

*Public Service Commission
Of West Virginia*

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September 23, 2011

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Case No. 11-0818-T-GI
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Page 2

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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.

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: SEPTEMBER 23, 2011

FROM: CHRIS HOWARD
Staff Attorney

03:08 PM SEP 23 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.

On September 7, 2011, Staff issued a Further Joint Staff Memorandum. Staff stated 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 Utilities Division Staff

On September 23, 2011, David Kennedy, Utilities Analyst for the Commission's Utilities Division (Technical Staff) issued a Further Final Recommendation. Technical Staff states Cintex Wireless was not included in the list of ETCs recommended for certification and should be included in the list as 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. Cintex Wireless was inadvertently not included in the listing of certified ETCs for 2012 and should be included in the list. Legal Staff concludes Cintex Wireless should be listed as a certified ETC 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 MEMORANDUMx3.wpd

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

DATE: September 23, 2011

FROM: ^{DK} David Kennedy, Utilities Analyst
Utilities Division

02:07 PM SEP 23 2011 PSC LEGAL 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 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.

On September 7, 2011, Staff filed a Further Final Recommendation to which was attached a list of ETCs complying with the directive in the Commission's order. In addition, the list included ETCs certified by the Commission as of the date of the Commission's letter of certification to the FCC.

Staff notes the Cintex Wireless, LLC (Cintex) was not included in the list of ETCs listed in the Further Final Recommendation. Staff therefore includes the attached revised list which includes Cintex.

DTK:s

MLJ

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 DBA NTELOS 209909		Non Rural	Competitive
New Cingular Wireless PCS, LLC DBA AT&T Mobility 209012		Rural Non Rural	Competitive
Alltel Communications, LLB DBA Verizon Wireless. 209008		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 DBA Stratuswave Communications 209001		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 West Virginia 200267 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)Cintex Wireless, LLC | Wireless |

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