

**Before the
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

In the Matter of)	
)	
Application of Virginia PCS Alliance, L.C.)	
And Richmond 20 MHz, LLC (D.B.A.)	
NTELOS))	
)	
For Designation as Eligible)	
Telecommunications Carriers)	
In the Commonwealth of Virginia)	
)	
Federal-State Joint Board)	CC Docket No. 96-45
On Universal Service)	

**APPLICATION OF VIRGINIA PCS ALLIANCE, L. C. AND RICHMOND 20 MHz, LLC
(D.B.A NTELOS) FOR DESIGNATION AS
ELIGIBLE TELECOMMUNICATIONS CARRIERS
IN THE COMMONWEALTH OF VIRGINIA**

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November 10, 2003

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I. INTRODUCTION

Virginia PCS Alliance, L.C. and Richmond 20 MHz, LLC, doing business as NTELOS (collectively “NTELOS”), pursuant to Section 214(e)(6) of the Telecommunications Act of 1934, as amended (the “Act”), respectfully petition the Commission for designation as Eligible Telecommunications Carriers (“ETC”) for purposes of receiving support from the Federal Universal Service fund program throughout the current service area and wire centers served by non-rural incumbent local exchange carriers (“ILECs”) in Virginia. Specifically, NTELOS seeks

designation as an ETC in areas served by Verizon Virginia, Inc., Verizon South, Inc., Sprint-Central Telephone Company of Virginia (“Sprint-Centel”), and Sprint-United Southeast-Virginia (“Sprint-United”). As shown more fully herein, and certified in Attachment A, NTELOS satisfies all of the conditions for ETC designation set forth in the Act and the Commission’s rules, and NTELOS’ designation will serve the public interest.

II. NTELOS SERVICES

- A. NTELOS is authorized to provide broadband personal communication service (“PCS”) in Virginia pursuant to Part 24 of the Commission’s rules. NTELOS is a common carrier according to the definition in 47 U.S.C. § 153(10) and the requirements of 47 U.S.C. § 214(e)(1).

- B. NTELOS is a wireless telecommunications carrier serving large areas of Virginia with quality, affordable digital personal communications services (PCS). NTELOS is licensed to provide PCS service in Virginia in frequency blocks B, C, D and E and in the Norfolk-Virginia Beach, Richmond-Petersburg, Charlottesville, Winchester, Harrisonburg, Danville, Fredericksburg, Lynchburg, Martinsville, Roanoke, Staunton-Waynesboro BTAs. NTELOS maintains wireless switches in Virginia in the cities of Richmond, Norfolk and Waynesboro, which are used to provide local and long distance service.

- C. NTELOS began offering PCS service in Virginia in 1997.

- D. NTELOS is currently providing wireless local exchange service in 42 counties in the Commonwealth of Virginia and has approximately 232,000 customers in the state.

Pictured in the map in Exhibit B is the company's service area in Virginia. In Exhibit C, NTELOS illustrates the areas it serves that correspond to the exchange areas and wire center codes of Verizon Virginia, Verizon South, Sprint-Centel and Sprint-United incumbent wireline service providers. NTELOS asks the Commission to define NTELOS' service area as shown in Exhibit B, on a wire center by wire center basis, as shown in Exhibit C.

- E. NTELOS has sufficient facilities and capacity to provide supported services throughout its service area in Virginia. Additionally, it is possible that NTELOS may provide supported services using a combination of its own facilities and resale of another carrier's facilities.
- F. NTELOS has Interconnection Agreements with Verizon Virginia, Verizon South, Sprint-Centel and Sprint-United which were approved by the Virginia State Corporation Commission ("VSCC").

III. NTELOS QUALIFIES FOR DESIGNATION AS AN ETC

NTELOS satisfies each of the elements required for ETC designation, as shown below:

- A. The Virginia State Corporation Commission has provided an affirmative statement that it lacks authority to designate CMRS carriers as ETCs. In Section 214 (e)(6) Public Notice, the Commission established that a carrier must demonstrate it is "not subject to the jurisdiction of a state commission" in order to petition the Commission for designation as

an ETC. In its April 9, 2002 order in Case No. PUC010263, *Application of Virginia Cellular LLC for Designation as an Eligible Telecommunications Provider*, the Virginia Commission affirmatively stated it lacked jurisdiction over ETC applications by CMRS carriers. The VSCC is therefore without authority to take action on NTELOS' ETC application, as demonstrated in the order included as Exhibit D. Consequently, the FCC is the appropriate regulatory authority to consider NTELOS' application for ETC status in Virginia.

- B. NTELOS provides each of the services supported by the Federal High Cost Universal Service Program, as set forth in Section 214(e) of the Act and Section 54.101(a) of the Commission's rules.¹ In order to be designated as an ETC, a carrier must be a common carrier and both offer and advertise the supported services throughout the designated service area. The Commission has identified the following services as the core services to be offered by an ETC and supported by federal USF mechanisms. NTELOS will advertise and make available a "universal service" offering that includes all of the supported services for consumers in the designated service areas in Virginia.

1. Voice-Grade Access to the Public Switched Network. As an existing wireless service provider in Virginia, NTELOS provides voice-grade access to the public switched network. Through interconnection agreements with ILECs, NTELOS is able to originate and terminate local and long distance telephone service for all of its subscribers.

¹ 47 C.F.R. § 54.101(a).

2. Local Usage. NTELOS currently offers several service options that include varying amounts of local usage in monthly service plans. NTELOS also offers its universal service customers a rate plan that includes unlimited local usage. NTELOS will satisfy the local usage criterion for ETC designation based upon its offering of unlimited local usage calling plans.

3. Functional Equivalent of Touch-Tone (“DTMF”) Signaling. NTELOS currently uses out-of-band digital signaling and in-band multi-frequency (“MF”) signaling that is functionally equivalent to DTMF signaling. NTELOS therefore meets the requirement to provide DTMF signaling or its functional equivalent.²

4. Single Party Service. NTELOS meets the requirement of single-party service by providing a dedicated message path for the length of all customer calls.³

5. Access to Emergency Service. NTELOS currently offers access to emergency service throughout its cellular service area by dialing 911. Enhanced 911 (“E911”), which includes the capability of providing both automatic numbering information (“ANI”) and automatic location information (“ALI”), is required only if a public emergency service provider makes arrangements for the delivery of such information.⁴ NTELOS has completed Phase I E911 implementation in all jurisdictions that have requested it. The company is working diligently to comply with various Phase II E911 requests. Therefore, NTELOS meets the requirement to provide access to emergency service.

² *Universal Service First Report and Order*, 12 FCC Rcd. at 8815, ¶ 71 (1997).

³ *Id.* at 8810, ¶ 62.

⁴ *Id.* at 8826-27, ¶ 90.

6. Access to Operator Services. NTELOS offers its subscribers access to operator services and will make such services available throughout its designated service area.

7. Access to Interexchange Service. NTELOS presently meets this requirement to provide all of its customers with the ability to make and receive interexchange or toll calls through direct interconnection arrangements the Company has with an interexchange carrier (“IXC”).

8. Access to Directory Assistance. NTELOS meets this requirement by providing all of its customers with access to directory assistance by dialing “411” or “555-1212.”

9. Services for Qualifying Low-Income Customers. Once designated an ETC, NTELOS will participate in Lifeline and Linkup programs for low income subscribers as required, and will offer toll blocking in satisfaction of the FCC’s requirement. Today, the Company provides toll blocking services for international calls and customer selected toll calls. NTELOS will utilize the same toll blocking technology to provide toll limitation for qualifying low-income customers, at no charge, as part of its universal service offerings.

C. NTELOS provides the supported services under Section 214(e)(1)(A) of the Act and Section 54.101(a) of the Commission’s rules using NTELOS’ existing network infrastructure, consisting of switching, trunking, cell sites, and network equipment, together with any expansions and enhancements to that network. NTELOS has the ability and willingness to provide universal service throughout its service area and

commits to using alternative methods, such as resale, to provide service to any customer that cannot be easily reached by NTELOS' digital PCS service.

IV. NTELOS WILL ADVERTISE ITS UNIVERSAL SERVICE OFFERING

NTELOS will advertise the availability of its universal service offering, and the associated charges, using media of general distribution. Currently, NTELOS employs several advertising mediums to promote its service offerings, including television, radio, newspaper, and billboard advertising, as well as special targeted advertising. The Company will expand upon these media, as necessary, to insure that consumers within its designated service area are fully informed of its universal service offering. NTELOS also currently maintains a consumer-friendly website, WWW.NTELOS.COM, which illustrates wireless service offerings and pricing. NTELOS assures the Commission that it will advertise its universal services at least quarterly throughout the service area for which it is designated as an ETC. ETCs receive universal service support only to the extent they serve customers, and given the investments NTELOS plans to make to enhance its network to fully serve the universal service needs of consumers in Virginia, NTELOS has strong economic incentives, reinforcing its statutory obligations, to vigorously promote its universal service offering in Virginia.

V. DESIGNATING NTELOS AS AN ETC WILL ADVANCE THE PUBLIC INTEREST

NTELOS is not required to make a separate public interest showing in connection with

this application, since it is seeking designation only in areas served by non-rural ILECs. However, NTELOS believes that a grant of its application will serve the public interest by promoting additional deployment of wireless services to high-cost areas, thereby bringing consumers the benefits of additional competitive universal service offerings.⁵ Section 214(e)(2) of the Act provides that there can be more than one ETC in geographic areas served by non-rural incumbent local exchange carriers.

VI. NTELOS CERTIFICATION OF THE DISPOSITION OF FEDERAL UNIVERSAL SERVICE FUNDING

NTELOS certifies that it will use federal universal support “only for the provision, maintenance and upgrading of facilities and services for which the support is necessary” consistent with Section 254 (e) of the Telecommunications Act of 1996. The Affidavit (attached hereto as Exhibit A) from Carl A. Rosberg, President of the Virginia PCS Alliance, L.C. and of Richmond 20 MHz, LLC, certifies as such and fully describes the telecommunications services currently being provided by NTELOS.

VII. ANTI-DRUG ABUSE CERTIFICATION

NTELOS certifies that no party to this petition is subject of a denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 862, and Sections 1.2001-1.2003 of the Commission’s rules, 47. C.F.R. §§ 1.2001-1.2003. See Exhibit A.

⁵ See *Universal Service First Report and Order*, 12 FCC Rcd. at 8781, ¶ 4

VIII. CONCLUSION

WHEREFORE, for the reasons set forth above, NTELOS respectfully requests that the Commission issue an order as soon as is practicable designating NTELOS as an Eligible Telecommunications Carrier throughout the current local service territory as defined in Exhibit C for the wire centers of Verizon Virginia, Verizon South, Sprint-Centel and Sprint-United.

Respectfully submitted,

/s/ Mary McDermott

Mary McDermott
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Richmond 20 MHz, LLC
401 Spring Lane, Suite 300
Waynesboro, Virginia 22980
540-946-8677

November 10, 2003

EXHIBIT A

Declaration of Carl A. Rosberg

Pursuant to 47 C.F.R. § 1.16, Carl A. Rosberg declares under penalty of perjury the following:

1. I am President of the Virginia PCS Alliance, L.C. and of Richmond 20 MHz, LLC (“NTELOS”). The foregoing “Application of Virginia PCS Alliance, L.C. and Richmond 20 MHz, LLC (D.B.A NTELOS) For Designation As Eligible Telecommunications Carriers in the Commonwealth of Virginia” has been prepared under my direction, supervision and control. The factual statements and representations contained therein are true and accurate to the best of my knowledge and belief.
2. NTELOS is authorized to provide personal communications service (“PCS”) in Virginia pursuant to Part 24 of the Commission’s rules. NTELOS is a common carrier, consistent with the definition in 47 U.S.C. § 153 (10) and the requirements of 47 U.S.C. § 214 (e)(1) and is a commercial mobile radio service provider as set forth in 47 U.S.C. § 332 (c)(1).
3. NTELOS intends to obtain universal service support funding in certain high-cost areas served by non-rural Virginia incumbent local exchange carriers (“ILECs”), specifically Verizon Virginia, Verizon South, Sprint-Centel and Sprint-United. NTELOS will use federal universal support “only for the provision, maintenance and upgrading of facilities and services for which the support is necessary” consistent with Section 254 (e) of the Telecommunications Act of 1996. As an ETC, NTELOS will offer a reduced-rate universal service package to subscribers who are eligible for Lifeline support. NTELOS’ service offerings are competitive with the ILECs.
4. NTELOS is capable of providing all of the service offerings required by and set forth in Section 214(e) of the Communications Act of 1934, as amended, for “eligible telecommunications carriers.” NTELOS is currently offering those services using its own facilities, to customers located in 42 Virginia counties.
5. NTELOS has been, and will continue, to market the availability of its local services throughout its service area in the Commonwealth of Virginia. In this regard, NTELOS’ marketing efforts have heretofore included print, radio, television and billboard advertising. NTELOS will continue and expand upon these marketing efforts on a prospective basis as it introduces its telecommunications services and products to other areas in Virginia.
6. NTELOS certifies that it offers the supported services using its existing network facilities and interconnection facilities owned or leased by NTELOS.
7. NTELOS requests ETC designation for the service area as depicted in Exhibit C, which consists of the ILEC wire centers in Virginia where it provides PCS service.
8. High Cost Certification: NTELOS certifies that all high-cost universal service support received in Virginia will be used only for the only for the provision, maintenance and upgrading of facilities and services for which the support is intended.

9. Anti-Drug Abuse Certification: To the best of my knowledge, the applicant referred to in the foregoing Application, including all officers, directors, or persons holding 5% or more of the outstanding stock or shares (voting and/or non-voting) of the applicant as specified by Section 1.2002(b) of the Commission's rules, are not subject to a denial of federal benefits, including FCC benefits, pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 862.

/s/ Carl A. Rosberg
Carl A. Rosberg

State of Virginia
City of Waynesboro

Subscribed and sworn to before me by Carl A. Rosberg, President of Virginia PCS Alliance, L.C. and of Richmond 20 MHz, LLC, on this 10th day of November, 2003.

/s/ Susan Sweet
NOTARY PUBLIC

ORIGINAL SIGNED AND NOTARIZED ON NOVEMBER 10, 2003

EXHIBIT B

MAP OF NTELOS SERVICE AREAS IN VIRGINIA

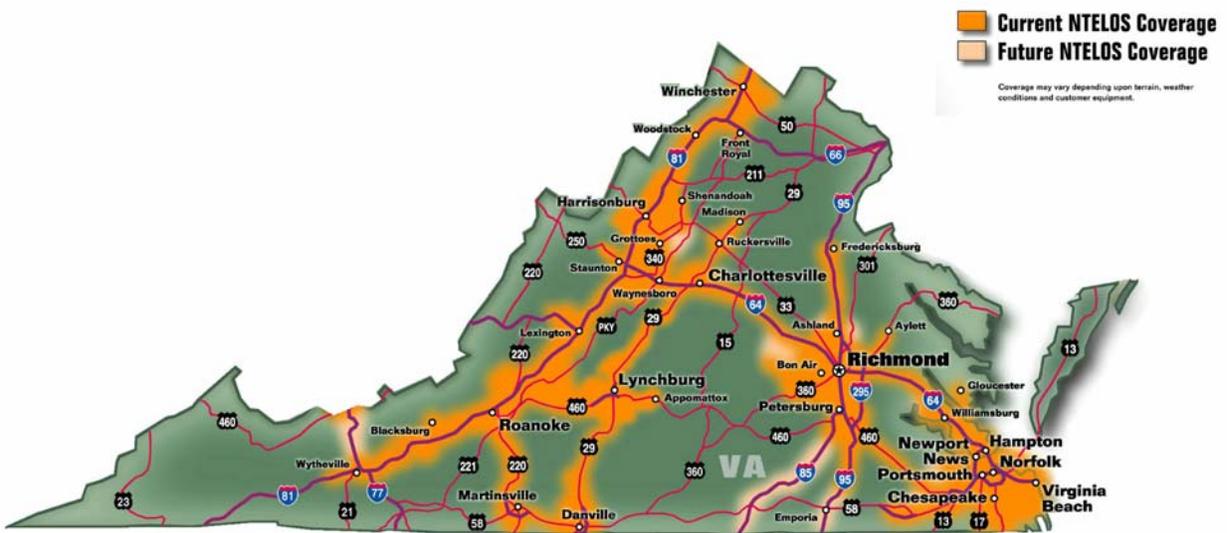


EXHIBIT C**DESIGNATED AREAS FOR WHICH NTELOS SEEKS ETC DESIGNATION
IN VIRGINIA
NON-RURAL ILEC WIRE CENTERS**

ILEC Name	Wire Center	Wire Center Name	County
Sprint (Centel)	ALTVVAXA	Altavista	Campbell
Sprint (Centel)	AXTNVAXA	Axton	Henry
Sprint (Centel)	BCHLVAXA	Bachelors Hall	Pittsylvania
Sprint (Centel)	BNMLVAXA	Boones Mill	Franklin
Sprint (Centel)	BNVSVAXA	Buena Vista	Rockbridge
Sprint (Centel)	BSSTVAXA	Bassett	Henry
Sprint (Centel)	CHVLVAXA	Charlottesville Main	Albemarle
Sprint (Centel)	CHVLVAXB	Charlottesville North	Albemarle
Sprint (Centel)	COVLVAXA	Collinsville	Henry
Sprint (Centel)	CRZTVAXA	Crozet	Albemarle
Sprint (Centel)	FLDLVAXA	Fieldale	Henry
Sprint (Centel)	FRRYVAXA	Front Royal	Warren
Sprint (Centel)	LXTNVAXA	Lexington	Rockbridge
Sprint (Centel)	MTVIVAXA	Martinsville	Henry
Sprint (Centel)	NTBRVAXA	Natural Bridge	Rockbridge
Sprint (Centel)	PLMYVAXA	Palmyra	Fluvanna
Sprint (Centel)	RCMTVAXA	Rocky Mount	Franklin
Sprint (Centel)	RSBGVAXA	Rustburg	Campbell
Sprint (Centel)	SDVLVAXA	Stanardsville	Greene
Sprint (Centel)	SHNDVAXA	Shenandoah	Page
Sprint (United)	BLNDVAXA	Bland	Bland
Sprint (United)	WYVLVAXA	Wytheville	Wythe

Verizon South (Contel)	AMHRVAXA	Amherst	Amherst
Verizon South (Contel)	APMTVAXA	Appomattox	Appomattox
Verizon South (Contel)	BRWRVAXA	Bridgewater	Rockingham
Verizon South (Contel)	BRWYVAXA	Broadway	Rockingham
Verizon South (Contel)	CHKTVAXA	Chuckatuck	Isle of Wight
Verizon South (Contel)	CRTDVAXA	Crittenden	Isle of Wight
Verizon South (Contel)	DSPAVAXA	Disputanta	Prince George
Verizon South (Contel)	DSWLVAXA	Doswell	Caroline
Verizon South (Contel)	DYTNVAXA	Dayton	Rockingham
Verizon South (Contel)	EDOMVAXA	Edom	Rockingham
Verizon South (Contel)	EKTNVAXA	Elkton	Rockingham
Verizon South (Contel)	FKLNVAXB	Franklin	Southampton
Verizon South (Contel)	GLCSVAXA	Gloucester	Gloucester
Verizon South (Contel)	GRBRVAXA	Great Bridge	York
Verizon South (Contel)	GRBRVAXB	Great Bridge- Battlefield	York
Verizon South (Contel)	GRTSVAXA	Grottoes	Rockingham
Verizon South (Contel)	HAYSVAXA	Hayes	Gloucester

Verizon South (Contel)	HCKRVAXA	Hickory	York
Verizon South (Contel)	HLLDVAXA	Holland	York
Verizon South (Contel)	HRBGVAXA	Harrisonburg	Rockingham
Verizon South (Contel)	IVORVAXA	Ivor	Southampton
Verizon South (Contel)	KZTWVAXA	Keezletown	Rockingham
Verizon South (Contel)	LDYSVAXA	Ladysmith	Caroline
Verizon South (Contel)	MGVLVAXA	Mcgaheysville	Rockingham
Verizon South (Contel)	PRANVAXA	Princess Anne	York
Verizon South (Contel)	PRANVAXB	Princess Anne	York
Verizon South (Contel)	PUNGVAXA	Pungo	York
Verizon South (Contel)	RPHNVAXA	Raphine	Rockbridge
Verizon South (Contel)	SMFDVAXA	Smithfield	Isle of Wight
Verizon South (Contel)	STCKVAXA	Stony Creek	Sussex
Verizon South (Contel)	WKFDVAXA	Wakefield	Sussex
Verizon South (Contel)	WNDSVAXA	Windsor	Isle of Wight
Verizon South (Contel)	WVCYVAXA	Weyers Cave	Rockingham

Verizon South (GTE)	BLFDVAXA	Bluefield	Tazewell
Verizon South (GTE)	RCGPVAXA	Rocky Gap	Bland

Verizon Virginia	ASLDVAAS	Ashland	Hanover
Verizon Virginia	BCHNVABH	Buchanan	Botetourt
Verizon Virginia	BDFRVABD	Bedford	Bedford
Verizon Virginia	BEVLVABV	Berryville	Clark
Verizon Virginia	BLBGVABB	Blacksburg	Montgomery
Verizon Virginia	CHESVACR	Chester	Chesterfield
Verizon Virginia	CHHMVACH	Chatham	Pittsylvania
Verizon Virginia	CHSKVACD	Portsmouth- Churchland	York
Verizon Virginia	CHSKVADC	Portsmouth- Deep Creek	York
Verizon Virginia	CHSKVAGU	Portsmouth- Guerrier St	York
Verizon Virginia	CLHGVACO	Colonial Heights	Chesterfield
Verizon Virginia	CRBGVACB	Christiansburg	Montgomery
Verizon Virginia	DAVLVADA	Danville	Pittsylvania
Verizon Virginia	DAVLVAFP	Danville- Franklin Pike	Pittsylvania
Verizon Virginia	DAVLVAWE	Danville- Westover	Pittsylvania
Verizon Virginia	DBLNVADU	Dublin	Pulaski
Verizon Virginia	DRVRVADR	Suffolk	York
Verizon Virginia	FRBGVAFB	Fredericksburg	Stafford
Verizon Virginia	FRBGVALH	Fredericksburg- Lee Hill	Spotsylvania
Verizon Virginia	GNWDVAGW	Greenwood	Albemarle
Verizon Virginia	HMPNVAAB	Hampton- Aberdeen	York
Verizon Virginia	HMPNVADC	Hampton- Drummonds Corner	York
Verizon Virginia	HMPNVAQN	Hampton- Queen St	York
Verizon Virginia	HMPNVAWD	Hampton- Woodland	York
Verizon Virginia	HPWLVAHW	Hopewell	Prince George
Verizon Virginia	LVTNVALN	Lovingston	Nelson
Verizon Virginia	LYBGVACH	Lynchburg- Church St	Campbell

Verizon Virginia	LYBGVACV	Lynchburg- Clearview	Campbell
Verizon Virginia	LYBGVAMH	Lynchburg- Madison Heights	Campbell
Verizon Virginia	LYBGVANL	Lynchburg- New London Rd	Campbell
Verizon Virginia	LYBGVAOF	Lynchburg- Old Forest Rd	Campbell
Verizon Virginia	LYBGVATM	Lynchburg- Timberlake	Campbell
Verizon Virginia	LYBGVAYB	Lynchburg- Yellow Branch	Campbell
Verizon Virginia	MCHVVAMV	Mechanicsville	Hanover
Verizon Virginia	MDLTVAMD	Midlothian	Chesterfield
Verizon Virginia	MDSNVAMA	Madison	Madison
Verizon Virginia	MNKNVAMN	Manakin	Goochland
Verizon Virginia	NRFLVABL	Norfolk- Brickel Rd	York
Verizon Virginia	NRFLVABS	Norfolk- Bute St	York
Verizon Virginia	NRFLVAGS	Norfolk- Granby St	York
Verizon Virginia	NRFLVAOV	Norfolk	York
Verizon Virginia	NRFLVASP	Norfolk- Sewells Pt	York
Verizon Virginia	NRFLVAWC	Norfolk- W Little Creek Rd	York
Verizon Virginia	NWNWVAHU	Newport News- Huntington Av	York
Verizon Virginia	NWNWVAHV	Newport News- Hrpersville Rd	York
Verizon Virginia	NWNWVAJF	Newport News- Jefferson Av	York
Verizon Virginia	NWNWVAND	Newport News- Nettles Dr	York
Verizon Virginia	NWNWVAYKD	Newport News- Yorktown Rd	York
Verizon Virginia	PNRVVAPR	Piney River	Nelson
Verizon Virginia	PTBGVACD	Petersburg- Cresdin	Dinwiddie
Verizon Virginia	PTBGVAPB	Petersburg	Dinwiddie
Verizon Virginia	PTMOVAHF	Portsmouth- Hodges Ferry	York
Verizon Virginia	PTMOVAHS	Portsmouth- High St	York
Verizon Virginia	PWHTVAPW	Powhatan	Powhatan
Verizon Virginia	RCMDVACG	Richmond- Cogbill	Henrico
Verizon Virginia	RCMDVAGK	Richmond- Gaskins Rd	Henrico
Verizon Virginia	RCMDVAGR	Richmond- Grace St	Henrico
Verizon Virginia	RCMDVAGY	Richmond- Gayton Rd	Henrico
Verizon Virginia	RCMDVAHL	Richmond- Hull St	Henrico
Verizon Virginia	RCMDVAHR	Richmond- Hermitage	Henrico
Verizon Virginia	RCMDVAHS	Richmond- Hungary Spring Rd	Henrico
Verizon Virginia	RCMDVAIT	Richmond- Turner Rd	Henrico
Verizon Virginia	RCMDVALS	Richmond- Logan St	Henrico
Verizon Virginia	RCMDVAPE	Richmond- Pemberton	Henrico
Verizon Virginia	RCMDVAPS	Richmond- Patterson	Henrico
Verizon Virginia	RCMDVARA	Richmond- Randall Av	Henrico
Verizon Virginia	RCMDVASN	Richmond- Second Av	Henrico
Verizon Virginia	RCMDVASR	Richmond- Stuart Av	Henrico
Verizon Virginia	RCMDVATC	Richmond- The Crossings	Henrico
Verizon Virginia	RDFRVARA	Radford	Montgomery
Verizon Virginia	RONKVABK	Roanoke- Barkley	Roanoke
Verizon Virginia	RONKVABS	Roanoke- Bonsack	Roanoke
Verizon Virginia	RONKVACS	Roanoke- Cave Spring	Roanoke
Verizon Virginia	RONKVACV	Roanoke- Cove Rd	Roanoke

Verizon Virginia	RONKVAGC	Roanoke- Garden City	Roanoke
Verizon Virginia	RONKVALK	Roanoke- Luck Av	Roanoke
Verizon Virginia	SALMVAFL	Salem- Fort Lewis	Roanoke
Verizon Virginia	SALMVAMC	Salem- Mason Cove	Roanoke
Verizon Virginia	SALMVASA	Salem	Roanoke
Verizon Virginia	SFFLVASK	Suffolk	York
Verizon Virginia	SNTNVASS	Sandston	Henrico
Verizon Virginia	STCYVASC	Stephens City	Frederick
Verizon Virginia	STDRVASD	Stuarts Draft	Augusta
Verizon Virginia	STTNVAST	Staunton	Augusta
Verizon Virginia	STTNVAVE	Staunton- Verona	Augusta
Verizon Virginia	TOANVATO	Toano	James City
Verizon Virginia	VARNVAVR	Varina	Henrico
Verizon Virginia	VRBHVACC	VA Beach- Chinese Corner	York
Verizon Virginia	VRBHVACT	VA Beach- Centerville Tpk	York
Verizon Virginia	VRBHVAGN	VA Beach- Great Neck Rd	York
Verizon Virginia	VRBHVAIL	VA Beach- Indian Lakes	York
Verizon Virginia	VRBHVAIR	VA Beach- Indian River Rd	York
Verizon Virginia	VRBHVAPT	VA Beach- Plaza Trail	York
Verizon Virginia	VRBHVARC	VA Beach- Robbins Corner	York
Verizon Virginia	VRBHVASR	VA Beach- Salem Rd	York
Verizon Virginia	VRBHVAVB	VA Beach- 32nd St	York
Verizon Virginia	WLBGVAWM	Williamsburg	James City
Verizon Virginia	WNCHVANM	Winchester- North Mountain	Frederick
Verizon Virginia	WNCHVAWC	Winchester	Frederick
Verizon Virginia	WNTRVAWG	Wintergreen	Nelson
Verizon Virginia	WVRLVAWV	Waverly	Sussex

EXHIBIT D

VIRGINIA STATE CORPORATION COMMISSION ORDER

IN CASE NO. PUC010263

APPLICATION OF VIRGINIA CELLULAR LLC

FOR DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS PROVIDER

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 10th day of November, 2003, a true and correct Photocopy of the foregoing "Petition" was sent via the United States Postal Service to the following persons:

Ms. Marlene Dortch, Secretary
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Ms. Sheryl Todd
Telecommunications Access Policy Division
445 12th Street SW
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/s/ Mary McDermott
Mary McDermott

STATE CORPORATION COMMISSION

AT RICHMOND, APRIL 9, 2002

COMMONWEALTH OF VIRGINIA, ex rel.¹

At the relation of the

STATE CORPORATION COMMISSION

CASE NO. PUC970135

Ex Parte, in re: Implementation
of Requirements of § 214(e) of the
Telecommunications Act of 1996

IN RE:

APPLICATION OF VIRGINIA CELLULAR LLC

CASE NO. PUC010263

For designation as an eligible
telecommunications provider under
47 U.S.C. § 214(e) (2)

ORDER

On September 15, 1997, the State Corporation Commission ("Commission") established the docket in Case No. PUC970135 to consider the requests of local exchange carriers ("LECs") to be designated as eligible telecommunications carriers ("ETC designation") to receive universal service support pursuant to § 214(e) of the Telecommunications Act of 1996, 47 U.S.C. § 251 et seq., ("Act") and associated Federal Regulations.¹ The Commission's exercise of its jurisdiction under § 214(e) (2) of the Act has been to establish a simple and streamlined process for telecommunications carriers to certify their eligibility with a minimum of regulatory burden placed upon each applicant.

¹ 47 C.F.R. § 54.201-207.

All Virginia carriers receiving an ETC designation have merely been required to file an affidavit which, among other matters, certifies that all requirements of the Act for designation are met.²

Until the above-captioned Application was filed in Case No. PUC010263 by Virginia Cellular LLC ("Virginia Cellular" or "Applicant") for ETC designation, these proceedings have been uncontested. This is the first application by a Commercial Mobile Radio Service ("CMRS") carrier for ETC designation.³ Pursuant to the Order Requesting Comments, Objections, or Requests for Hearing, issued by the Commission on January 24, 2002, the Virginia Telecommunications Industry Association ("VTIA") and NTELOS Telephone Inc. ("NTELOS") filed their respective comments and requests for hearing on February 20, 2002. Virginia Cellular filed Reply Comments on March 6, 2002.⁴

The comments of NTELOS and VTIA both contest the sufficiency of the Application and claim Virginia Cellular has

² See Order issued November 21, 1997, in Case No. PUC970135, pp. 2-4 ("November 21, 1997, Order"). Also, the annual certification procedure to comply with 47 C.F.R. §§ 54.313 and 314 has been reduced to filing a form affidavit approved by the Commission in a Preliminary Order, issued August 29, 2001, in Case No. PUC010172.

³ Virginia Cellular is a CMRS carrier as defined in 47 U.S.C. § 153(27) and is authorized as the "A-band" cellular carrier for the Virginia 6 Rural Service Area, serving the counties of Rockingham, Augusta, Nelson, and Highland and the cities of Harrisonburg, Staunton, and Waynesboro.

⁴ On March 4, 2002, Virginia Cellular filed a Consent Motion requesting until March 6, 2002, to file Reply Comments. There being no objection, we now grant the Consent Motion.

failed to demonstrate how the public interest will be served.⁵ NTELOS and VTIA each allude in their comments to other expected applications for ETC designation by wireless and CLEC carriers to follow this case of first impression. For that reason, we are asked by VTIA and NTELOS to convene a hearing and establish certain standards for the provisioning of the nine services specified in 47 C.F.R. § 54.101.⁶ Each applicant is required to provide these nine services to be eligible for ETC designation.

VTIA further comments that "[i]t is not clear how the designation of Virginia Cellular as an ETC will affect the distribution of Universal Funds to the existing carriers in any given rural exchange area." Virginia Cellular replies that this "macroeconomic concern" need not be addressed with this Application. Rather, the Federal Communications Commission ("FCC") and the Federal State Joint Board on Universal Service

⁵ § 214(e)(2) of the Act requires that an ETC designation in areas served by a rural telephone company be based upon a finding that the designation is in the public interest. The Commission did recognize in its November 21, 1997, Order that any carrier seeking ETC designation in a rural area would have the burden of proving that such designation is in the public interest if challenged. Virginia Cellular is seeking ETC designation in the service territories of the following rural telephone companies: Shenandoah Telephone Company ("Shenandoah"), Clifton Forge Waynesboro Telephone Company ("NTELOS"), New Hope Telephone Company, North River Cooperative, Highland Telephone Cooperative, and Mountain Grove-Williamsville Telephone Company ("MGW").

⁶ The nine services required to be offered include: voice grade access to the public switched network; local usage; dual tone multi-frequency signaling or its functional equivalent; single-party service or its functional equivalent; access to emergency services; access to operator services; access to interexchange service; access to directory assistance; and toll limitation for qualifying low-income consumers. Also, the services must be advertised in appropriate media sources. See In Re: Federal-State Joint Board of Universal Service, Report and Order, CC Docket No. 96-45, ¶ 145 (May 8, 1997) ("Universal Service Report & Order").

are reported by Virginia Cellular to be conducting ongoing proceedings to ensure the solvency of the high-cost support fund.⁷ Presumably, VTIA views any public interest served by Virginia Cellular's ETC designation to depend upon whether there would be a consequent diminution of universal service funds.

Virginia Cellular cites the authority of § 214(e)(6) of the Act for this Commission to send Applicant to the FCC for ETC designation if this Commission declines to act on its Application.⁸ In its Reply Comments, Virginia Cellular reports that the "FCC has been actively processing ETC applications on behalf of states which have declined to exercise jurisdiction [over CMRS carriers]. Its internal processing time has been six months, and it has met that timeline in almost all of its proceedings [and] . . . most, if not all of the issues raised by the commenters have been previously addressed by the FCC in its prior orders involving applications for ETC status."⁹

The Commission finds that § 214(e)(6) of the Act is applicable to Virginia Cellular's Application as this Commission has not asserted jurisdiction over CMRS carriers and that the

⁷ Reply Comments at p. 5.

⁸ Pursuant to § 332(c)(3), 47 U.S.C. § 332(c)(3), state regulation of the entry of or the rates charged by any commercial mobile service or any private mobile service is preempted. The Commission has deregulated all Virginia radio common carriers and cellular mobile radio communications carriers. See Final Order issued October 23, 1995, Case No. PUC950062.

⁹ Reply Comments at p. 3.

Applicant should apply to the FCC for ETC designation.¹⁰ The Applicant points out that if Virginia Cellular is designated as an ETC carrier, then the Commission must redefine the service areas of NTELOS and Shenandoah, pursuant to 47 C.F.R.

§ 54.207(c).¹¹ The Applicant has indicated a willingness to propose a plan to redefine these companies' service areas and may submit such a plan with its application to the FCC for ETC designation.

If necessary, this Commission will participate with the FCC and Federal-State Joint Board in redefining the service areas of NTELOS and Shenandoah for "the purpose of determining universal service obligations and support mechanisms." (47 C.F.R.

§ 54.207(a))¹² Although the FCC will make the final determination on Virginia Cellular's requests, we need to leave this docket open in case there is additional action we must take with respect to defining the service areas of NTELOS and Shenandoah.¹³

¹⁰ The action is similar to that taken by the Commission in Case No. PUC010172 in its August 29, 2001, Order that required cooperatives to certify directly with the FCC.

¹¹ The Commission believes that the service area of MGW does not necessarily need to be redefined if Virginia Cellular is designated as an ETC in that territory. However, if the FCC determines otherwise, the Commission will consider additional action if necessary.

¹² Pursuant to 47 C.F.R. § 54.207(c), if the Applicant proposes to redefine these two companies' service areas, the FCC's procedures require the Commission's agreement on the definitions.

¹³ At this juncture, it is unclear whether the Commission will need to address the redefinitions once disaggregation plans are filed at the FCC pursuant to 47 C.F.R. § 54.315(a).

NOW UPON CONSIDERATION of all the pleadings of record and the applicable law, the Commission is of the opinion that Virginia Cellular should request the FCC to grant the requested ETC designation, pursuant to 47 U.S.C. § 214(e)(6).

Accordingly, IT IS ORDERED THAT Case No. PUC010263 will remain open for further order of the Commission.

AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to: all LECs certified in the Commonwealth of Virginia, as set out in Appendix A of this Order; David A. LaFuria, Esquire, Lukas Nace Gutierrez & Sachs, 1111 Nineteenth Street, N.W., Suite 1200, Washington, D.C. 20036; C. Meade Browder, Jr., Senior Assistant Attorney General, Division of Consumer Counsel, Office of Attorney General, 900 East Main Street, Second Floor, Richmond, Virginia 23219; William F. Caton, Acting Secretary, Federal Communications Commission, Office of the Secretary, 445 12th Street, S.W., Washington, D.C. 20554; and the Commission's Office of General Counsel and Division of Communications.

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