Attachment A-1 – Progress Report on SIP
- Attachment A-2 – Updated 5 year SIP
- Attachment A-3 – Projected USF Receipts 2010-12
- Attachment B – 2009 Outages

Frontier WV

- Attachment B3 – Construction and Network Information
- Attachment C – Outage Information

The requests for protective treatment essentially fall into three categories. The first category includes attachments containing forward looking data such as plans for future construction or budgeting that may be of commercial value and allows that carrier a business advantage over its competitors. Attachments in this category include Sprint Attachment 3, the confidential US Cellular filing, AT&T Attachments 2-1 and 2-2, Verizon Wireless Attachments A-1 through A-3 and Frontier WV Attachment B3. As it is possible to issue this Order and the corresponding certification letter without including any of this information, the Commission concludes that there is no need to rule on the requests for protected treatment for these items at this time. Thus, the Commission shall direct its Executive Secretary to maintain that information separate and apart from the rest of the file. If there is a request filed with the Commission in the future to make that information public, the Commission will require the entity seeking protective treatment to argue its request at that time.

The second category of information includes items that contain historical information predominantly derived from interactions between the carriers and their customers. Attachments in this category include Sprint Attachment 4, AT&T Mobility Attachments 4 through 6, Verizon Wireless Attachment B and Frontier WV Attachment C. The Commission concludes that this data is unlikely to be of commercial value to either the carrier or its competitors. Further, the data underlying the compilations of service outages or customer complaints is obviously known outside the carrier. Thus, the Commission

concludes that these items are not trade secrets under W.Va. Code §29B-1-4 and cannot be held back from public view.

The third category of data subject to protective order requests includes coverage maps from Sprint (Attachment 5) and AT&T Mobility (Attachments 3-1, 3-2). The Commission has reviewed these maps and is not convinced that the information contained therein meets the statutory qualification of a trade secret. Some of the information contained therein is commonly available from the carriers on the Internet. The Commission, however, will afford Sprint and AT&T Mobility an opportunity to supplement their arguments with an additional filing within fifteen days of the entry of this Order. If Sprint or AT&T Mobility decline to file additional justification, the Executive Secretary of this Commission shall release Sprint Attachment 5 and AT&T Mobility Attachments 3-1, 3-2 into the public file.

The Commission takes this opportunity to emphasize that carriers should closely examine their filings to narrow requests for protective treatment as much as possible consistent with the legislative policy of providing full and complete public access to government information whenever possible. W.Va. Code §29B-1-1 and Frontier Communications Corp., et al., Case No. 09-0871-T-PC (Commission Order December 30, 2009). This narrowing is particularly relevant when the Commission is considering the eligibility of private entities to receive public funding to maintain or expand their networks.

Finally, the Commission observes that neither Sprint nor Verizon Wireless filed an affidavit in support of their protective treatment motions. Thus, the Commission will direct both carriers to file a supporting affidavit within fifteen days of the entry of this Order. Hope Gas Inc., dba Dominion Hope, Case No. 08-1783-G-42T (Commission Order, November 20, 2009) at 42.

Filing Verification

The Commission notes that War Acquisition Corp., dba OTT Communications (War) did not file an affidavit affirming the veracity of its certification request. Thus, the Commission will direct War to file that affidavit as a closed entry under this case number within fifteen days of the entry of this Order.

Requirements for 2012 Certification Filings

In prior USF proceedings, the Commission directed all ETCs to file certain information with the Commission the following year to assure that the Commission would have the necessary information available for its next certification proceeding. The Commission will require similar filings be made on or before July 1, 2011. All filers should continue to include (i) their Study Area Code(s), (ii) whether the filer is a rural carrier and/or a non-rural carrier and (iii) whether the filer is an incumbent or a competitive carrier.

The Commission takes this opportunity to note that two carriers, Nexus and Tracfone, did not submit their filings on or before the July 1, 2010 filing deadline. The Commission does not condone any ETC submitting a late filing and may refuse late or substantially incomplete filings in the future.

FINDINGS OF FACT

1. The Commission initiated this GI to review the use of federal USF by ETCs in West Virginia. April 27, 2010 Commission Order.

2. Eighteen ETCs filed required USF documentation and requested that the Commission certify their eligibility to continue to receive federal high-cost support in calendar year 2011. ETC USF filings.

3. Most ETCs filed 2010 Lifeline disclosures and all ETCs except War verified their filings. Id.

4. Sprint Attachment 4, AT&T Mobility Attachments 4 through 6, Verizon Wireless Attachment B and Frontier WV Attachment C contain historical information predominantly derived from interactions between the carriers and their customers. Id.

5. Staff recommended that the Commission certify to the FCC that the eighteen ETCs filing in this proceeding are adequately in compliance with all applicable ETC/USF requirements. August 12, 2010 and August 30, 2010 Staff Memoranda.

CONCLUSIONS OF LAW

1. The Commission concludes that the following telecommunications carriers should be certified by letter to the FCC to receive Federal Universal Service support during calendar year 2011, because they use federal universal service support only for the provision, maintenance and upgrading of facilities and services for which the support is intended, consistent with Section 254(e) of the Act:

1. Alltel Communications, LLC, dba Verizon Wireless
2. Armstrong Telephone Company - Northern Division
3. Armstrong Telephone Company - West Virginia
4. Citizens Telecommunications of West Virginia, Inc.
5. FiberNet, LLC
6. Frontier West Virginia Inc.
7. Gateway Telecom, LLC, dba StratusWave Communications, LLC
8. Hardy Telecommunications, Inc. CLEC
9. Hardy Telecommunications, Inc. ILEC
10. New Cingular Wireless PCS, LLC dba AT&T Mobility
11. Nexus Communications, Inc.

12. Sprint Nextel Corporation
13. Spruce Knob-Seneca Rocks Telephone, Inc.
14. Tracfone Wireless, Inc.
15. USCOC of Cumberland and Hardy Cellular Telephone, Inc.
16. War Acquisition Corp., dba OTT Communications
17. West Side Telecommunications
18. West Virginia PCS Alliance, LC dba NTELOS

2. The Commission concludes that the rates charged by the incumbent non-rural carrier, Frontier WV, to residential customers in rural areas of West Virginia are comparable to rates charged in urban areas nationwide for purposes of 47 U.S.C. §254(e).

3. The Commission concludes that the rates of competitive ETCs charged in rural areas of West Virginia served by Frontier WV are reasonably comparable to rates charged in urban areas nationwide.

4. It is reasonable to require ETCs that filed a 2009 annual Lifeline certification in this proceeding to file a copy of their 2010 annual Lifeline form with the Commission.

5. It is reasonable to require War to file an affidavit attesting to the accuracy of its filings in this proceeding.

6. To facilitate certification filings for next year, it is reasonable for the Commission to mandate specific filing requirements within this Order.

7. Sprint Attachment 4, AT&T Mobility Attachments 4 through 6, Verizon Wireless Attachment B and Frontier WV Attachment C are not trade secrets under W.Va. Code §29B-1-1 et seq.

8. It is reasonable to allow Sprint and AT&T Mobility an opportunity to supplement their filings regarding Sprint Attachment 5 and AT&T Mobility Attachments 3-1, 3-2.

9. It is reasonable to direct ETCs that did not support their protective treatment requests with affidavits to do so. Case No. 08-1783-G-42T (Commission Order, November 20, 2009) at 42.

ORDER

IT IS THEREFORE ORDERED that a certification be issued to the FCC and USAC stating that the following carriers are using Federal Universal Service support only for the provision, maintenance and upgrading of facilities and services for which the support is intended, consistent with Section 254(e) of the Act:

1. Alltel Communications, LLC, dba Verizon Wireless

2. Armstrong Telephone Company - Northern Division
3. Armstrong Telephone Company - West Virginia
4. Citizens Telecommunications of West Virginia, Inc.
5. FiberNet, LLC
6. Frontier West Virginia Inc.
7. Gateway Telecom, LLC, dba StratusWave Communications, LLC
8. Hardy Telecommunications, Inc. CLEC
9. Hardy Telecommunications, Inc. ILEC
10. New Cingular Wireless PCS, LLC dba AT&T Mobility
11. Nexus Communications, Inc.
12. Sprint Nextel Corporation
13. Spruce Knob-Seneca Rocks Telephone, Inc.
14. Tracfone Wireless, Inc.
15. USCOC of Cumberland and Hardy Cellular Telephone, Inc.
16. War Acquisition Corp., dba OTT Communications
17. West Side Telecommunications
18. West Virginia PCS Alliance, LC dba NTELOS

IT IS FURTHER ORDERED that it is appropriate to certify to the FCC and USAC that the above-stated carriers are eligible to continue receiving Federal Universal Service support for calendar year 2011, based on the verified statements submitted to the Commission.

IT IS FURTHER ORDERED that it is appropriate to certify to the FCC and USAC that the residential rates charged by Frontier WV and competitive ETCs in rural areas of West Virginia served by Frontier WV are reasonably comparable to urban rates nationwide.

IT IS FURTHER ORDERED that War shall file an affidavit attesting to the accuracy of its filings in this matter within fifteen days of the entry of this Order.

IT IS FURTHER ORDERED that any ETC initially filing a 2009 Lifeline disclosure in this proceeding without subsequently providing its 2010 Lifeline disclosure shall file that document within fifteen days of the entry of this Order.

IT IS FURTHER ORDERED that by July 1, 2011, regardless of whether the Commission has yet instituted the 2012 annual certification proceeding, all ETCs providing service in areas served by a non-rural ILEC shall file, for the purposes of making the rate comparability determination, the following information:

- (1) Monthly line charge
- (2) Average monthly usage
- (3) Any federal subscriber line charge
- (4) Any federal universal service credit
- (5) Any federal universal service surcharge

- (6) Any local number portability surcharge
- (7) Any telecommunications relay service surcharge
- (8) Any E-911 surcharge
- (9) Federal excise tax
- (10) Any other mandatory surcharges that apply to their listed basic calling plan.

IT IS FURTHER ORDERED that on or before July 1, 2011, regardless of whether the Commission has yet instituted the 2012 annual certification proceeding, all ETCs designated by this Commission shall, in addition to the information detailed above for the then most recent calendar year, also file:

- (1) progress reports on the five-year service quality improvement plan of the ETC, including maps detailing progress towards meeting its plan targets; an explanation of how much universal service support was received during the most recent calendar year and how the support was used during that period to improve signal quality, coverage, or capacity; and an explanation regarding any network improvement targets that have not been fulfilled. The information should be submitted at the wire center level;
- (2) for the most recent calendar year, detailed information on any outage lasting at least thirty minutes, for any service area in which an ETC is designated 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 that potentially affect a 911 special facility. Specifically, the ETC's annual report must include: (i) the date and time of onset of the outage; (ii) a brief description of the outage and its resolution; (iii) the particular services affected; (iv) the geographic areas and wire centers affected by the outage; (v) steps taken to prevent a similar situation in the future; and (vi) the number of customers affected;
- (3) the total number of requests for service from potential customers within its service areas that were unfulfilled for the most recent calendar year. The ETC must also detail how it attempted to provide service to those potential customers;
- (4) the total number of complaints and the number of complaints per thousand handsets or lines during the most recent calendar year;
- (5) certification that the ETC is complying with applicable service quality standards and consumer protection rules, *e.g.*, the Commission quality of service standards, and the CTIA Consumer Code for Wireless Service;

- (6) certification that the ETC is able to function in emergency situations including a description of the emergency facilities of the ETC;
- (7) certification that the ETC is offering a local usage plan comparable to that offered by the incumbent LEC in the relevant service areas;
- (8) certification that the carrier acknowledges that the Commission may require it to provide equal access to long distance carriers in the event that no other ETC is providing equal access within the service area; and
- (9) their Study Area Code(s), whether the filer is a rural carrier and/or a non-rural carrier, and whether the filer is an incumbent or a competitive carrier.

IT IS FURTHER ORDERED that on or before July 1, 2011, all ETCs designated by this Commission shall file a copy of the annual Lifeline verification compliance certification referenced in FCC Public Notice DA 07-3088 and above.

IT IS FURTHER ORDERED that the Executive Secretary shall docket in this proceeding a copy of the Commission letter to the FCC issued pursuant to this Order.

IT IS FURTHER ORDERED that the Executive Secretary shall maintain the confidential versions of ETC filings in this matter containing Sprint Attachment 3, the confidential US Cellular filing, AT&T Mobility Attachments 2-1 and 2-2, Verizon Wireless Attachments A-1 through A-3 and Frontier WV Attachment B3 separate and apart from the rest of the file.

IT IS FURTHER ORDERED that the requests for a protective order for Sprint Attachment 4, AT&T Mobility Attachments 4 through 6, Verizon Wireless Attachment B and Frontier WV Attachment C are denied.


IT IS FURTHER ORDERED that the Executive Secretary shall release Sprint Attachment 5 and AT&T Mobility Attachments 3-1, 3-2 into the public file unless those carriers supplement their protective treatment requests within fifteen days of entry of this Order.

IT IS FURTHER ORDERED that Verizon Wireless and Sprint shall file affidavits in support of their protective treatment requests within fifteen days of the entry of this Order.

IT IS FURTHER ORDERED that, on entry hereof, this proceeding shall be removed from the Commission docket of active cases.

IT IS FURTHER ORDERED that the Commission Executive Secretary serve a copy of this Order by electronic service on all ETCs and parties requesting that service, on all other parties by United States First Class Mail and on Staff by hand delivery.

A True Copy. Teste:


Sandra Squire
Executive Secretary

MJM/lld
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