

Julie Parsley
Commissioner

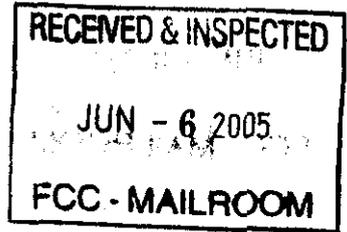
Paul Hudson
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Public Utility Commission of Texas



Marlene H. Dortch - Secretary
Federal Communications Commission
445 Twelfth Street, S.W. - TWA 325
Washington, D.C. 20554

Irene Flannery - Vice-President of High Cost and Low Income Divisions
Universal Service Administrative Company
2000 L. Street, NW - Suite 200
Washington, D.C. 20036

May 27, 2005

RE: Federal-State Joint Board on Universal Service, CC Docket No. 96-45
TX PUC Project No. 25787 - FCC Letters Regarding ETC Designation Pursuant to FTA '96 §214(e) (2)

ETC designation Granted – Connect Paging, Inc. dba Get A Phone

Pursuant to Section 214(e) (2) of the Communications Act of 1934, as amended (the "Act") and 47 C.F.R. sections 54.201 – 54.203, the Texas Public Utility Commission (TPUC) has granted Connect Paging, Inc. dba Get A Phone (Get A Phone) eligible telecommunications carrier (ETC) designation. The attached TPUC *Order No.3, Notice of Approval for Designation as an Eligible Telecommunications Carrier (ETC) and Eligible Telecommunications Provider (ETP)*, in Docket No. 30991, issued on May 23, 2005, grants Get A Phone ETC designation for the Southwestern Bell Telephone (SBC) Texas study area.

If you require any additional information please call Janis Ervin at (512)-936-7372.

Sincerely,

A handwritten signature in cursive script, appearing to read "Janis Ervin".

Janis Ervin - Senior Policy Specialist
Telecommunications Division - Texas Public Utility Commission

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DOCKET NO. 30991

APPLICATION OF CONNECT PAGING,
INC. D/B/A GET A PHONE FOR
DESIGNATION AS AN ELIGIBLE
TELECOMMUNICATIONS CARRIER
UNDER 47 U.S.C. §214(E) AND AS AN
ELIGIBLE TELECOMMUNICATIONS
PROVIDER PURSUANT TO P.U.C. SUBST.
R. 26.417

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PUBLIC UTILITY COMMISSION

OF TEXAS

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**ORDER NO. 3
NOTICE OF APPROVAL FOR DESIGNATION AS
AN ELIGIBLE TELECOMMUNICATIONS CARRIER AND
ELIGIBLE TELECOMMUNICATIONS PROVIDER**

Procedural History

On April 8, 2005, Connect Paging, Inc., d/b/a Get A Phone (Get A Phone) filed an application for designation as an eligible telecommunications carrier (ETC) and as an eligible telecommunications provider (ETP). Pursuant to 47 U.S.C. § 214(e), the Commission, either upon its own motion or upon request, shall designate qualifying common carriers as ETCs for service areas set forth by the Commission. Get A Phone seeks ETC/ETP designation in the entire study area of SBC Texas.

On April 18, 2005, Get A Phone filed an amendment to its application clarifying its designation throughout the SBC Study area, that it is currently using a combination of resale of services and facilities provided by UNEs, and that it will meet the requirement of P.U.C. SUBST. R. 26.417(c)(1)(B) to provide a basic service package that is priced at no more than 150 percent of the rate provided by the incumbent local exchange carrier. In addition, Get A Phone filed a proposed amendment for its tariff to reflect adoption of Lifeline and Link Up provisions if it is approved for ETC and ETP designation, and acknowledged its intention to adhere to the requirements of P.U.C. SUBST. R. 26.412 and the automatic enrollment of qualifying Lifeline customers. Finally, Get A Phone stated that it will offer service to any customer within the designated study area.

The Commission issued Order No. 1 in this proceeding which established a procedural schedule, including deadlines for comment, motions to intervene, and published notice in the *Texas Register*. Notice was published in the *Texas Register* on April 22, 2005. The Applicant provided a copy of the application to the Office of Public Utility Counsel at the time of filing. Pursuant to P.U.C. SUBST. R. 26.417(f)(2)(A)(i) and 26.418(g)(2)(A)(i), the effective date shall be no earlier than 30 days after the filing date of the application or 30 days after notice is completed, whichever is later. Therefore, the earliest effective date for this proceeding is May 23, 2005.

No objection, comment, or motions to intervene were filed, and no hearing was requested. P.U.C. SUBST. R. 26.417(f)(2)(A) and 23.418(g)(2)(A) provide that applications for ETC/ETP designation may be reviewed administratively.

On May 13, 2005, Commission Staff (Staff) filed a recommendation for approval of ETC and ETP status for Get A Phone based on the following:

Designation as Eligible Telecommunications Carrier

To qualify for ETC status, a carrier must meet four conditions:¹

1. The carrier must be a common carrier, as that term is defined by the Federal Telecommunications Act of 1996 (FTA '96), Section 3(10).
2. The carrier must offer the following services (requisite services),² using its own facilities or a combination of its own facilities and the resale of another carrier's services:³
 - (a) voice grade access to the public switched network;
 - (b) local usage;
 - (c) dual tone multi frequency signaling or its functional equivalent;
 - (d) single party service or its functional equivalent;
 - (e) access to emergency services, including such services as 911 or enhanced 911;
 - (f) access to operator services;

¹ 47 C.F.R. § 54.201(b)-(d) (2001).

² 47 C.F.R. § 54.101 (2001).

³ 47 C.F.R. § 54.201 (2001).

- (g) access to interexchange service;
 - (h) access to directory assistance; and
 - (i) toll limitation for qualifying low income customers.⁴
3. The carrier must advertise the availability of and charges for the requisite services in a media of general distribution.⁵
4. The carrier must provide Lifeline and Link Up support, and may not collect a deposit from a customer receiving such support if the customer also elects toll blocking.⁶

Get A Phone meets all of the above criteria. Get A Phone will advertise the designated services and their rates through marketing advertisements using media of general distribution. Get A Phone provides the required services through a combination of resale and facilities-based services leased from SBC and is in negotiation with SBC for the purchase of facilities-based services. Get A Phone has made a commitment to offer Lifeline and Link Up support and has provided a tariff for applications which it will adopt upon designation. Get A Phone has not requested any waivers of the Federal Communications Commission requirements. SBC serves the exchanges for which Get A Phone requests USF support and is not a rural carrier. Staff has not received any requests for comments or intervention in this docket. Staff recommended that Get A Phone be granted ETC designation.

Designation as Eligible Telecommunications Provider

P.U.C. SUBST. R. 26.417(f)(1)(B)(i)(I) requires carriers that apply for ETP status to meet the definition of telecommunications provider as defined in PURA §51.002(10). As a certificated telecommunications utility, Get A Phone meets this definition.

⁴ Pursuant to FTA § 54.400(d), the FCC defines "toll limitation" as either toll blocking or toll control for eligible telecommunications carriers that are incapable of providing both service.

⁵ *Id.*

⁶ 47 C.F.R. § 54.405 (2001).

P.U.C. SUBST. R. 26.417(f)(1)(B)(i)(II) requires carriers applying for ETP status to show that they have been granted ETC status for federal universal service support pursuant to U.S.C. §214(e). ETP and ETC designations are being handled concurrently in this consolidated docket.

P.U.C. SUBST. R. 26.417(f)(1)(B)(i)(III) requires carriers to specify the small or rural incumbent local exchange carrier (ILEC) service area in which they propose to be an ETP. Get A Phone does not seek designation in a small or rural service area.

P.U.C. SUBST. R. 26.417(f)(1)(B)(i)(III) requires applicants for ETP status to show they offer the designated services defined in P.U.C. SUBST. R. 26.403 throughout the Texas High Cost Universal Service Plan or small and rural incumbent local exchange service area for which the carriers seek ETP status. The designated services required for ETP status are:

1. flat rate, single party service, including primary directory listings;
2. tone dialing;
3. access to operator services;
4. access to directory assistance services;
5. access to 911 service when provided by local authority;
6. dual party relay service;
7. ability to report service problems seven days a week;
8. availability of annual local directory;
9. access to toll services; and
10. lifeline and link up services.

P.U.C. SUBST. R. 26.417(f)(1)(B)(i)(III) also requires applicants to assume the obligation to provide the services required under P.U.C. SUBST. R. 26.403 to any customer. Get A Phone states that it meets and assumes the responsibility to offer the basic services defined in P.U.C. SUBST. R. 26.403 to all customers in its exchanges.

P.U.C. SUBST. R. 26.417(f)(1)(B)(i)(IV) requires that applicants show they offer the designated services through a means other than total service resale. Get A Phone offers services through the use of its own facilities and leased unbundled network elements (UNEs) and therefore meets this requirement.

P.U.C. SUBST. R. 26.417(f)(1)(B)(i)(V)-(VI) requires that applicants show they have offered continuous service that meets the quality of service standards in P.U.C. SUBST. R. 26.52 through P.U.C. SUBST. R. 26.54, and that they offer Lifeline and Link-Up services in compliance with P.U.C. SUBST. R. 26.412. Get A Phone provided a commitment to meet all quality of service standards in the Service Quality Questionnaire at the time it received its Service Provider Certificate of Operating Authority and it affirms it meets benchmark standards. Get A Phone has committed to file an amendment to its tariff to adopt a Lifeline and Link-Up services tariff, consistent with P.U.C. SUBST. R. 26.412, filed with its application, immediately upon approval of its designations in this proceeding.

P.U.C. SUBST. R. 26.417(f)(1)(B)(i)(VII) requires applicants to advertise the availability of, and charges for, the designated services using media of general distribution. Get A Phone will meet this requirement by providing such notice.

P.U.C. SUBST. R. 26.417(f)(1)(B)(i)(VIII) and SUBST. R. 26.417(f)(1)(B)(i)(IX) are requirements regarding the notice of the application. Get A Phone's request for *Texas Register* notice was approved and published and meets these standards.

P.U.C. SUBST. R. 26.417(f)(2)(A)(i) requires an effective date 30 days after the completion of notice. This issue was addressed in Order No. 1. The earliest effective date available has been established as May 23, 2005.

Get A Phone has also committed, in its April 18, 2005 amendment, to offer the required designated services at a rate not to exceed 150 percent of the ILEC's tariffed rate in the same designated areas pursuant to the requirements of P.U.C. SUBST. R. 26.417(c)(1)(B).

Staff recommended that Get A Phone be granted ETP designation.

Ordering Paragraph

In accordance with Staff's recommendation and for all the reasons stated therein, Get A Phone's application for ETC and ETP designation, as amended, is **APPROVED** effective May 23, 2005. Get A Phone is granted ETC and ETP status for the entire SBC Texas study area.

SIGNED AT AUSTIN, TEXAS ON THIS the 23rd day of May 2005.

PUBLIC UTILITY COMMISSION OF TEXAS

A handwritten signature in cursive script, appearing to read "Irene Montelongo", is written over a horizontal line.

**IRENE MONTELONGO
ADMINISTRATIVE LAW JUDGE
POLICY DEVELOPMENT DIVISION**