

*Public Service Commission
Of West Virginia*

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September 7, 2011

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Case No. 11-0818-T-GI
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RE: Case No. 11-0818-T-GI
General Investigation regarding certification
of federal universal service funding for eligible
telecommunication 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 and state the case number in the email subject field.

Sincerely,


Sandra Squire, Director
Executive Secretary Division

SS/cg
Enc.- Memo

FURTHER JOINT STAFF MEMORANDUM

TO: SANDRA SQUIRE
Executive Secretary

DATE: SEPTEMBER 7, 2011

FROM: CHRIS HOWARD *CHH*
Staff Attorney

01:27 PM SEP 07 2011 PSC EXEC SEC DIV

RE: CASE NO. 11-0818-T-GI
GENERAL INVESTIGATION REGARDING CERTIFICATION OF
FEDERAL UNIVERSAL SERVICE FUNDING FOR ELIGIBLE
TELECOMMUNICATIONS CARRIERS IN WEST VIRGINIA

On June 13, 2011, 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 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, 2011, with the final recommendation of Commission Staff due on August 16, 2011.

On July 5, 2011, 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, 2011 Commission deadline.

On August 16, 2011, Staff issued a Final Joint Staff Memorandum (FJSM). Staff stated it had completed its review and believes the ETC filings are in substantial compliance with the Commission's Order. Two carriers (Telrite and TerraCom) had failed to file the required filings. Staff recommended the Commission order these carriers provide the requested information. Staff recommended pending receipt of the additional information, the compiled list of ETCs was in substantial compliance with the Commission Order and should be certified.

On August 18, 2011, Staff issued a Further Joint Staff Memorandum. Staff noted a technical error in the FJSM issued August 16, 2011. Staff had recommended the Commission order both Telrite and TerraCom to file the required filings in order to be certified; however, only Telrite should be ordered to file both answers to Staff's data request and the required filing. TerraCom has only recently been designated as an ETC and should not be required to make a filing for 2012 certification.

Further Recommendation of the Commission's Utilities Division Staff

On September 6, 2011, David Kennedy, Utilities Analyst for the Commission's Utilities Division (Technical Staff) issued a Further Final Recommendation. Technical Staff states all issues regarding insufficient filings have been addressed, and recommends all the ETC's designated on Technical Staff's list (attached) as of the date of this memorandum be certified for 2012.

Further Recommendation of the Commission's Legal Division Staff

Legal Staff has reviewed the filings, including the Further Final Recommendation of Technical Staff. Legal Staff concurs with the findings and recommendations of Technical Staff. Telerite and Nexus, along with other ETC applicants have provided the necessary information to be certified as ETCs for 2012. Legal Staff recommends the list of ETCs provided by Technical Staff (attached) be certified for 2012.


CLH/s
Attachment

CWS 

H:\choward\wpdocs\11-0818-T-GI (GI regarding certification of USF for eligible ETC in WV)\FURTHER JOINT STAFF MEMORANDUMx2.wpd

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

DATE: September 6, 2011

FROM:  David Kennedy, Utilities Analyst
Utilities Division

**Re: Case No. 11-0818-T-GI
GENERAL INVESTIGATION REGARDING
CERTIFICATION OF FEDERAL UNIVERSAL
SERVICE FUNDING FOR ELIGIBLE
TELECOMMUNICATIONS CARRIERS IN WEST VIRGINIA**

On June 13, 2011, 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. Therein, the Commission required Eligible Telecommunications Carriers (ETCs) to file certain information necessary for certifying compliance with FCC regulations.

In the Final Joint Staff Memorandum filed on August 16, 2011, Staff identified the following issues which needed addressed.

- 1) Nexus had not responded to Staff's First Set of Interrogatories filed on July 20, 2011.
- 2) Several ETCs either did not file an Annual Lifeline Verification Compliance for 2011 (due to the FCC by August 31) or filed last year's (August 2010) form.
- 3) Telrite did not respond to the Commission's General Investigation Order.

Staff notes that each of these matters have now been sufficiently addressed in subsequent filings by the appropriate carriers.

Staff believes that each of the ETCs on the attached list are in compliance with the Commission's order and should therefore be certified for 2012. In addition, since the Commission's resultant order in this case is to certify to the FCC those carriers eligible to receive Federal USF support during calendar year 2012, Staff believes the list of such ETCs should include all ETCs approved by the Commission as of the date of the Commission's certification to the FCC. The list includes all those ETCs approved as to the date of this Further Final Memorandum.

DTK:s



Case No. 10-0818-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 OTT Communications 200258		Rural	Incumbent
Frontier West Virginia, Inc. 205050		Non Rural	Incumbent
Citizens Telecommunications Company of West Virginia 200271 204338 204339		Rural Rural Rural	Incumbent Incumbent Incumbent
(A) Nexus Communications, Inc. 209014			Wireless
(A) Tracfone Wireless, Inc. 209013			Wireless
Armstrong Telephone Company Northern Division 200267 West Virginia 200256		Rural Rural	Incumbent Incumbent
West Side Telecommunications 200277		Rural	Incumbent
(B) Virgin Mobile USA, LP 209015			Wireless

The following ETCs did not respond to the Commission General Investigation Order of June 13, 2011

- | | |
|--|----------|
| (A) Telrite Corporation
(designated ETC Dec 22, 2010) | Wireless |
| (A) TerraCom, Inc.
(designated ETC April 10, 2011) | Wireless |

ETC's Approved after the Commission's General Investigation Order of June 13, 2011

- | | |
|---|----------|
| (A) Linkup Telecom
(Approved June 16, 2011) | Wireless |
| (A) Midwestern
(exception filed final order approving July 14, 2011) | Wireless |
| (B) i-wireless
(approved July 12, 2011) | Wireless |
| (A)Connexion, LCC DBA Connexion Wireless
(Approved July 28, 2011) | Wireless |
| (A)Gulf Coast Home Phone Services
(Approved August 17, 2011) | Wireless |

- (A) Lifeline and LinkUp only
- (B) Lifeline only