



THE STATE

OF WYOMING

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COMMISSIONERS

STEVE FURTNEY, Chairman
KATHLEEN A. "CINDY" LEWIS
MARY BYRNES

September 29, 2005

STEPHEN G. OXLEY
Secretary and Chief Counsel
RUTH M. HOBBS
Deputy Director

Marlene Dortch
Office of the Secretary
Federal Communications Commission
445 12th Street, SW, Room TW-A306
Washington, DC 20554

Karen Majcher
Universal Service Administrative Company
2000 L Street, NW, Suite 200
Washington, DC 20036

RE: Certification of Federal High Cost Support for Non-Rural Local Exchange Carriers and Eligible Telecommunications Carriers (ETCs) Serving Lines in the Areas of Non-Rural Local Exchange Carriers Pursuant to 47 C.F.R. § 54.313
(CC Docket No. 96-45)

Ms. Dortch and Ms. Majcher:

The Wyoming Public Service Commission (WPSC) hereby submits, pursuant to 47 C.F.R. § 54.313, its annual certification to the Federal Communications Commission (FCC) and the Universal Service Administrative Company (USAC). 47 C.F.R. § 54.313 requires the appropriate state regulatory authority to annually certify those non-rural incumbent local exchange carriers and eligible telecommunications carriers serving lines in the areas of non-rural incumbent local exchange carriers, within their jurisdiction, for purposes of receiving federal universal service fund support.

For the 2005 annual certification process, the WPSC has substantially expanded the level and amount of documentation and support ETCs in Wyoming are required to submit for this 2005 annual certification process. The additional annual certification requirements and guidelines were modeled after both the FCC's *ETC Report and Order* adopted February 25, 2005, in CC Docket 96-45, FCC 05-46 and the WPSC's own annual certification process conducted during 2004 for Wyoming's ETCs. The new annual reporting requirements for previously designated ETCs in Wyoming (Section 514 of the Rules and Regulations of the WPSC) became effective August 11, 2005.

The letter request (PSC Letter Number 05-144) and WPSC Rule Section 514 are attached to this correspondence. One purpose for Rule Section 514 was to provide each carrier the opportunity to verify that they continue to offer the nine supported services/functionalities required for designation as an ETC under the federal Telecommunications Act of 1996 and the Code of Federal Regulations, throughout their designated service areas within Wyoming. The WPSC has also obtained from its jurisdictional non-rural incumbent local exchange carriers and ETCs serving lines in the areas of non-rural incumbent local exchange carriers, their respective signed affidavits setting forth the manner in which federal universal service support funds have been used, and will be used during the applicable 12-month period for which support funds are being requested. The respective affidavits, additional documentation and detailed support from each ETC jurisdictional to the WPSC will be made available to the FCC and /or the USAC upon request.

As the appropriate state regulatory authority with jurisdiction to regulate, *inter alia*, the intrastate activities of telecommunications companies serving in Wyoming, the WPSC hereby identifies the following non-rural incumbent local exchange carriers and ETCs serving lines in the service areas of non-rural incumbent local exchange carriers, as being certified to receive federal universal service support funds for the upcoming program year:

<u>Carrier</u>	<u>Study Area Code</u>
Advanced Communications Technology	519004
Qwest Corporation	515108
Silver Star Communications	519001
Union Telephone Company d/b/a Union Cellular	519905
VCI Company (Lifeline and Linkup Programs only)	519006
Alltel Communications (formerly Western Wireless)	519002

Western Wireless, now known as Alltel Communications, was previously designated by the FCC as an ETC in certain non-rural service areas of Qwest Corporation within the state of Wyoming in the FCC's *Memorandum Opinion and Order* in CC Docket 96-45, DA 00-2896, adopted December 22, 2000. ETC status was granted to Western Wireless by the FCC in that proceeding because the WPSC did not, at that time, have the requisite authority to grant ETC status to wireless providers. The WPSC now has the statutory authority to designate wireless providers as ETCs and did so recently in the case of the petition filed by Western Wireless for ETC designation by the WPSC in additional non-rural service areas of Qwest Corporation in Wyoming – the Cody and Powell, Wyoming exchanges (wire centers).

Based upon the representations contained in the affidavits submitted by these carriers, and the Commission's review and examination of the additional documentation and support required by WPSC Rule Section 514 to be filed by the carriers this year, the Commission certifies these identified carriers will use the federal universal service support funds only for the provision, maintenance, and upgrading of facilities and services for which the support is intended, consistent with the requirements and mandates of Part 54 of the Code of Federal Regulations and consistent with 47 U.S.C. § 214(e). This includes all elements and components of High Cost Model (HCM) support. Based on the affidavit and other documentation filed by VCI Company, it is our understanding VCI only utilizes its designation as an ETC to participate in federal low income support programs (Lifeline and Linkup) and VCI does not seek or receive federal high cost support.

Sincerely,


Kathleen A. Lewis
Deputy Chair


Mary Byrnes
Commissioner



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COMMISSIONERS

STEVE FURTNEY, Chairman
KATHLEEN A. "CINDY" LEWIS
MARY BYRNES

August 16, 2005

STEPHEN G. OXLEY
Secretary and Chief Counsel
RUTH M. HOBBS
Deputy Director

To: Wyoming Eligible Telecommunications Carriers

**Re: WYOMING PUBLIC SERVICE COMMISSION ANNUAL CERTIFICATION
OF ELIGIBLE TELECOMMUNICATIONS CARRIERS**

PSC LETTER NUMBER 05-144

Sirs:

Section 254(e) of the federal Telecommunications Act of 1996 provides that eligible telecommunications carriers (ETCs), as designated under § 214(e), shall be eligible to receive specific federal universal service support. 47 U.S.C. § 254 (e). Section 214(e)(2) gives state commissions the responsibility for performing ETC designations. Section 254(e) further provides the carrier, "... that receives such support shall use that support only for the provision, maintenance, and upgrading of facilities and services for which support is intended."

47 C.F.R. §§ 54.313 and 54.314 require the appropriate State regulatory authority to file an annual certification with the FCC and the Universal Service Administrative Company (USAC) identifying those non-rural and rural incumbent local exchange carriers and/or competitive eligible telecommunications carriers serving lines in the service area of a non-rural or rural incumbent local exchange carrier within their jurisdiction which desire federal high-cost universal support.

As the appropriate regulatory authority for the state of Wyoming, the Wyoming Public Service Commission (Commission) is required, under federal rules, to file the above-referenced annual certifications on or before October 1 of each year to ensure high cost support continues to be provided to the jurisdictional incumbent and/or competitive eligible local exchange carriers. The Commission, in its annual certification, must identify those carriers which are eligible to receive federal support during the applicable 12-month period and must certify each carrier will use the high cost support only for the provision, maintenance and upgrading of facilities and services for which support is intended.

To assist in filing the appropriate annual certifications with the FCC and the USAC, the Commission requests each Wyoming jurisdictional carrier eligible for federal high cost support respond in writing to the annual reporting requirements contained in Commission Rule Section 514. For your convenience, Commission Rule Section 514 is attached to this letter.

To ensure the Commission can submit a timely annual certification filing on behalf of all jurisdictional carriers eligible for federal universal service support to the FCC and USAC prior to October 1, 2005, your company is directed to file its written responses with the Commission on or before September 15, 2005, as required by Commission Rule Section 514. Failure by your company to submit its complete and accurate filing may preclude this Commission from submitting the required certification, on behalf of your company, with the appropriate federal agencies. Non-certification by the Commission will result in the loss of federal support funds for your company, as provided for in federal law.

Should you have any questions regarding this matter please contact Mike Korber at (307) 777-7428 or David Lucero at (307) 777-7478.

FOR THE COMMISSION



DAVID J. LUCERO
Assistant Secretary

Section 514. Annual reporting requirements for all previously designated Eligible Telecommunications Carriers (ETCs). This Section applies beginning with the October 2005 annual certification filing requirements of the Wyoming Public Service Commission (Commission), pursuant to the guidelines set forth in 47 C.F.R. § 54.313 and 47 C.F.R. § 54.314.

a. In order for an ETC previously designated by the Commission, or previously designated by the Federal Communications Commission (FCC), to be certified to receive support for the following calendar year, or to retain its ETC designation, each ETC shall submit to the Commission the annual reporting information listed below no later than September 15, 2005. ETCs failing to meet these annual report filing requirements and deadlines may not be certified by the Commission to the FCC and the Universal Service Administrative Company (USAC) as eligible to receive federal support for the following calendar year.

b. Each designated ETC shall provide:

(i) The number of requests for service from potential customers within the ETC's service areas that were unfulfilled during the past year and written submission detailing how it attempted to provide service to those potential customers, as set forth in 47 C.F.R. § 54.202(a)(1)(i).

(ii) The number of complaints per 1,000 access lines or handsets.

(iii) Written submission detailing how the carrier is complying with applicable Wyoming service quality standards, consumer protection rules and/or the Cellular Telecommunications and Internet Association (CTIA) Consumer Code (if applicable).

(iv) Written submission detailing how the carrier is able to function in emergency situations as set forth in 47 C.F.R. § 54.202(a)(2).

(v) Certification the ETC acknowledges the Wyoming Commission may require it to provide customers with equal access to long distance carriers in the event that no other ETC is providing equal access within the service area.

(vi) The total amount of all federal high cost support received in the previous calendar year.

(vii) For the previous calendar year, a detailed schedule/exhibit showing the actual dollar amounts expended by the carrier in the provision, maintenance, upgrading, plant additions and associated infrastructure costs within the service areas in Wyoming where the carrier has been designated an ETC.

(viii) Documentation the carrier offers the nine supported services/functionalities, listed (A) through (H) below, throughout the service areas in Wyoming where the carrier has been designated an ETC.

- (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;
- (E) Access to emergency services;
- (F) Access to operator services;
- (G) Access to interexchange services;
- (H) Access to directory assistance; and
- (I) Toll limitation for qualifying low-income consumers.

(ix) Documentation the carrier advertises the prices and availability of the Lifeline and Linkup programs throughout the service areas in Wyoming where the carrier has been designated an ETC.

(x) A copy of the service agreement the carrier offers to its universal service customers, including all terms and conditions.

(xi) Documentation and support the carrier is committed to, and has the capability to, provide its universal service product throughout the service areas to all customers who make a reasonable request for service in Wyoming where the carrier has been designated an ETC.

(xii) A map of the service areas where the carrier has ETC designation showing the locations of cellular towers and the coverage area of these towers.

(xiii) The total amount of all federal high cost support received year-to-date for the current calendar year.

(xiv) For the current calendar year-to-date, a detailed schedule/exhibit showing the actual dollar amounts expended by the carrier in the provision, maintenance, upgrading, plant additions and associated infrastructure costs for any universal service products within the service areas in Wyoming where the carrier has been designated an ETC. This should include the carrier's build-out plans and budgets for projects, upgrades or installations planned but not yet completed during the current calendar year applicable to any universal service products.

(xv) Copies of the previous and current year's reports required by 47 C.F.R. § 54.307(b) and (c) to be filed by the carrier with the USAC applicable to the service areas in Wyoming where the carrier is designated an ETC.