PUBLIC SERVICE COMMISSION
OF WEST VIRGINIA
CHARLESTON

CERTIFICATION OF TRUE COPY

RE: CASE NO. 07-2031-C-PC
USCOC of Cumberland, Inc., and Hardy Cellular Telephone Company

I, Sandra Squire, Executive Secretary of the Public Service Commission of West Virginia, certify that the attached is a true copy of the February 15, 2008 , Recommended Decision entered in Case No.07-2031-C-PC, USCOC of Cumberland, Inc., and Hardy Cellular Telephone Company, as the same appears on file and of record in my office.

Given under my hand and the seal of the Public Service Commission of West Virginia, in the City of Charleston, Kanawha County, this 26th day of February, 2008.

Sandra Squire
Executive Secretary

SS/pkb
Attachment

PUBLIC SERVICE COMMISSION
OF WEST VIRGINIA
CHARLESTON

FINAL
2/25/2008
Per Commission Order Waiving the Exception Period

Entered: February 15, 2008

CASE NO. 07-2031-C-PC

USCOC OF CUMBERLAND, INC., and
HARDY CELLULAR TELEPHONE COMPANY
Petition for consent and approval for USCOC of Cumberland Inc. and Hardy Cellular Telephone Company to be designated as an eligible telecommunications carrier pursuit to the Telecommunications Act of 1996.

RECOMMENDED DECISION

On October 19, 2007, USCOC of Cumberland, Inc., and Hardy Cellular Telephone Company (collectively, U.S. Cellular) filed a petition with the Public Service Commission seeking designation as an eligible telecommunications carrier (ETC), pursuant to §214(e)(2) of the Communications Act of 1934 (the Act), as amended, 47 U.S.C. §151, et seq., thereby making it eligible to receive support from the Federal Universal Service Fund (USF) program. U.S. Cellular stated that it is a telecommunications carrier as defined in 47 U.S.C. §153(44) and 47 C.F.R. §51.5, and for the purposes of Part 54 of the FCC's rules, and, therefore, is considered a common carrier under the Act. U.S. Cellular went on to state that it is a commercial mobile radio service (CMRS) provider, pursuant to the definition of "mobile service" provided in 47 U.S.C. §154(27), and provides interstate telecommunications services as defined in 47 U.S.C. §254(d) and 47 C.F.R. §54.5. U.S. Cellular holds FCC authorizations as the B block Cellular Radiotelephone Service provider in the following Rural Service Areas (RSAs) and Metropolitan Statistical Area (MSA): West Virginia RSA 3 (Monongalia), West Virginia RSA 4 (Grant), West Virginia RSA 5 (Tucker), West Virginia RSA 7 (Raleigh) and the Cumberland, MD-WV MSA. U.S. Cellular seeks to be designated as an ETC in a service area largely consisting of its FCC-licensed service territory in West Virginia.[1]

U.S. Cellular stated that it provides all the services and functionalities supported by the Federal Universal Service program, as set forth in Section 214(e) of the Act and §54.101(a) of the FCC's rules,

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[1] U.S. Cellular's proposed ETC service area departs from its FCC-licensed area in limited instances, as explained in Section VIII of its petition, to ensure that only entire rural incumbent local exchange carrier wire centers are included. A map of U.S. Cellular's proposed ETC service area was attached to its petition as Exhibit A.

throughout the service area for which it seeks ETC designation in West Virginia. U.S. Cellular will use a combination of its facilities and the resale of other carrier networks, including, but not limited to, using roaming agreements which U.S. Cellular has in place with other carriers.[2] To demonstrate its ability and willingness to provide the required services upon designation as an ETC, the following information was submitted regarding U.S. Cellular's rendition of supported services, to-wit:

(1) Voice Grade Access. U.S. Cellular provides voice grade access to the public switched network through interconnection arrangements with local telephone companies. U.S. Cellular offers its subscribers this service at bandwidth between 300 and 3,000 hertz as required by 47 C.F.R. 54.101(a)(1), thereby providing voice grade access;

(2) Local Usage. U.S. Cellular has a variety of rate plans that provide local usage consistent with 47 C.F.R. §54.101(a)(2). To date, the FCC has not quantified a minimum amount of local usage required to be included in a universal service offering, but has concluded that a competitive ETC must demonstrate that it offers at least one rate plan that is comparable to the local usage plan of the ILEC serving the same area.[3] U.S. Cellular offers several rate plans which provide customers with a variety of local usage included within the flat monthly rate. Any minimum local usage requirement established by the FCC will be applicable to all designated ETCs, and U.S. Cellular will comply with any and all minimum local usage requirements adopted by the FCC;

(3) DTMF Signaling. U.S. Cellular provides dual tone multi-frequency (DTMF) signaling to facilitate the transportation of signaling throughout its network. U.S. Cellular currently uses out-of-band digital signaling and in-band multi-frequency (MF) signaling that is functionally equivalent to DTMF signaling;

(4) Single Party Service. "Single-party service" means that only one party will be served by a subscriber loop or access line in contrast to a multi-party line.[4] U.S.

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[2] Under these roaming agreements, U.S. Cellular will pay the roaming costs and customers will not be charged per minute roaming fees. Because such roaming arrangement is "invisible" to customers, it can be fairly described as a variant of resale for the purposes of Section 214(e)(1)(A). See Advantage Cellular Systems, Inc., 19 FCC Rcd 20985, 20990 (2004)

[3] See Federal-State Joint Board on Universal Service, Report and Order, 20 FCC Rcd 6371, 6385 (2005) (ETC Report and Order).

[4] See Federal-State Joint Board on Universal Service, Report and Order, 12 FCC Rcd 8776, 8810 (1997) (First Report and Order).

Cellular provides single party service, as that term is defined in Section 54.101 of the FCC's rules;

(5) Access to Emergency Services. U.S. Cellular currently provides 911 access to emergency services throughout its service area. U.S. Cellular also currently provides and will continue to provide E-911 access according to the FCC's rules applicable to CMRS carriers;

(6) Access to Operator Services . U.S. Cellular provides customer access to operator services. Customers can reach operator services in the traditional manner by dialing "0";

(7) Access to Interexchange Services. U.S. Cellular has signed interconnection agreements with interexchange carriers. These arrangements enable U.S. Cellular to provide its customers access to interexchange services. Customers may also "dial around" to reach their interexchange carrier of choice;

8) Access to Directory Assistance. Subscribers to U.S. Cellular's services are able to dial "411" or "555-1212" to reach directory assistance from their mobile phones; and

(9) Toll Limitation. U.S. Cellular provides toll limitation by utilizing its toll blocking capabilities, enabling U.S. Cellular to provide toll blocking service for Lifeline customers once U.S. Cellular is designated an ETC.

U.S. Cellular went on to assert that, pursuant to Section 54.201 of the FCC's rules, 47 C.F.R. §54.201, it will advertise the availability of each of the supported services detailed above, throughout its licensed service area, by media of general distribution. The methods of advertising utilized may include newspapers, magazines, direct mailings, public exhibits and displays, bill inserts and telephone directory advertising. In addition, U.S. Cellular will advertise the availability of Lifeline and Linkup benefits throughout its service area by including mention of such benefits in advertising and reaching out to community health, welfare and employment offices to provide information to those people most likely to qualify for Lifeline and Linkup benefits. As required, U.S. Cellular will include in its annual ETC reports documentation that it advertises the supported services throughout its designated ETC service area.

To further demonstrate to the Commission its capability and intent to offer and provide the supported services, U.S. Cellular stated that it will follow the same six-step service extension policy acknowledged by the FCC as providing sufficient assurances that a carrier will provide the supported services upon designation as an ETC.[5] Consequently, U.S. Cellular will adhere to the following steps to demonstrate its intent and capability:

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[5] ETC Report and Order, supra, 20 FCC Rcd at 6380.

1) U.S. Cellular will immediately respond to reasonable requests for service by providing service to a customer with a billing address in U.S. Cellular's service area at the customer's billing address or at a different address specified by the customer which represents the customer's home or work location;

2) If a customer cannot be served by U.S. Cellular's existing facilities, U.S. Cellular will provide service within a reasonable period of time, if service can be provided at reasonable cost by:

   (1) modifying or replacing the requesting customer's equipment;

   (2) deploying a roof-mounted antenna or other equipment;

   (3) adjusting the nearest cell tower;

   (4) adjusting network or customer facilities;

   (5) reselling services from another carrier's facilities to provide service; or

   (6) employing, leasing or constructing an additional cell site, cell extender, repeater or other similar equipment.

If, after these steps, the customer cannot be served, U.S. Cellular will notify the customer and provide the Commission with an annual report on how many requests for service could not be filled.

U.S. Cellular noted that its affiliated companies have aggressively constructed wireless facilities in all of the other states in which they receive federal high-cost support. They have used numerous technologies such as repeaters, Yagi antennas and other engineering adjustments to extend service to all requesting customers. U.S. Cellular has begun constructing its network in its proposed ETC service area in West Virginia and intends to use USF support to accelerate its network construction plans.

U.S. Cellular next set forth facts it believed demonstrated how its designation as an ETC will advance the public interest. With high-cost support, U.S. Cellular will construct, operate and maintain communications infrastructure to improve signal coverage and enhance wireless call quality for consumers in rural West Virginia. These investments will be above and beyond other investments U.S. Cellular undertakes with internally generated capital. In accordance with the Commission's ETC designation requirements, U.S. Cellular has prepared a five-year service quality improvement plan detailing how it plans to use high-cost support to construct, upgrade and operate wireless network facilities in rural, high-cost areas. U.S. Cellular's five-year plan was attached to the petition as Exhibit E. U.S. Cellular believes that there are significant areas within its proposed ETC service area that are underserved by wireless telephone facilities and U.S. Cellular is committed to providing service to consumers who do not have wireline service at their residences

upon reasonable request, and to use its support to upgrade and expand its network to provide improved coverage and capacity. The mobility of U.S. Cellular wireless services will assist "consumers in rural areas who often must drive significant distances to places of employment, stores, schools and other critical community locations." [6]

U.S. Cellular asserted that it already provides consumers with high-quality service. It employs an experienced engineering and technical support team that provides on-call emergency support 24 hours a day, seven (7) days a week. U.S. Cellular's response time to an outage report is normally less than one hour. Service quality comments are forwarded to its operations department to enable it to monitor network performance and improve customer service. Customer service representatives may be reached toll- and airtime-free, between 6:00 a.m. and 11:00 p.m. (CDT), seven (7) days a week. Customer service representatives may be contacted through a number of convenient methods, including: (1) visiting any of U. S. Cellular's company-owned retail/customer service locations and dealer locations; (2) dialing a toll-free number from any phone; (3) dialing *611, toll- and airtime-free, from a wireless handset; or (4) contacting its customer care center through the e-mail address provided on its web site at www.uscellular.com.

In areas where signal strength is weak and where no business plan supports construction of new facilities, U.S. Cellular will use USF support to construct facilities to improve signal strength and serve consumers with the same top quality mobile service that urban consumers enjoy today. U.S. Cellular also committed to abide by the practices and standards set forth in the Cellular Telecommunications Industry Association (CTIA) Consumer Code for Wireless Service (CTIA Code). In addition, U.S. Cellular will provide the Commission with an annual report which includes the number of consumer complaints per 1,000 handsets in service. This, together with its promise to abide by the CTIA Code, provides strong "evidence of [U.S. Cellular's] commitment to high service quality."[7]

U.S. Cellular went on to assert that people in rural areas depend on mobile phones more and more to provide critical communications needs and that designating U.S. Cellular as an ETC in its ETC service area will provide additional consumer choice and potential solutions to health and safety risks associated with geographic insolation. U.S. Cellular stated that it was self-evident that every time U.S. Cellular adds a cell site or increases channel capacity with high cost support, the number of completed calls, including important health and safety calls, will increase. All wireless carriers are required to implement Phase II E-911 service over the next several years. E-911, which permits a caller to be located and tracked, will be useless in areas where the signal is weak or non-existent. Thus, for every cell site that U.S. Cellular constructs, the reliability and performance of U.S. Cellular's E-911 service will improve. Given that wireline service is only available at the end of the provider's wires, mobile service can extend important health and safety

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[6] Virginia Cellular, LLC, 19 FCC Rcd 1563, 1576 (2004) (Virginia Cellular).

[7] Id. at 1576-77

benefits so that people in need are not required to travel long distances to find a telephone in an emergency or other important health or safety situation.

U.S. Cellular went on to state that its designation as an ETC will promote competition and facilitate the provision of high-quality communication services to the residents of rural West Virginia. Some customers will have the option to receive U.S. Cellular's service for the first time. Others will see service quality and reliability improvement such that they may choose U.S. Cellular as their principal service, as opposed to confining their use of U.S. Cellular's service as an ancillary communications tool. It is also evident that the deployment of high-quality wireless telecommunications infrastructure is essential to economic development in rural areas. Upon a grant of ETC status, U.S. Cellular will be able to compete for local-exchange customers on a more level playing field, spurring a competitive response from other carriers who today have nearly 100% of the local exchange market in rural areas. Service quality and customer service will improve. New investments in plant will be made. High-speed data (DSL) may be deployed more quickly to retain and attract customers. Wider local-calling areas, bundled service offerings and lower prices overall may be introduced to retain and attract customers. U.S. Cellular will provide consumers with wider local calling areas, mobile communications, a variety of service offerings, high-quality service and competitive rates. With U. S. Cellular offering customers new choices, the incumbent providers will have an incentive to introduce new, innovative or advanced service offerings.

U.S. Cellular stated that there is no possibility for cream skimming, i.e., targeting low-cost portions of a rural ILEC's service area in which uneconomically high levels of support are available. U.S. Cellular is not targeting particular areas based on the possibility of receiving high levels of USF support, since it has based its requested ETC designation solely on the area it is authorized to serve with its own facilities in tandem with resale and roaming.

Regarding areas served by a rural telephone company, U.S. Cellular stated that "service area" means the local exchange carrier's study area unless and until the FCC and the states, taking into account recommendations of the Federal-State Joint Board on Universal Service, establish a different definition of service area for such company.[8] In its petition, U.S. Cellular requested designation as an ETC throughout the study areas of Hardy Telephone Company, Spruce Knob Seneca Rocks Telephone Company and West Side Telephone Company, thus, the FCC's redefinition rules do not come into play for those areas.

With respect to Citizens Telecommunications Company of West Virginia, doing business as Frontier Communications of West Virginia (Citizens), U.S. Cellular asserted that, had there been no previous competitive ETC designations in West Virginia, the Commission would be required to redefine the service areas of Citizens to enable U.S. Cellular's designation to take effect in the requested Citizens wire centers. However, the relevant areas have already been redefined in

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[8] 47 C.F.R. §54.207(b).

connection with the Commission's orders granting ETC status to Easterbrooke Cellular Corporation and Highland Cellular, Inc. Specifically, in designating Easterbrooke and Highland as ETCs, the Commission approved the redefinition of the Citizens service areas.[9] On October 15, 2004, the Commission submitted a petition to the FCC for concurrence in "the redefinition of the service areas of [Citizens], a rural incumbent local exchange carrier (ILEC), so that each of [Citizens'] wire centers constitutes a separate service area.[10] Concurrence was granted by operation of the FCC's rules, and each of the wire centers in the three (3) Citizens study areas became a separate service area on January 24, 2005. Accordingly, U.S. Cellular requested designation in the Citizens' wire centers set forth in Exhibit D attached to its petition.

U.S. Cellular stated that it is familiar with the annual reporting requirements in West Virginia. The Commission's rules require a series of reporting items to be included in an annual ETC report each year.[11] This report forms the basis on which the Commission decides whether to certify the carrier to the Universal Service Administrative Company (USAC) and the FCC to receive support for the following year.[12] U.S. Cellular asserted that it will fulfil its ETC obligations and reporting requirements throughout its requested ETC service and provided a brief explanation of how it will comply with those reporting requirements.

U.S. Cellular concluded its petition by stating that, under FCC rules, carriers wishing to obtain high-cost support must either be certified by the appropriate state commission or, where the state commission does not exercise jurisdiction, self-certify with the FCC and USAC their compliance with Section 254(e) of the Act. 47 C.F.R. §§ 54.313, 54.314. In accordance with the FCC's rules, U.S. Cellular requests that the Commission file an initial high-cost certification with USAC and the FCC within 60 days of the effective date of an order designating U.S. Cellular as an ETC.[13]

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[9] Easterbrook Cellular Corporation, Case No. 03-0935-T-PC (August 27, 2004 Commission Order); Highland Cellular, Inc., Case No. 02-1453-T-PC (August 27, 2004 Commission Order).

[10] PSC Petition for Concurrence at p. 1.

[11] General Investigation Regarding Certification of Federal Universal Service Funding for Eligible Telecommunications Carriers in West Virginia, Case No. 05-0714-T-GI (May 17, 2005).

[12] 47 C.F.R. §§54.313, 54.314.

[13] A newly designated ETC is entitled to receive support as of the date of its designation, provided that the state commission files a certification letter either with USAC and the FCC within 60 days of the effective date of the grant. See 47 C.F.R. §§54.313, 54.314. The letter must reference CC Docket 96-45 and certify that the company will use support for the provision, maintenance and upgrading of facilities and services for which the support is intended, pursuant to 47 U.S.C. §254(e), and it should specify that the certification covers the time period beginning with the effective date of its designation.

Because of the nature of the information contained in Exhibit E attached to its original petition previously filed herein on October 19, 2007, on October 22, 2007, U.S. Cellular filed on October 22, 2007, a Petition for Confidential Treatment of the information contained in Exhibit E. This request was made pursuant to the provisions of West Virginia Code §29B-1-4(a)(1), because the information contained in Exhibit E is in the nature of a trade secret since it is information known only to U.S. Cellular and is of a commercial nature, which has substantial value to U.S. Cellular, which, if obtained by its competitors, could cause U.S. Cellular economic harm and adversely affect the decisions to be made as to the expenditure of universal service support to be received as an ETC. U.S. Cellular also filed the original of Exhibit F to its petition, which was not available at the time of its filing on October 19, 2007.

By Order dated October 31, 2007, the Commission referred this matter to the Division of Administrative Law Judges for further disposition, with a decision due date of on or before May 16, 2008.

On November 15, 2007, Staff Attorney Lisa Wansley-Layne, now Lisa Wansley, filed an Initial Joint Staff Memorandum to which was attached a Utilities Division Initial Recommendation dated November 13, 2007, prepared by Jerry L. Bennett, Supervisor, Telecommunications and Cable TV, Utilities Division. Commission Staff reported that it was continuing its investigation into U.S. Cellular's petition and would file a final recommendation in a timely manner.

On January 11, 2008, Ms. Wansley filed a Final Joint Staff Memorandum to which was attached a Utilities Division Final Recommendation dated January 4, 2008, prepared by Mr. Bennett. Commission Staff recommended that U.S. Cellular's petition for ETC designation be approved.

On January 22, 2008, U.S. Cellular filed a letter stating its concurrence with Commission Staff's recommendation that its petition for ETC designation be approved.

On February 12, 2008, U.S. Cellular filed a letter regarding possible actions by the FCC that might give rise to the need to have a final order of the Commission by February 29, 2008. U.S. Cellular stated that it had been informed that the FCC is considering proposals to cap the level of USF support received by the states at levels effective as of March 1, 2008, or earlier. If a cap is incorporated as of a date prior to the issuance of the Commission's certification of ETC status, U.S. Cellular would be unable to receive the benefits of increased USF support. However, if the FCC adopts March 1, 2008, as the implementation date, U.S. Cellular would be eligible to receive approximately $8,000,000 in USF support. Accordingly, in order to enable U.S. Cellular to establish certification of ETC status prior to March 1, 2008, it was requested that, if a Recommended Decision was entered granting ETC status and U.S. Cellular is required to publish a Notice of Designation, that such Notice be permitted to be published in the nineteen (19) newspapers throughout the State in which entities seeking statewide authority are typically required to publish. This request was made due to the fact that many of the counties for which ETC designation is requested have newspapers that only publish weekly.

On February 13, 2008, Ms. Wansley filed a Further Joint Staff Memorandum stating that Commission Staff did not oppose U.S. Cellular's request to publish the required Notice of Designation in the nineteen (19) newspapers constituting statewide notification, instead of publication in each county in which ETC designation has been requested. However, Ms. Wansley did note that, if U.S. Cellular's request was granted, its effect should be limited solely to this case.

DISCUSSION

Under the Telecommunications Act of 1996, designation as an ETC is essential in order for common carriers of telecommunications services to be eligible to receive federal universal service support, pursuant to 47 U.S.C. §254. In order to be designated as an ETC, a carrier must: (1) be a common carrier; (2) offer the services supported by the federal universal service support mechanisms under 47 U.S.C. §254(c), either using its own facilities or a combination of its own facilities and resale, throughout the designated service area; (3) advertise the availability of such services and the charges therefor, using media of general distribution. 47 U.S.C. §214(e)(1)(A)&(B); and (4) offer link-up and Lifeline services as part of its service offerings to low-income subscribers. See, 47 C.F.R. §§54.405 and 54.411.

47 U.S.C. §214(e)(2) establishes the process for the designation of eligible telecommunications carriers:

A State commission shall upon its own motion or upon request designate a common carrier that meets the requirements of paragraph (1) as an eligible telecommunications carrier or a service area designated by the State commission. 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 (1). Before designating an additional eligible telecommunications carrier for an area served by a rural telephone company, the State commission shall find that the designation is in the public interest. (Emphasis added).

The nine (9) supported services which the ETC applicant must provide are: voice grade access to the public switched telephone network; local usage; dual-tone multi-frequency (DTMF) signal or its functional equivalent; single party service or its functional equivalent; access to emergency services; access to operator services; access to interexchange services; access to directory assistance; and toll limitation for qualifying low-income customers. See, 47 C.F.R. §54.101(a). The applicant also must advertise the availability of these services throughout its service territory. If the incumbent local exchange carrier is a rural telephone company, the applicant seeking ETC status also must demonstrate that designating it as an ETC is in the public interest.

U.S. Cellular is a common carrier, consistent with the definition in 47 U.S.C. §15.3(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), and is capable of providing all of the service offerings required and set forth in 47 U.S.C. §214(e) of the Act and §54.202(a) of the FCC's rules for eligible telecommunications carriers. The undersigned also concludes that the "public interest" will be served by designating U.S. Cellular as an ETC in its service areas in West Virginia. U.S. Cellular's designation as an ETC will allow it, among other things, to (1) provide improved coverage and service quality to its West Virginia customers by construction, operation and maintenance of wireless network facilities in rural, high-cost areas; (2) provide additional solutions to health and safety risks associated with geographic isolation with the addition of new cell sites or increased channel capacity; (3) promote competition which will facilitate the provision of high-quality communications services to the residents of rural West Virginia; and (4) provide consumers with wider local calling areas, mobile communications, a variety of service offerings and competitive rates. The undersigned also concludes that cream-skimming is not an issue in this case since U.S. Cellular is not targeting particular areas based on the possibility of receiving unwarranted levels of support. Indeed, U.S. Cellular has based its requested ETC designation area solely on the areas it is authorized to serve with its own facilities in tandem with resale and roaming.

In this proceeding, U.S. Cellular will be designated as an ETC in the Verizon West Virginia Inc. wire centers set forth in the attached Appendix A, and throughout the study areas of Hardy Telephone Company, Spruce Knob Seneca Rocks Telephone Company and West Side Telephone Company, as set forth in the attached Appendix C, since its licensed service areas cover the entire rural study areas for those companies. With respect to Citizens, U.S. Cellular's licensed service area does not cover the entirety of the three (3) Citizens study areas. However, a determination or redefinition of Citizens' service areas is not necessary in this proceeding since the Commission and the FCC have previously agreed to a redefinition of Citizens' service areas such that each of Citizens' wire centers now constitutes a separate service area and no further redefinition is needed. Accordingly, U.S. Cellular will be designated in the Citizens wire centers set forth in the attached Appendix B.

Since it is possible for the undersigned to issue this Order without including any of the proprietary information contained in Exhibit E of U. S. Cellular's petition, there is no need to address U. S. Cellular's request for protective treatment at this time nor is there a need to retain that information at the Commission. Accordingly, the Commission's Executive Secretary will be directed to return Exhibit E to U. S. Cellular.

The undersigned also concludes that, in light of the possible action by the FCC to implement a support cap, as explained by U.S. Cellular in its February 12, 2008 letter, U.S. Cellular's request to publish a Notice of Designation in the nineteen (19) cities throughout the State of West Virginia constituting statewide publication, as opposed to publication in each county for which ETC designation has been requested, is reasonable and will be granted. However, in addition to publication in the nineteen (19) cities constituting statewide publication, the undersigned will also require publication in each county served by Hardy Telephone Company and

Spruce Knob Seneca Rocks Telephone Company. Additionally, the Executive Secretary will be directed to forward a certified copy of the Final Order granting U.S. Cellular's ETC designation upon receipt of a verified statement from counsel for U. S. Cellular that publication has been requested in each of the 21 newspapers, with the understanding that counsel for U.S. Cellular will file the original affidavits of publication upon their receipt. However, it must be made clear that this determination is based solely upon the particular factual situation surrounding the time constraints imposed upon U.S. Cellular's ETC designation and the possible action by the FCC and should not be deemed to supplant the publication requirements for the Notice of Designation as originally established in Gateway Telecom, LLC, dba StratusWave Communication, Case No. 00-1656-T-PC (May 4, 2001 Commission Order).

Finally, it must also be noted that, in its May 8, 1997 Report and Order, the FCC stated that the Universal Service Administrative Company is not to disburse federal universal service funds to a carrier until the carrier has provided USAC with a true and correct copy of the State Commission Order designating that carrier as an ETC.[14] On September 29, 1997, the FCC issued a Public Notice (DA 97-1892) directing each state commission to submit to the FCC and USAC, by December 31, 1997, a list of carriers that each commission has designated as en ETC. This list must be submitted in order for carriers to be eligible to receive federal universe service funding for high cost, low-income and healthcare support, beginning January 1, 1998. In an October 27, 1997 letter to national and state telecommunications carrier associations, USAC made it clear that the requirement for state commissions to submit a list of designated ETCs does not remove the requirement for a carrier to submit a copy of the state commission order designating it as an ETC. No federal funding will be paid to a carrier without copy of the designation order. The Executive Secretary will be directed to provide to the FCC and USAC, as requested in the FCC's September 29, 1997 Public Notice (DA 97-1892), a certified copy of the final Order designating U.S. Cellular as an ETC in the wire centers served by Verizon West Virginia Inc. and Citizens Telecommunications Company of West Virginia, doing business as Frontier Communications of West Virginia, set forth on the attached Appendices A and B, and the entirety of the RTC study areas of Hardy Telephone Company, Spruce Knob Seneca Rocks Telephone Company and West Side Telephone Company set forth in the attached Appendix C.

FINDINGS OF FACT

1. Pursuant to Section 214(e) of the Telecommunications Act of 1996, USCOC of Cumberland, Inc., and Hardy Cellular Telephone Company have filed an Application with the Commission seeking designation as an eligible telecommunications carrier in certain specified wire centers served by Verison West Virginia Inc. and Citizens Telecommunications Company of West Virginia, doing business as Frontier Communications of West Virginia, and the entirety of the RTC study areas of Hardy Telephone Company, Spruce Knob Seneca Rocks Telephone Company and West Side

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[14] In the Matter of Federal-State Joint Board on Universal Service, CC Docket No. 96-45, Report and Order, FCC 97-157, ¶ 198 (rel. May 8, 1997) (Universal Service Order).

Telephone Company, thereby making them eligible to receive federal universal service support and to offer services that are supported by the federal universal service support mechanisms. (See, October 19, 2007 filing).

2. To be designated as an ETC, a carrier must satisfy the following criteria: (1) it must be a common carrier; (2) the carrier must offer the services supported by federal universal service support mechanisms, using either its own facilities or a combination of its own facilities and the resale of another carrier's services, throughout the designated service area; (3) it must advertise the availability of such services and the charges therefore using media of general distribution; and (4) offer link-up and lifeline services to low-income subscribers. (See, 47 U.S.C. §214(e)(1)).

3. A state commission shall, or in an area served by a rural telephone company may, designate more than one carrier as an ETC for a service area designated by the state commission, so long as each additional carrier requesting ETC status meets the requirements of Section 214(e)(1). For an additional carrier to be designated as an ETC in an area served by a rural telephone company, the state commission must make a further finding that the designation is "in the public interest." (See, 47 U.S.C. §214(e)(2).

4. U.S. Cellular has provided an adequate description of its proposed service technology and has demonstrated the extent to which it is currently providing the supported services within West Virginia. (See, October 19, 2007 filing).

5. U.S. Cellular intends to advertise the availability of the supported services and the charges for those services using media of general distribution. (See, October 19, 2006 filling).

6. If U. S. Cellular is granted ETC designation, it is committed to enhancing its network through the operation of additional cell towers, providing customers with advanced services and a higher quality of service and providing competitive telecommunications services to rural West Virginia. U. S. Cellular also asserted that, with the USF funding, it will be able to greatly improve its service to rural or remote areas by constructing new cells, as well as incorporating emerging innovating technologies. (See, October 19, 2007 filing).

7. U. S. Cellular can offer quality affordable cellular service to customers in areas where landline service is limited. The availability of high-quality wireless service is especially important for health and safety reasons in rural areas where wireline service may be physically unavailable and the availability of wireless service will provide access to emergency services that are not otherwise available due to the isolation connected with living in rural areas. (See, October 19, 2007 filing).

8. No party has disputed U.S. Cellular's satisfaction of the requirements to be designated as a competitive ETC in the wire centers set forth in the attached Appendices A, B and C. (See, case file generally).

9. Commission Staff recommended that U.S. Cellular's application seeking designation as an ETC be approved. (See, Final Joint Staff Memorandum and attachment filed January 11, 2008).

10. The FCC requires that each state commission submit to it and the Universal Service Administrative Company a list of carriers that the commission has designated as ETCs in order for carriers to be eligible to receive federal universal service funding for high cost, low-income and healthcare support beginning January 1, 1998. (See, In the Matter of Federal-State Joint Board on Universal Service, CC Docket No. 96-45, Report and Order, FCC 97-157 (rel. May 8, 1997); FCC Public Notice, DA 97-1892 (rel. Sept. 29, 1997).

CONCLUSIONS OF LAW

1. U.S. Cellular has demonstrated that it is a common carrier capable of offering and advertising all of the service offerings set forth in Section 214(e) of the Telecommunications Act of 1996 for eligible telecommunications carriers throughout the designated service areas, using either its own facilities or a combination of its own facilities and the resale of another carrier's services.

2. Given the commitment of U.S. Cellular to utilize USF funding to greatly improve its service to rural or remote areas in West Virginia through the enhancement of its network through the operation of additional cell towers, the provision of advanced services and enhanced competitive telecommunications services, it is reasonable to conclude that the granting of ETC status to U. S. Cellular is in the public interest of the consumers of telecommunications services within U.S. Cellular's service territory.

3. U.S. Cellular should be designated as an ETC in the wire centers served by Verizon West Virginia Inc. and Citizens Telecommunications Company of West Virginia, doing business as Frontier Communications of West Virginia, set forth on the attached Appendices A and B, respectively, and the entirety of the RTC study areas of Hardy Telephone Company, Spruce Knob Seneca Rocks Telephone Company and West Side Telephone Company, as set forth in the attached Appendix C.

4. U.S. Cellular should be required to publish a Notice of Designation one time, in newspapers, duly qualified by the Secretary of State, published and of general circulation in the nineteen (19) designated cities constituting statewide publication within the State of West Virginia and within each county comprising the RTC study areas of Hardy Telephone Company and Spruce Knob Seneca Rocks Telephone Company, making due return to the Commission of proper affidavits of publication as soon as they are received.

5. The Commission's Executive Secretary should be required to provide the FCC and the Universal Service Administrative Company a certified copy of the final Order designating U.S. Cellular as an ETC.

6. Since none of the proprietary information contained in Exhibit E of U. S. Cellular's petition is included in this Order, the Executive Secretary should be directed to return Exhibit E to U. S. Cellular.

ORDER

IT IS, THEREFORE, ORDERED that the petition filed herein on October 19, 2007, by USOC of Cumberland, Inc., and Hardy Cellular Telephone Company seeking designation as an eligible telecommunications carrier, pursuant to 47 U.S.C. §214(e) be, and hereby is, granted, subject to the conditions set forth below. U.S. Cellular is hereby designated as a competitive ETC for the wire centers set forth in the attached Appendices A and B and for the entirety of the RTC Study Areas set forth in Appendix C.

IT IS FURTHER ORDERED that U.S. Cellular give notice of its ETC designation by causing to be published the Notice of Designation, attached hereto as Appendix D, once in newspapers duly qualified by the Secretary of State, published and of general circulation in each of the nineteen (19) cities throughout the State in which entities seeking statewide authority are typically required to publish and within each county comprising the RTC study areas of Hardy Telephone Company and Spruce Know Seneca Rocks Telephone Company, making due return to the Commission of proper certification of publication immediately after publication.

IT IS FURTHER ORDERED that the Executive Secretary provide to the FCC and the Universal Service Administrative Company, as requested in the FCC's September 29, 1997, Public Notice (DA 97-1892), a certified copy of this decision designating U.S. Cellular as an ETC upon it becoming final.

IT IS FURTHER ORDERED that the filing with the FCC and Universal Service Administrative Company of the aforementioned certified copy of this Order not take place unless and until U.S. Cellular has filed a verified statement of its counsel herein that publication has been requested in each of the twenty-one (21) newspapers where publication is required.

IT IS FURTHER ORDERED that the Executive Secretary return to U. S. Cellular Exhibit E of the petition filed herein, which was designated by U. S. Cellular as confidential or proprietary.

IT IS FURTHER ORDERED that the ruling herein regarding publication of the Notice of Designation is limited to the particular facts and circumstances presented in this case.

IT IS FURTHER ORDERED that U.S. Cellular's ETC designation is conditioned upon its compliance with the Consumer Code for Wireless Service of the Cellular Telecommunications Industry Association.

IT IS FURTHER ORDERED that U.S. Cellular follow and abide by the advertising guidelines established by the Commission in Gateway Telecom, LLC, dba StratusWave Communications, Case No. 00-1656-T-PC (May 4, 2001).

IT IS FURTHER ORDERED that this matter be, and hereby is, removed from the Commission's docket of open cases.

The Executive Secretary is hereby ordered to serve a copy of this order upon the Commission by hand delivery, and upon all parties of record by United States Certified Mail, return receipt requested.

Leave is hereby granted to the parties to file written exceptions supported by a brief with the Executive Secretary within fifteen (15) days of the date this order is mailed. If exceptions are filed, the parties filing exceptions shall certify to the Executive Secretary that all parties of record have been served the exceptions.

If no exceptions are filed, this order shall become the order of the Commission, without further action, five (5) days following the expiration of the fifteen (15) day time period, unless it is ordered stayed by the Commission.

Any party may request waiver of the right to file exceptions to an Administrative Law Judge's Order by filing an appropriate petition in writing with the Secretary. No such waiver will be effective until approved by order of the Commission, nor shall any such waiver operate to make any Administrative Law Judge's Order the order of the Commission sooner than five (5) days after approval of such waiver by the Commission.

John P. Carter

John P. Carter
Administrative Law Judge

JPC:lc:kkp
072031a.wpd

USCOC OF CUMBERLAND, INC. AND
HARDY CELLULAR TELEPHONE COMPANY

VERIZON WEST VIRGINIA INC. (SAC 205050) WIRE CENTERS
COMPRISING REQUESTED ETC SERVICE AREA

WC CODE	EXCHANGE
ALDRWVAD	ALDERSON
ALLYWVAL	ALLOY
ANSTWVAN	ANSTED
BCKHWVFL	BUCKHANNON
BCKLWVWD	BECKLEY
BLTNWVBB	BELINGTON
BRNDWVBY	BRANDYWINE
BRPTWVPH	BRIDGEPORT
BRSPWVWA	BERKELEY
BRVLWVBV	BURNSVILLE
CHLKWVCL	CHEAT LAKE
CLBGWVMA	MORGANTOWN
CLNDWVPC	CLENDENIN
CMLDMDCM	RIDGELEY
CRVIWVCG	CRAIGSVILLE
CSTWMDCR	RIDGELEY
EKNSWVDV	ELKINS
FAMTWVMN	FAIRMONT
FKLNWVFH	FRANKLIN
FLTPWVFT	FLAT TOP
FLWTWVFW	FALLINGWTRS
FRTNWVRR	FARMINGTON
FRVWWVMI	FAIRVIEW
FWLWVMP	FAYETTEVL
GFTNWVBC	GRAFTON
GLDNWVGD	GLENDANIEL
GMSPWVGS	MORGANTOWN
GNVLWVGV	GREENVILLE
GRMNWVGM	GORMANIA
GSWYWVEL	GASSAWAY
GYBRWVGB	GAULEY BDG
HDVLWVHV	HEDGESVL
HITNWVMM	HINTON
INWDWVID	INWOOD
JNLWWVJL	JANE LEW
KGWDWVMC	KINGWOOD
KTZMMDKM	ELK GARD
KYSRWVMR	KEYSER
LWBGWVMW	LEWISBURG
MDBRWVMB	MEADOW B
MGTWWVFY	WHEELING
MLNSWVGY	MULLENS
MNGHWVMC	MONONGAH
MNTNWVCE	MANNINGTON
MRBGWVBU	MARTINSBURG
MTGMWVMG	MONTGOMERY
MTHPWVTN	MOUNT HOPE
NWBGWVMV	NEWBURG

WC CODE	EXCHANGE
OKHLWVCH	OAK HILL
PDMTWVAA	PIEDMONT
PHLPWVPI	PHILIPPI
PRTWWVPT	PETERSTOWN
RANLWVTR	RAINELLE
RCWDWVEA	RICHWOOD
RKCVWVAA	ROCK CAVE
RWLWVJS	RIVESVILLE
RWBGWVMS	ROWLESBURG
SALMWVWS	SALEM
SHSPWVSS	BECKLEY
SMVIWVWT	SUMMERSVILLE
SNCRWVCL	MORGANTOWN
SNTNWVSH	SHINNSTON
STTNWVBA	SUTTON
TNTNWVGN	TUNNELTON
TRRAWVSE	TERRA ALTA
UNINWVWB	UNION
WHVLWVFO	WHITESVILLE
WMFRWVWM	WEST MILFORD
WSSPWVDR	WHITE SULPHUR SPRINGS

USCOC OF CUMBERLAND, INC. AND
HARDY CELLULAR TELEPHONE COMPANY

CITIZENS WIRE CENTERS COMPRISING REQUESTED ETC SERVICE AREAS

Citizens Telecommunications Company of West Virginia
Mountain State (SAC 200271)

WC CODE	EXCHANGE
MTMRWVXA	MOUNT MORRIS
RDVLWVXA	REEDSVILLE
WBSPWVXA	WEBSTER SPRINGS
MLCKWVXA	MILL CREEK
COWNWVXA	COWEN
WDTWWVXA	WADESTOWN
MRTNWVXA	MARLINTON
FRFRWVXA	FRANKFORD
HLBOWVXA	HILLSBORO
SWSHWVXA	SNOWSHOE
BLCVWVXA	BLACKSVL
HCVYWVXA	HACKER VLY

Citizens Telecommunications Company of West Virginia
St. Mary (SAC 204338)

WC CODE	EXCHANGE
DAVSWVXA	DAVIS
THMSWVXA	THOMAS
WOTNWVXA	WORTHINGTON
CNVYWVXA	CANAAN VLY
EGLNWVXA	EGLON
PRSSWVXA	PARSONS
RPRTWVXA	RUPERT
BRMLWVXA	BRUCETONML
CLAYWVXA	CLAY
FMTNWVXA	FLEMINGTON
SRDSWVXA	SARDIS
WLLCWVXA	WALLACE
HAMNWVXA	HARMAN
IVDLWVXA	IVYDALE
WIDNWVXA	WIDEN
BRRVWVXA	BIRCH RIVER
JOTWWVXA	JOETOWN

Citizens Telecommunications Company of West Virginia
St. Mary (SAC 204339)

WC CODE	EXCHANGE
HRFYWVXA	HARPESFRRY
BLFDWVXA	BLUEFIELD
SHPHWVXA	SHEPHERDSTOWN
PRTNWVXA	PRINCETON
CHTWWVXA	CHARLES TN
BLWLWVXA	BLUEWELL
PTBGWVXA	PETERSBURG
RMNYWVXA	ROMNEY
BRWLWVXA	BRAMWELL
ATHNWVXA	ATHENS
FTASWVXA	FORT ASHBY
MATKWVXA	MATOAKA
AGSTWVXA	AUGUSTA
OKVAWVXA	OAKVALE
CPBRWVXA	CAPON BDG
PWPWWVXA	PAW PAW
BURLWVXA	BURLINGTON
WRVLWVXA	WARDENSVILLE
LVLSWVXA	LEVELS
MYVLWVXA	MAYSVILLE

APPENDIX C

USCOC OF CUMBERLAND, INC. AND
HARDY CELLULAR TELEPHONE COMPANY

RURAL TELEPHONE COMPANY STUDY AREAS COMPRISING
REQUESTED ETC SERVICE AREA

Hardy Telephone Company (SAC 200259)

Spruce Knob Seneca Rocks Telephone Company (SAC 200257)

West Side Telephone Company (SAC 200277)

APPENDIX D

PUBLIC SERVICE COMMISSION
OF WEST VIRGINIA
CHARLESTON

CASE NO. 07-2031-C-PC

USCOC OF CUMBERLAND, INC. AND
HARDY CELLULAR TELEPHONE COMPANY

NOTICE OF DESIGNATION

On October 19, 2007, USCOC of Cumberland, Inc., and Hardy Cellular Telephone Company (collectively U. S. Cellular) filed a petition with the Public Service Commission seeking designation as an Eligible Telecommunications Carrier (ETC), pursuant to 47 U.S.C. §214(e)(2). Specifically, U.S. Cellular sought ETC designation in certain wire centers served by Verizon West Virginia Inc. and Citizens Telecommunications Company of West Virginia, doing business as Frontier Communications of West Virginia, and the entirety of the Rural Telephone study areas of Hardy Telephone Company, Spruce Knob Seneca Rocks Telephone Company and West Side Telephone Company. This designation was granted by Recommended Decision entered on February 15, 2007.

According to the Commission's guidelines, a carrier seeking ETC status must advertise, on a quarterly basis, in media targeted to the general residential market throughout the carrier's service areas and substantially similar to the media in which the serving incumbent local exchange carrier (LEC) advertises its service in the particular service area. In addition, such carriers must maintain an internet site where members of the public can obtain information regarding services and rates provided by the carrier.

Also, carriers seeking ETC status must offer the supporting services required by Section 214(e). These services include: (1) voice-grade access to the public switched telephone network; (2) local usage; (3) dual-tone multi-frequency (DTMF) 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 service; (8) access to directory assistance service; and (9) toll limitation for qualifying low income subscribers. U. S. Cellular is capable of providing all of these required services offerings and is currently offering them in portions of its service areas.

This Notice is being provided in accordance with the Commission's requirements and is not for the purpose of seeking public comment or protest.

USCOC OF CUMBERLAND, INC., AND
HARDY CELLULAR TELEPHONE COMPANY