

Barry T. Smitherman

Chairman

Julie Caruthers Parsley

Commissioner

Paul Hudson

Commissioner

W. Lane Lanford

Executive Director



Public Utility Commission of Texas

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

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

July 22, 2008

RE: *Federal-State Joint Board on Universal Service, CC Docket No. 96-45*

TPUC Project No. 25787 - FCC Letters Regarding ETC Designation Pursuant to FTA '96 § 214(e) (2)

TPUC Docket No. 35706 – Application of DPI Teleconnect, LLC for Designation as an Eligible Telecommunications Carrier and Eligible Telecommunications Provider

ETC Designation of DPI Teleconnect, LLC

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 DPI Teleconnect, LLC. The attached *Order No. 3*, Docket No. 35706, issued on July 3, 2008, grants DPI Teleconnect, LLC ETC designation in the study area of AT&T Texas, Verizon, Embarq, and Windstream. AT&T Texas and Verizon are non-rural incumbent local exchange carriers (ILEC).

If you require any additional information please call Shawnee Claiborne-Pinto at (512)-936-7388.

Sincerely,

A handwritten signature in black ink, appearing to read "Shawnee Claiborne-Pinto". The signature is written in a cursive, flowing style.

Shawnee Claiborn-Pinto
Sr. Retail Market Analyst
Competitive Markets Division
Public Utility Commission of Texas

cc: attachments

P:\TUSF\ETC-ETP Cases\35706- DPI ETC \35706 DPI\FCCUSAC\letterdesignation.doc

DOCKET NO. 35706

APPLICATION OF DPI TELECONNECT, § PUBLIC UTILITY COMMISSION
LLC FOR DESIGNATION AS AN §
ELIGIBLE TELECOMMUNICATIONS § OF TEXAS
CARRIER

2008 JUL -3 AM 9:46
PUBLIC UTILITY COMMISSION

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

Procedural History

On May 22, 2008, dPi Teleconnect, LLC (dPi) 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. dPi is a local exchange carrier certified to provide telephone exchange service in the entire State of Texas. dPi provides service through leasing the local loop and cross connect from Southwestern Bell Telephone Company d/b/a AT&T Texas (AT&T Texas), Verizon Southwest (Verizon), Embarq, and Windstream in conjunction with its own facilities; it may also lease portions from other providers.

dPi requested ETC designation in the study areas of AT&T Texas, Verizon, Embarq, and Windstream.

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 June 6, 2008. 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 July 3, 2008.

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 June 30, 2008, Commission Staff (Staff) filed a recommendation for approval of ETC status for dPi 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).

² 47 C.F.R. § 54.101.

³ 47 C.F.R. § 54.201.

⁴ Pursuant to FTA § 54.400(d), the Federal Communications Commission (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.

dPi meets all of the above criteria. dPi will advertise the designated services and charges for services through notices using media of general distribution. dPi will provide the required services by utilizing the local loop and cross-connect which it will lease from AT&T Texas, Verizon, Embarq, and Windstream as Unbundled Network Elements in conjunction with one or more softswitches and/or other facilities which may be owned by dPi or leased from other providers.

dPi has not requested any waivers of FCC requirements.

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, dPi's application for ETC designation is **APPROVED** effective July 3, 2008. dPi shall file its Lifeline Service Tariff in Project No. 27385.

SIGNED AT AUSTIN, TEXAS the 3rd day of July 2008.

PUBLIC UTILITY COMMISSION OF TEXAS



ANDREW KANG
ADMINISTRATIVE LAW JUDGE