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PUBLIC UTILITY COMMISSION

Public Utility Commission of Texas

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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

November 22, 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)

Docket No. 31851 – Application of Alltel Communications, Inc. Wireless for Designation as an Eligible Telecommunications Carrier Pursuant to 47 U.S.C. 241(e) and P.U.C. Subst. R. 26.418

Docket No. 24481 – Designation of Common Carriers as Eligible Telecommunications Carrier to receive Federal Universal Funds Pursuant to the Federal Communications Commission’s Fourteenth Report and Order Adopting A State Certification Process

Designation of Caprock Cellular Limited Partnership - ETC Designation Amendment

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 eligible telecommunications carrier (ETC) designation to Alltel Communications, Inc. (Alltel – a CMRS company) for the entire service areas of two non-rural carriers, Southwestern Bell Telephone (SBC) and Verizon Southwest (Verizon). The

attached *Final Order*, Docket No. 31851, issued on November 21, 2005, grants the designation.

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

Sincerely,

A handwritten signature in cursive script, appearing to read "J Ervin". The signature is written in black ink and is positioned above the printed name.

Janis Ervin - Senior Policy Specialist

Infrastructure Reliability Division - Texas Public Utility Commission

DOCKET NO. 31851

**APPLICATION OF ALLTEL
COMMUNICATIONS, INC. FOR
DESIGNATION AS AN ELIGIBLE
TELECOMMUNICATIONS CARRIER
PURSUANT TO 47 U.S.C. §214(e) AND
P.U.C. SUBSTANTIVE RULE 26.418**

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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 (ETC)**

Procedural History

On October 7, 2005, Alltel Communications, Inc. (Alltel) filed an application for designation as an eligible telecommunications carrier (ETC) pursuant to 47 U.S.C. § 214(e) and P.U.C. SUBST. R. 26.418. Alltel is seeking ETC designation for the service areas of two non-rural telephone companies, Southwestern Bell Telephone, L.P. (SBC) and Verizon Southwest (Verizon) within its commercial mobile radio services (CMRS) territory in Texas. Alltel stated that, upon designation as an ETC, it will provide low-income Lifeline and Link-Up Service to qualified customers and that it will provide a basic universal service package to such subscribers. Alltel also stated that it will provide services through the use of its own facilities. On October 28, 2005, Alltel provided additional information concerning the provision of Lifeline service.

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 October 21, 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. 26.418(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 November 21, 2005.

No objection, comment, or motions to intervene were filed, and no hearing was requested. P.U.C. SUBST. R. 26.418(g)(2)(A) provide that applications for ETC designation may be reviewed administratively.

On November 10, 2005, Commission Staff (Staff) filed a recommendation for approval of ETC status for Alltel 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;
 - (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

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).

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).

Alltel meets all of the above criteria. Alltel will advertise the designated services and their rates through media of general distribution and through bill messages. Alltel provides the required services through its own facilities and, on a limited basis, through resold services. Alltel has made a commitment to offer Lifeline and Link-Up support which it will adopt upon designation.

Alltel has not requested any waivers of the FCC requirements. Alltel does not offer toll control, but on December 30, 1997, the FCC clarified its Order regarding "toll limitation" to require a carrier to offer only one form either toll blocking or toll limitation, for designation as an ETC.

SBC and Verizon serve the exchanges for which Alltel requests USF support. 47 C.F.R. § 54.201(c) states:

Upon request and consistent with the public interest, convenience, and necessity, the state commission may, in the case of an area served by a rural telephone company, and shall, in the case of all other areas, designate more than one common carrier as an eligible telecommunications carrier for a service area designated by the state commission, so long as each additional requesting carrier meets the requirements of paragraph (D) of this section.

SBC and Verizon are not rural carriers, and Staff's analysis of the application concludes that Alltel does meet the requirements established by the FCC for designation as an ETC.

Ordering Paragraph

In accordance with Staff's recommendation and for all the reasons stated therein, pursuant to the FTA § 214(e)(2) and P.U.C. SUBST. R. 26.418, Alltel's application for ETC designation is **APPROVED** effective November 21, 2005. Alltel is granted ETC status for the service areas of SBC and Verizon, within its CMRS territory in the State of Texas.

SIGNED AT AUSTIN, TEXAS ON the 21st day of November 2005.

PUBLIC UTILITY COMMISSION OF TEXAS



IRENE MONTELONGO
ADMINISTRATIVE LAW JUDGE