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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

APR - 2 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)	
)	
Federal-State Joint Board on)	CC Docket No. 96-45
Universal Service)	
)	
Colorado Public Utilities Commission)	AAD/USB File No. 98-42
Petition for Retractive Support on)	
Behalf of Great Plains Communications)	

**COMMENTS OF THE
UNITED STATES TELEPHONE ASSOCIATION**

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**COMMENTS OF THE
UNITED STATES TELEPHONE ASSOCIATION**

The United States Telephone Association ("USTA") hereby files comments in support of the above captioned Petition of the Colorado Public Utilities Commission ("CPUC").¹ USTA is the principal trade association of the local exchange carrier ("LEC") industry. Its members serve over 90 percent of the LEC-provided access lines in the nation.

I. BACKGROUND

CPUC asks for a waiver of the strict requirement of 47 U.S.C. §254 which states that only carriers designated as eligible are entitled to receive universal service support. The Petition is filed on behalf of Great Plains Communications of Blair, Nebraska ("Great Plains"), which serves customers in northeastern Colorado. Great Plains had made a timely application to CPUC

¹ CPUC filed its Petition ("Petition") on February 24, 1998.

on December 19, 1997, but CPUC was unable to rule on the request before January 1, 1998.²

CPUC subsequently designated Great Plains as an Eligible Telecommunications Carrier in Colorado on February 6, 1998, and found that the designation should be retroactive to January 1, 1998, citing the Commission's Fourth Order on Reconsideration in this proceeding.³

II. THE REQUIREMENTS FOR GRANTING RETROACTIVE SUPPORT HAVE BEEN DEMONSTRATED

While strict reading of the Communications Act would limit universal service support to those carriers designated as eligible by their state commissions, the Commission has agreed with USTA that in instances where a state commission is unable to designate a timely applying carrier as eligible prior to January 1, 1998, retroactive eligibility should be granted back to that date.⁴

Here, all the elements are in place. Great Plains sought designation as an eligible carrier in Colorado on December 17, 1997. CPUC has stated it was unable to act prior to that date, but has nevertheless found Great Plains to meet its and the Commission's criteria for eligibility in its February 6 order.⁵ CPUC has filed its Petition seeking approval of retroactive eligibility for

² Petition, pg. 1.

³ Petition, Exhibit A, pg. 2 & 4. See In the Matter of Federal-State Joint Board on Universal Service and Access Charge Reform, Price Cap Performance Review for Local Exchange Carriers, Transport Rate Structure and Pricing, End User Common Line Charge, Fourth Order on Reconsideration in CC Docket No. 96-45, Report and Order in CC Docket Nos. 96-45, 96-262, 94-1, 91-213, 95-72, (FCC 97-420), Released December 30, 1997 ("Fourth Reconsideration Order"), at par. 23.

⁴ Fourth Reconsideration Order, par. 23. See USTA Petition for Clarification, CC Docket No. 96-45, December 11, 1998.

⁵ Petition, Exhibit A.

Great Plains, after having determined for itself that such treatment is in the public interest.

III. EXPEDITIOUS COMMISSION ACTION IS NEEDED

Further, CPUC notes that Great Plains is a rural company under the Communications Act (47 U.S.C. §153) which relies on the existence of universal service support to keep its local service rates affordable.⁶ By implication, this means that an interruption in the flow of universal service support would work an undeserved, unintended, and harmful result on the operations of the company. For this reason, USTA urges the Commission to grant the CPUC Petition in an expeditious manner.

Respectfully submitted,

UNITED STATES TELEPHONE ASSOCIATION

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April 2, 1998

⁶ Petition, pg. 2.