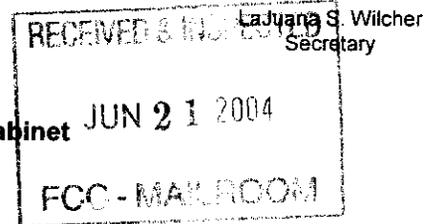


DOCKET FILE COPY ORIGINAL

Ernie Fletcher
Governor



Commonwealth of Kentucky
Environmental and Public Protection Cabinet
Public Service Commission
211 Sower Blvd.
P.O. Box 615
Frankfort, Kentucky 40602-0615
Telephone: (502) 564-3940
Fax: (502) 564-3460



June 15, 2004

Ms. Marlene H. Dortch
Office of the Secretary
Federal Communications Commission
445 - 12th Street, S.W.
Washington, D.C. 20554

Ms. Lisa Zaina, President
Universal Service Administrative Company
2000 L Street, N.W.
Washington, D.C. 20037

Re: CC Docket 96-45, USF Certification as Required by 47 C.F.R. § 54.314

Ms. Dortch and Ms. Zaina:

Pursuant to 47 C.F.R. 54.314 and on the basis described below, the Kentucky Public Service Commission (KPSC) has received an affidavit from a Cinergy Communications Company (CCC) representative certifying that federal high-cost support funds will be used only for the provision, maintenance, and upgrading of facilities and services for which the support is intended.

The KPSC granted the petition for ETC designation for CCC on June 14, 2004. A copy of the order is enclosed, as is a copy of the certification received from CCC. The Commission certifies CCC's compliance with 47 C.F.R. §54.314(a) based entirely on the corporate officer certification. This certification applies only for support provided in calendar year 2004.

If you have any questions regarding this letter, please contact Jim Stevens at wjstevens@ky.gov or at (502) 564-3940.

Sincerely,

A handwritten signature in black ink that reads "Robert Amato".

Robert Amato for
Beth O'Donnell
Executive Director

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cc. Main case file Case No. 2004-00131
Enclosures

Exhibit A

Affidavit of Robert A. Bye

Robert A. Bye, being first duly sworn upon oath, deposes and states as follows:

1. My name is Robert A. Bye and I serve as Vice President and General Counsel of Cinergy Communications Corp. ("CCC"). My business address is 8829 Bond St., Overland Park, Kansas 66218. I am an authorized representative of CCC with respect to the foregoing Application for Designation as an Eligible Telecommunications Carrier in the Commonwealth of Kentucky ("Application").

2. I have read the foregoing Application, and all information therein is true to the best of my knowledge, information, and belief.

3. CCC is a common carrier and provides (or will provide upon designation) all the services and functionalities supported by the federal universal service program, as set forth in Section 214(e) of the Act and Section 54.101(a) of the FCC's rules, throughout the service area for which it seeks ETC designation in Kentucky, *i.e.*, the areas served by BellSouth, depicted in Exhibit B. CCC also advertises the availability of the supported services and the corresponding charges through several different media of general distribution, throughout the service areas for which designation is requested. As an ETC, CCC will also offer a universal service at reduced rates package to subscribers who are eligible for Lifeline and Link-Up support. The manner in which CCC satisfies these requirements is described in greater detail in the Application.

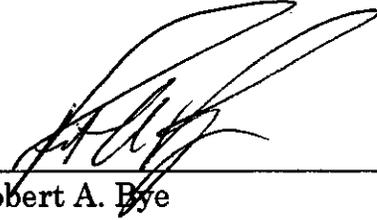
4. A grant of CCC's application will serve the public interest by promoting additional deployment of facilities and services to the high-cost areas served by BellSouth in Kentucky, and bringing consumers in those areas the benefits of additional competitive universal service offerings. Designation of CCC as an ETC will enable CCC to increase its deployment of network facilities that support provision of both basic telecommunications services and higher-bandwidth and enhanced services to consumers in Kentucky.

5. High-Cost Certification. CCC certifies that all high-cost universal service support funding that it receives for Kentucky will be used only for the provision, maintenance, and upgrading of the services and facilities for which the support is intended.

6. 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 FCC'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.

This concludes my affidavit.



A handwritten signature in black ink, appearing to read 'R. Bye', is written over a solid horizontal line.

Robert A. Bye

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PETITION OF CINERGY)	
COMMUNICATIONS COMPANY FOR)	
DESIGNATION AS AN ELIGIBLE)	CASE NO.
TELECOMMUNICATIONS CARRIER IN)	2004-00131
THE COMMONWEALTH OF KENTUCKY)	

ORDER

On April 12, 2004, Cinergy Communications Company ("CCC") petitioned the Commission to designate CCC as an eligible telecommunications carrier ("ETC") pursuant to 47 U.S.C. § 214(e) and 47 C.F.R. § 54.201.

On April 23, 2004, the Commission issued an Order requesting written comments from the parties and other interested persons. No comments were received.

CCC is a competitive local exchange carrier ("CLEC") with its corporate address at 8829 Bond St., Overland Park, Kansas 66218 and headquarters located in Evansville, Indiana. CCC provides local exchange service using a combination of its own facilities, unbundled network elements, and resale. CCC's proposed service area will include the study area currently served by BellSouth Telecommunications, Inc. ("BellSouth").

To receive ETC status, the Federal Communications Commission ("FCC") requires a common carrier to: (1) offer services that are supported by federal universal

support mechanisms¹ throughout its designated service area; (2) provide these services using its own facilities (including unbundled network elements) or a combination of its own facilities and resale of another carrier's facilities; and (3) advertise the availability of these services through media of general distribution.

The Commission finds that CCC has met the standards established by the FCC. CCC currently provides services eligible for support by the federal universal service fund in the service area for which it seeks ETC designation.² In its petition requesting ETC designation, CCC affirmed that it offers these services using a combination of its own facilities, unbundled network elements, and resale.³ CCC has begun advertising the availability and price of these services using media of general distribution.⁴ CCC has complied fully with FCC guidelines regarding ETC designation.

CCC has provided sufficient evidence for this Commission to grant ETC status. This designation will benefit consumers in Kentucky by expanding the range of competitive choices and by providing an incentive for incumbent telephone companies to improve their existing networks.

¹ These services are: (1) voice grade access to the public switched network; (2) local usage; (3) dual tone multi-frequency signaling or its functional equivalent; (4) single-party service or its functional equivalent; (5) access to emergency services; (6) access to operator services; (7) access to interexchange services; (8) access to directory assistance services; and (9) toll limitation for qualifying low-income consumers. 47 C.F.R. § 54.101(a).

² CCC's Petition at 3 and 5.

³ Id. at 3 and 9.

⁴ Id. at 11.

The Commission, having reviewed the evidence of record and having been otherwise sufficiently advised, HEREBY ORDERS that:

1. CCC is designated as an ETC for the current service territory of BellSouth. Accordingly, CCC is eligible to receive federal Universal Service Fund support.

2. CCC shall offer universal support services to consumers in its service area.

3. CCC shall offer these services using its own facilities or a combination of its own facilities and resale of another carrier's services, including the services offered by another ETC.

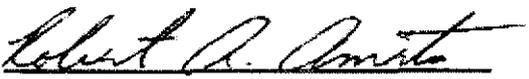
4. CCC shall advertise the availability of and charges for these services using media of general distribution.

5. A copy of this Order shall be served upon the FCC and the Universal Service Administrative Company.

Done at Frankfort, Kentucky, this 14th day of June, 2004.

By the Commission

ATTEST:


DEPUTY Executive Director

Case No. 2004-00131