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SEP 30 2009

FCC Mail Room

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

Re: ETC Designation Order
IAS Self Certification

Please find the enclosed ETC Designation Order from the Illinois Commerce Commission dated September 10, 2009.

We have also enclosed our self certification letter.

If we need to send in additional information please let us know.

Sincerely,



Ray Cagle
Chief Operating Officer
Clearwave Communications

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SEP 30 2009

FCC Mail Room

**Interstate Access Support (IAS)
2009-2010**

IAS

Date 22-Sep-09

To: Office of Secretary
Federal Communications Commission
445 - 12th Street, SW
Washington, DC 20554

Karen Majcher
Vice President - High Cost and Low Income Division
Universal Service Administrative Company
2000 L Street, NW, Suite 200
Washington, DC 20036

Re: CC Docket No. 96-45
Interstate Access Support - IAS
Annual Certification Filing

This is to certify that Delta Communications, LLC dba Clearwave Communications
will use its **INTERSTATE ACCESS SUPPORT - IAS** only for the provision, maintenance
and upgrading of facilities and services for which the support is intended.

I am authorized to make this certification on behalf of the company named above. This certification is for the
study area(s) listed below. **(Please enter your Company Name, State and Study Area Code)**

IAS		
Company Name	State	Study Area Code
Delta Communications, LLC dba Clearwave Communications	IL	349017

(If necessary, attach a separate list of additional study areas and check this box.)

Signed,



[Signature of Authorized Representative]

Date: 22-Sep-09

Ray Cagle

[Printed Name of Authorized Representative]

Chief Operating Officer

[Title of Authorized Representative]

Date Received
(For official use only)

Carrier's Name: Delta Communications, LLC dba Clearwave Communications

Carrier's Address: 2 N. Vine Street, 3rd floor, Harrisburg, IL 62946

Carrier's Telephone Number: 618-294-8026

USAC

SEP 3 0 2009

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

FCC Mail Room

Delta Communications, LLC :
 d/b/a Clearwave Communications :
 :
 Application for Designation as an Eligible :
 Telecommunications Carrier for Purposes : 09-0107
 of Receiving Federal Universal :
 Service Support pursuant to Section :
 214(e)(2) of the Telecommunication Act :
 of 1996. :

ORDER

By the Commission:

I. PROCEDURAL HISTORY; NATURE AND PURPOSE OF FILING

On February 24, 2009, Delta Communications, LLC d/b/a Clearwave Communications ("Applicant" or "Delta") filed a Verified Application seeking designation as an Eligible Telecommunications Carrier ("ETC") under Section 214(e)(2) of the Communications Act of 1934 as amended by the Telecommunications Act of 1996, 47 USC §214(e)(2) ("the Act"). Delta seeks wireless ETC designation for purposes of receiving federal Universal Service Support ("USF") in order to offer "Lifeline" and "Link-Up" support to qualifying customers in portions of three non-rural price-cap telephone company services areas, Illinois Bell Telephone Company (Illinois Bell), Verizon North, Inc. – IL (Contel) and Verizon North, Inc. – IL. For the portion of the service area covered by Verizon North, Inc. – IL (Contel) and Verizon North, Inc. – IL, Delta also seeks Interstate Access Support. Delta does not request ETC designation in any rural area at this time.

Pursuant to notice as required by law and the rules and regulations of the Commission, a prehearing conference was held on March 23, 2009 before an Administrative Law Judge ("ALJ") at the Commission's offices in Chicago, Illinois. Illinois Bell's Petition for Leave to Intervene was granted. Staff and Illinois Bell objected to the lack of a Five-Year Plan in the application. On April 30, 2009, Delta filed a Supplement to the Application containing a Five-Year Plan. It filed a second supplement on May 14, 2009 and a third supplement on May 26, 2009, each containing refinements to the original plan. The ALJ continued this matter for status to May 11, May 21, and June 15, 2009 for discussion of the merits of the Five-Year Plan. On June 15, 2009, Staff stated it did not object to the designation Applicant was seeking in this Docket. Illinois Bell stated that would not take a position in this proceeding, but it did not waive its rights to litigate any issues involving the Applicant in any other proceeding. At the conclusion of the status on June 15, the ALJ marked this matter "Heard and Taken".

II. BACKGROUND

Delta is a telecommunications carrier within the meaning of Section 13-202 of the Public Utilities Act (220 ILCS 5/13-202) ("the Act") and was certificated by the Illinois Commerce Commission ("Commission") in Docket 01-0795 to provide facilities-based interexchange, resold local and interexchange, and facilities-based local exchange telecommunications services in Illinois. The federal Universal Service Fund consists of four programs, each administered by the Universal Service Administrative Company ("USAC"). These programs are: (1) the universal service mechanism for high cost areas, providing financial support to carriers serving high cost areas; (2) the universal service mechanism for schools and libraries (also known as the E-rate program), providing for discounted services (local and long distance telephone service, Internet access, and internal connections) to eligible schools and libraries; (3) the universal service mechanism for low income consumers, assisting low income consumers with discounted installation and monthly telephone services; and (4) the universal service mechanism for rural health care, providing discounted services to rural health care providers.

Applicant avers that, regarding the service area for which it is seeking ETC status, the Illinois Bell service area has not been designated as a high cost area by the FCC. Applicant commits to limit its requested USF support to the federal USF "low income" support programs and also certifies that all low income USF funding received will be used to support subsidized rates for its Lifeline and Link-Up customers consistent with 47 CFR §54.403. Applicant will also notify the Commission upon learning of any potential change in USF support in any of the identified service areas and whether intends to seek this support.

III. STATUTORY AUTHORITY; ETC REQUIREMENTS

A. Introduction

Section 214(e) of the Act provides in pertinent part:

(e) PROVISION OF UNIVERSAL SERVICE.—

(1) ELIGIBLE TELECOMMUNICATIONS CARRIERS.--A common carrier designated as an eligible telecommunications carrier under paragraph (2) or (3) shall be eligible to receive universal service support in accordance with section 254 and shall, throughout the service area for which the designation is received—

(A) offer the services that are supported by Federal universal service support mechanisms under section 254(c), either using its own facilities or a combination of its own facilities and resale of another carrier's services (including the services offered by another eligible telecommunications carrier); and

(B) advertise the availability of such services and the charges therefore using media of general distribution.

(2) 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 for 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.

...

(4) RELINQUISHMENT OF UNIVERSAL SERVICE. A State commission shall permit an eligible telecommunications carrier to relinquish its designation as such a carrier in any area served by more than one eligible telecommunications carrier. An eligible telecommunications carrier that seeks to relinquish its eligible telecommunications carrier designation for an area served by more than one eligible telecommunications carrier shall give advance notice to the State commission of such relinquishment. Prior to permitting a telecommunications carrier designated as an eligible telecommunications carrier to cease providing universal service in an area served by more than one eligible telecommunications carrier, the State commission shall require the remaining eligible telecommunications carrier or carriers to ensure that all customers served by the relinquishing carrier will continue to be served, and shall require sufficient notice to permit the purchase or construction of adequate facilities by any remaining eligible telecommunications carrier. The State commission shall establish a time, not to exceed one year after the State commission approves such relinquishment under this paragraph, within which such purchase or construction shall be completed.

(5) SERVICE AREA DEFINED.--The term "service area" means a geographic area established by a State commission for the purpose of determining universal service obligations and support mechanisms. In the case of an area served by a rural telephone company, "service area" means such company's "study area" unless and until the Commission and the States, after taking into account recommendations of a Federal-State Joint Board instituted under section 410(c), establish a different definition of service area for such company.

Under §214(e) of the Act, a telecommunications carrier may be designated as an ETC and thereby receive universal service support so long as the carrier, throughout its service areas: (a) offers the services that are supported by federal universal service support mechanisms under §254(c) of the Act, either using its own facilities or a

combination of its own facilities and resale of another carrier's service (including services offered by another ETC); and (b) advertises the availability of and charges for such services using media of general distribution.

State commissions were granted the ability to designate a common carrier as an ETC, as set forth in §214(e)(2) of the Act and implemented through 47 CFR §54.201(b). Section 54.201(b) states that the Commission shall, on its own motion or upon request, designate a common carrier as an ETC so long as the carrier meets the requirements of §54.201(d) of said rules, which restates the requirements found in §214(e)(1) of the Act.

Section 214(e)(2) of the Act and 47 CFR §54.201(c) state that 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 ETC for a service area the Commission designates, provided each additional requesting carrier satisfies 214(e)(1) and §54.201(d). Before designating an additional ETC for an area served by a rural telephone company, the state Commission shall find that such designation is in the public interest.

Pursuant to 47 CFR §54.101(a), the following services and functions are to be offered by 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 or its functional equivalent;
- (e) Access to emergency services;
- (f) Access to operator services;
- (g) Access to interexchange service;
- (h) Access to directory assistance; and
- (i) Toll limitation for qualifying low-income consumers.

ETCs must also provide Lifeline and Link-Up services and advertise the availability of Lifeline and Link-Up services in a manner reasonably designed to reach those likely to qualify for such services. 47 C.F.R. §§54.405; 54.411.

Section 254(b) of the Communications Act of 1934, as amended by the Telecommunications Act of 1996, 47 U.S.C. §254(b), defines the "Universal Service Principles" to guide regulatory bodies in preserving and advancing universal service. Section 254(b) of the Federal Act provides as follows:

(b) UNIVERSAL SERVICE PRINCIPLES.--The Joint Board and the Commission shall base policies for the preservation and advancement of universal service on the following principles:

(1) QUALITY AND RATES.--Quality services should be available at just, reasonable, and affordable rates.

(2) **ACCESS TO ADVANCED SERVICES.**--Access to advanced telecommunications and information services should be provided in all regions of the Nation.

(3) **ACCESS IN RURAL AND HIGH COST AREAS.**--Consumers in all regions of the Nation, including low-income consumers and those in rural, insular, and high cost areas, should have access to telecommunications and information services, including interexchange services and advanced telecommunications and information services, that are reasonably comparable to those services provided in urban areas and that are available at rates that are reasonably comparable to rates charged for similar services in urban areas.

(4) **EQUITABLE AND NONDISCRIMINATORY CONTRIBUTIONS.**--All providers of telecommunications services should make an equitable and nondiscriminatory contribution to the preservation and advancement of universal service.

(5) **SPECIFIC AND PREDICTABLE SUPPORT MECHANISMS.**--There should be specific, predictable and sufficient Federal and State mechanisms to preserve and advance universal service.

(6) **ACCESS TO ADVANCED TELECOMMUNICATIONS SERVICES FOR SCHOOLS, HEALTH CARE, AND LIBRARIES.**--Elementary and secondary schools and classrooms, health care providers, and libraries should have access to advanced telecommunications services as described in subsection (h).

(7) **ADDITIONAL PRINCIPLES.**--Such other principles as the Joint Board and the Commission determine are necessary and appropriate for the protection of the public interest, convenience, and necessity and are consistent with this Act.

Pursuant to §254(b)(7) of the Act, the FCC adopted the following additional principle regarding competitive neutrality:

COMPETITIVE NEUTRALITY -- Universal service support mechanisms and rules should be competitively neutral. In this context, competitive neutrality means that universal service support mechanisms and rules neither unfairly advantage nor disadvantage one provider over another, and neither unfairly favor nor disfavor one technology over another. Report and Order in CC Docket No. 96-45, FCC 97-157 Issued May 8, 1997 (¶147).

B. FCC's ETC Order

On March 17, 2005, the Federal Communications Commission ("FCC") issued a Report and Order ("FCC ETC Order") clarifying existing requirements, and imposing additional requirements, which the FCC is to use in evaluating applications for ETC

designation on a going forward basis. *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, *Report and Order*, FCC-05-46. In Paragraph 1, the FCC referred to these additional guidelines as “the minimum requirements” it would use in designating a carrier as an ETC, and urged that these procedures serve as guidelines for state commissions to follow in their evaluation of ETC applications properly before those commissions. These additional guidelines are codified in 47 CFR §54.202. State commissions are not bound by the guidelines in the FCC’s ETC Order when they evaluate ETC applications. *Id.* at ¶¶58-64.

Generally speaking, the guidelines in ¶20 of the FCC’s ETC Order require that the ETC applicant demonstrate: (1) a commitment and ability to provide services, including providing service to all customers within its proposed service area; (2) how it will remain functional in emergency situations; (3) that it will satisfy consumer protection and service quality standards; (4) that it offers local usage comparable to that offered by the incumbent LEC; and (5) an understanding that it may be required to provide equal access if all other ETCs in the designated service area relinquish their designations pursuant to §214(e)(4) of the Act.

More specifically, the guidelines in the FCC’s ETC Order require the following:

An ETC Applicant shall commit to provide service throughout its proposed designated service area to all customers making a reasonable request for service. 47 CFR §54.202(a)(1)(i). The FCC explained the requirement more fully in ¶22 of its ETC Order as follows:

[W]e agree with and adopt the Joint Board recommendation to establish a requirement that an ETC applicant demonstrate its capability and commitment to provide service throughout its designated service area to all customers who make a reasonable request for service. . . . If the ETC’s network already passes or covers the potential customer’s premises, the ETC should provide service immediately.

In those instances where a request comes from a potential customer within the applicant’s licensed service area but outside its existing network coverage, the ETC applicant should 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. We believe that these requirements will ensure that an ETC applicant is committed to serving customers within the entire area for which it is designated. If an ETC applicant determines that it cannot serve the customer using one or more of these methods, then the ETC must report the unfulfilled request to the Commission within 30 days after making such determination.

An ETC Applicant shall submit a five-year plan that describes with specificity proposed improvements or upgrades to the applicant’s network on a wire center-by-wire center basis throughout its proposed designated service area. 47 CFR §54.202(a)(1)(ii).

The FCC explained the requirement more fully in the ETC Order ¶23 as follows:

[W]e require an applicant seeking ETC designation from the Commission to submit a formal plan detailing how it will use universal service support to improve service within the service areas for which it seeks designation. Specifically, we require that an ETC applicant submit a five-year plan describing with specificity its proposed improvements or upgrades to the applicant's network on a wire center-by-wire center basis throughout its designated service area. The five-year plan must demonstrate in detail how high-cost support will be used for service improvements that would not occur absent receipt of such support.

This showing must include: (1) how signal quality, coverage, or capacity will improve due to the receipt of high-cost support throughout the area for which the ETC seeks designation; (2) the projected start date and completion date for each improvement and the estimated amount of investment for each project that is funded by high-cost support; (3) the specific geographic areas where the improvements will be made; and (4) the estimated population that will be served as a result of the improvements. To demonstrate that supported improvements in service will be made throughout the service area, applicants should provide this information for each wire center in each service area for which they expect to receive universal service support, or an explanation of why service improvements in a particular wire center are not needed and how funding will otherwise be used to further the provision of supported services in that area. We clarify that service quality improvements in the five-year plan do not necessarily require additional construction of network facilities.

An ETC Applicant shall demonstrate its ability to remain functional in emergency situations. 47 CFR §54.202(a)(2). The FCC explained the requirement more fully in ¶25 of its ETC Order as follows:

Specifically, in order to be designated as an ETC, an applicant must demonstrate it has a reasonable amount of back-up power to ensure functionality without an external power source, is able to reroute traffic around damaged facilities, and is capable of managing traffic spikes resulting from emergency situations. We believe that functionality during emergency situations is an important consideration for the public interest.

An ETC Applicant shall demonstrate that it will satisfy applicable consumer protection and service quality standards. 47 CFR §54.202(a)(3). The FCC explained the requirement more fully in ¶28 of its ETC Order as follows:

We find that an ETC applicant must make a specific commitment to objective measures to protect consumers. Consistent with the designation framework established in the *Virginia Cellular ETC Designation Order* and *Highland Cellular ETC Designation Order* and as suggested by commenters, a commitment to comply with the Cellular Telecommunications and Internet Association's Consumer Code for Wireless Service will satisfy this requirement for a wireless ETC applicant seeking designation before the Commission. We will consider the

sufficiency of other commitments on a case-by-case basis. . . . In addition, an ETC applicant, as described *infra*, must report information on consumer complaints per 1,000 handsets or lines on an annual basis.

In ¶31 of its ETC Order, the FCC further stated, "Therefore, states may extend generally applicable, competitively neutral requirements that do not regulate rates or entry and that are consistent with §214 and §254 of the Act to all ETCs in order to preserve and advance universal service."

An ETC Applicant shall demonstrate that it offers a local usage plan comparable to the one offered by the incumbent LEC in the service areas for which it seeks designation. The FCC has not adopted a specific local usage threshold. FCC ETC Order at ¶32; 47 CFR §54.202(a)(4).

An ETC Applicant shall certify that the FCC may require it to provide equal access to long distance carriers if no other ETC is providing equal access within the service area. FCC ETC Order at ¶35; 47 CFR §54.202(a)(5).

The FCC has imposed certain reporting requirements in connection with the annual certification of ETCs. 47 CFR §54.209.

As indicated above, before designating an additional ETC for an area served by a rural telephone company, the state Commission must find such designation to be in the public interest, 47 U.S.C. §214(e)(2). In its ETC Order, ¶40, the FCC clarified the public interest analysis for ETC designations by adopting the fact-specific public interest analysis developed in prior orders.

The FCC acknowledged that Congress did not establish specific criteria to be applied under the public interest test. The FCC stated that the public interest benefits of a particular ETC designation must be analyzed in a manner that is: (1) consistent with the purposes of the Act itself, including the fundamental goals of preserving and advancing universal service; (2) ensuring the availability of quality telecommunications services at just reasonable and affordable rates; and (3) promoting the deployment of advanced telecommunications and information services to all regions of the nation, including rural and high cost areas.

In cases before it, the FCC stated that it would first consider a variety of factors in the overall ETC determination, including an examination of the benefits of increased consumer choice, and the unique advantages and disadvantages of the competitor's service offering. Second, in areas where an ETC applicant seeks designation below the study area level of a rural telephone company, the FCC said it will also conduct a "creamskimming" analysis that compares the population density of each such wire center in which the ETC applicant seeks designation against that of all wire centers in the study area in which the ETC applicant does not seek designation. FCC ETC Order at ¶41; 47 CFR §54.202(c)

The FCC declined to adopt a specific test to use when considering if the designation of an ETC will affect the size and sustainability of the high-cost fund, but it did identify the level of federal high-cost per-line support in a given wire center as one

relevant factor in considering whether or not it is in the public interest to have additional ETCs designated in that wire center. ETC Order ¶¶54-55.

It is clear from the FCC's ETC Order that the burden of proof rests with the ETC applicant. With respect to the public interest evaluation, the FCC stated, "In determining whether an ETC has satisfied these criteria, the Commission places the burden of proof upon the ETC applicant." ETC Order ¶¶44.

The FCC stated its belief that §214(e)(2) of the Act "demonstrates Congress's intent that state commissions evaluate local factual situations in ETC cases and exercise discretion in reaching their conclusions regarding the public interest, convenience and necessity, as long as such determinations are consistent with federal and other state law." The FCC noted that states "are particularly well-equipped to determine their own ETC eligibility requirements." ETC Order ¶¶61.

In addition, the ETC Order recognizes in ¶¶72 that "state commissions possess the authority to revoke ETC designations for failure of an ETC to comply with the requirement of §214(e) of the Act or any other conditions imposed by the state."

C. Parties' Positions

In its petition, Delta provided evidence and commitments intended to demonstrate its intent and ability to comply with federal requirements, the conditions set forth in the FCC's ETC Order, and applicable Commission Code Parts. Neither Staff nor Illinois Bell provided evidence or argument in opposition to Delta's designation as an ETC as set forth in Delta's Application.

D. Commission Analysis and Conclusions

First, the Commission finds that in evaluating Delta's proposal for ETC designation, the minimum requirements to be met are the statutory federal guidelines identified above.

Consistent with its determinations made in consolidated Dockets 04-0454, 04-0455 and 04-0456, and in Docket 06-0003, the Commission also finds that the FCC's ETC Order, while not binding on the Commission, does provide an appropriate analytical framework for considering ETC designation and for establishing whether Delta has shown its application is in the public interest. Furthermore, Delta, as the applicant for ETC designation, bears the burden of proof to show it has satisfied each of the elements required for ETC designation and that such designation is in the public interest.

IV. DELTA'S PROPOSED ETC SERVICE AREAS

Section 54.207 of the FCC's rules defines a "service area" as a "geographic area established by a state commission for the purpose of determining universal service obligations and support mechanisms." 47 C.F.R. § 54.207(a). According to the parties, for service areas served by non-rural ILECs, there are no restrictions on how a Commission defines the "service area" for purposes of designating a competitive ETC.

Delta's proposed service area includes portions of three non-rural telephone service areas: Illinois Bell Telephone Company (Illinois Bell), Verizon North, Inc. – IL (Contel) and Verizon North, Inc. – IL. No party provided evidence or argument in opposition to Delta's proposed service area designation.

V. EVIDENCE REGARDING ETC REQUIREMENTS

A. Requirement to Provide USF Supported Services

1. Evidence Presented

As noted above, §214(e)(1)(A) of the Act provides that an ETC shall, throughout the designated service area, "offer the services that are supported by Federal universal service support mechanisms under section 254(c), either using its own facilities or a combination of its own facilities and resale of another carrier's services including the services offered by another eligible telecommunications carrier."

47 CFR §54.101(a) identifies nine services and functions that are supported by federal universal support mechanisms and are to be offered by an ETC. Delta provided evidence regarding the services provided as they relate to the nine supported services and functions. (Verified App. at §9).

The first function identified in §54.101(a) is **voice-grade access to the public switched network**. "Voice grade access" is defined as a functionality that enables a user of telecommunications services to transmit voice communications, including signaling the network that the caller wishes to place a call, and to receive voice communications, including receiving a signal indicating there is an incoming call.

For the purposes of this function, bandwidth for voice grade access should be, at a minimum, 300 to 3,000 Hertz. According to Delta, in accordance with section 254(C) of the Act it is able to originate and terminate telephone service for all of its subscribers through interconnection with ILECs, either using its own facilities or a combination of its own facilities and resale of another carrier's services including the services offered by another eligible telecommunications carriers. Further, all customers are able to place and receive calls on the public switched network within the specified bandwidth. (Verified App. at §9).

Through interconnection with incumbent local exchange carriers, Delta says it is able to originate and terminate telephone service for all of its subscribers, and that all customers are able to place and receive calls on the public switched network within the specified bandwidth. (Verified App. at §9). No party took issue with Delta's evidence regarding this supported service.

The second service is identified as **local usage**. The parties state that "local usage" means an amount of minutes of use of exchange service, prescribed by the FCC, provided free of charge to end users. The FCC has not quantified any minimum amount of local usage required to be included in a universal service offering. Delta's service includes local usage that allows customers to originate and terminate calls within the local calling area without incurring toll charges. Delta's residential plans offer

unlimited local usage. (Verified App. at §9). No party took issue with Delta' evidence regarding this supported service.

ETC applicants such as Delta must offer rate plans and local usage comparable to the service plans offered by the incumbent LEC in the area. The issue of comparable service is addressed in Subsection V.G below.

The third service is **Dual Tone Multi-frequency Signaling** or its Functional Equivalent. Dual tone multi-frequency signaling ("DTMF") is a method of signaling that facilitates the transportation of signaling through the network, shortening call set-up time. Delta asserts that it provides touchtone dialing service fulfilling the DTMF requirement. (Verified App. at §9). No party took issue with Delta' evidence regarding this supported service.

The fourth service is "**single-party service.**" "Single-party service" is telecommunications service that permits users to have exclusive use of a wireline subscriber loop or access line for each call placed or, in the case of wireless telecommunications carriers which use spectrum shared among users, a dedicated message path is provided for the length of a user's particular transmission. Delta states that it provides a dedicated message path for the entire length of customer calls. (Verified App. at §9). No party took issue with Delta' evidence regarding this supported service.

The fifth supported service is **access to emergency service** through the dialing of "9-1-1," and includes access to services, such as 9-1-1 and enhanced 9-1-1 to the extent the local government or other public safety organization in the eligible carrier's area has implemented such service. 9-1-1 is defined as a service that permits a telecommunications user, by dialing the three-digit code "9-1-1," to call emergency services through a Public Safety Answering Point ("PSAP") operated by the local government. "Enhanced 9-1-1" is defined as 9-1-1 service that includes the ability to provide automatic numbering information ("ANI"), which enables the PSAP to call back if the call is disconnected, and automatic location information ("ALI"), which permits emergency service providers to identify the geographic location of the calling party.

Delta asserts that through its interconnection with ILECs, customers have access to 9-1-1 services, and all 9-1-1 traffic is handled in accordance with the 83 Illinois Administrative Code 725 and the Emergency Telephone System Act. Delta states that it has an established working relationship with the 9-1-1 systems when providing local telephone service, and has coordinated with ILECs and local 9-1-1 systems to provide transparent service for its local exchange customers. (Amended Verified App. at §9). No party took issue with Delta' evidence regarding this supported service.

The sixth USF supported service is **access to operator services**, defined as any automatic or live assistance provided to a consumer to arrange for the billing or completion, or both, of a telephone call. (Verified App. at §9). No party took issue with Delta' evidence regarding this supported service.

The seventh supported service is **access to interexchange service**, defined as the use of the loop, as well as that portion of the switch that is paid for by the end user,

or the functional equivalent of these network elements in the case of a wireless carrier, necessary to access an interexchange carrier's network. Delta says it provides all its customers the ability to make and receive interexchange or toll calls through the interconnection arrangements with ILECs. (Verified App. at §9). No party took issue with Delta' evidence regarding this supported service.

The eighth service is **access to directory service**, defined as access to a service that includes, but is not limited to, making available to customers, upon request, information contained in directory listings. Delta claims it provides all of its customers with access to information contained in directory listings. (Verified App. at §9). No party took issue with Delta' evidence regarding this supported service.

The ninth supported service is **toll limitation for qualifying low-income customers**. Under FCC Rules, ETCs must offer "Toll Limitation," a term the FCC has defined to include either "Toll Blocking" or "Toll Control," but it does not at this time require both, to qualifying Lifeline and Link-Up universal service customers at no charge.

Toll Blocking allows customers to block the completion of outgoing toll calls. Toll Control allows the customer to limit the dollar amount of toll charges a subscriber can incur during a billing period. Delta asserts that it provides qualifying Lifeline and Link-Up customers with access to toll limitation. (Verified App. at §9). No party took issue with Delta' evidence regarding this supported service.

2. Commission Analysis and Conclusions

As noted above, the FCC has identified nine services and functions that are supported by federal universal support mechanisms and are to be offered by an ETC. Evidence regarding Delta's willingness and ability to provide these services is summarized above.

Having reviewed the record, the Commission finds that, subject to the commitments made by Delta and the conditions set forth herein, Delta offers and has the capability to provide each of the nine supported services in each of the wire centers for which it seeks ETC.

B. Advertising of Availability of Services

As noted above, §214(e)(1)(B) of the Act provides that an ETC shall, throughout the designated service area, "advertise the availability of such services and the charges therefore using media of general distribution." 47 CFR §54.405 and §54.411 provide that an ETC must also publicize the availability of Lifeline and Link-Up services "in a manner reasonably designed to reach those likely to qualify for the service."

Delta commits to advertising the availability and terms of its services in conformance with all applicable Commission rules. Likewise, with regard to advertising the availability of Lifeline and Link-up services, Delta represents that it will advertise the availability of those services in conformance with the requirements of 83 Ill. Adm. Code Part 757. No party took issue with Delta with regard to the above commitments and the

Commission has reviewed the record on these issues. With respect to advertising the availability of the supported services within the meaning of §214(e)(1)(B) of the Act, the Commission finds that Delta has shown that it will “advertise the availability of such services and the charges therefore using media of general distribution.” (Verified App. at §21).

With regard to lifeline service, the Commission concludes that Delta has satisfied the requirement of 47 CFR §54.405 to make available lifeline service, as defined in 47 CFR §54.401, to qualifying low-income consumers, and to publicize the availability of such service in a manner reasonably designed to reach those likely to qualify for the service.

The Commission also concludes that Delta has satisfied the requirement of 47 CFR §54.411 to make Link-Up services available as part of its obligation set forth in 47 CFR §54.101(a)(9) and §54.101(b). The Commission concludes that the commitments made by Applicant on the above issues shall be added to the list of conditions being imposed in this Order.

C. Commitment to Provide Service throughout ETC-Designated Area

As noted above, under FCC guidelines, an ETC Applicant must commit to provide service throughout its proposed designated service area to all customers making a reasonable request for service. FCC ETC Order at ¶22; 47 CFR §54.202(a)(1)(i). Delta committed to provide service throughout its proposed ETC-designated service area to all customers. (Verified App. at §14). No party took exception to Delta's evidence in that regard.

The Commission concludes that Applicant presented sufficient evidence regarding its willingness and ability to provide service throughout its proposed ETC-designated service area to all customers who make a reasonable request for service. The Commission finds that this requirement shall be added to the list of conditions being imposed in this Order.

D. Five-Year Network Improvement Plan

1. Introduction

Delta states that, “[f]or the portion of the [proposed ETC] service area covered by Verizon North, Inc. (Contel) and Verizon North, Inc. – IL, in addition to the low income support [Delta] will also seek Interstate Access Support.” Application, ¶24. Interstate Access Support is a form of high-cost support authorized by F.C.C. rules and more specifically, 47 C.F.R. §54.800, *et seq.* Insofar as an applicant for ETC designation seeks high cost support, as opposed to low-income support, it has been this Commission's policy to require such applicant to produce a satisfactory five-year network improvement plan. As more fully described in the F.C.C.'s ETC Order:

[Such a] five-year plan [must] describ[e] with specificity [the applicant's] proposed improvements or upgrades to [its] network on a wire center-by-wire center basis throughout its designated service area. [fn] The five-year plan must

demonstrate in detail how high-cost support will be used for service improvements that would not occur absent receipt of such support. This showing must include: (1) how signal quality, coverage, or capacity will improve due to the receipt of high-cost support throughout the area for which the ETC seeks designation; [fn] (2) the projected start date and completion date for each improvement and the estimated amount of investment for each project that is funded by high-cost support; (3) the specific geographic areas where the improvements will be made; and (4) the estimated population that will be served as a result of the improvements. To demonstrate that supported improvements in service will be made throughout the service area, applicants should provide this information for each wire center in each service area for which they expect to receive universal service support, or an explanation of why service improvements in a particular wire center are not needed and how funding will otherwise be used to further the provision of supported services in that area.

ETC Order, ¶23 (footnotes omitted)

2. Evidence Presented

Staff's initial review of Delta's Application led it to conclude that Delta had failed to provide a five-year plan. Delta provided several Supplements to its Application. These Supplements, taken together, identify the central offices in which Delta proposes to expand in the upcoming five years, give the population of each of the cities these central offices serve (based on U.S. Census estimates from 2007), the recurring and non-recurring costs associated with collocation in these central offices, including those costs associated with marketing service to customers located in the communities served by them. Delta estimates its costs of expansion into these offices based upon costs it incurs in the central offices in which it is currently collocated in southern Illinois. Based upon its experience in these wire centers, Delta states that it will be unable, without Interstate Access Support, to expand its operations into the wire centers identified in its five-year plan, each of which is located in a far smaller community than any of those Delta currently serves.

3. Commission Analysis and Conclusions

Based upon representations in Delta's Supplements to its Application, this Commission finds that Delta has submitted a satisfactory five-year network improvement plan. Delta's plan appears likely to improve capacity in the wire centers in which it intends to expand; it provides projected dates for the commencement and completion of such expansion; it identifies the wire centers in which such expansion will take place; and estimates the population served. Staff does not object to ETC designation at this time.

E. Ability to Remain Functional in Emergency Situations

As explained above, under FCC guidelines, an ETC Applicant must demonstrate its ability to remain functional in emergency situations. 47 CFR §54.202(a)(2); FCC ETC Order at ¶25.

According to Delta, in the wireless context, provision of location information is broken down into two phases; Phase I involves providing the PSAP with the location of the cell from which the 911 call originated and Phase II provides the location of the originating subscriber phone to within an FCC-specified accuracy. Applicant's network is capable of providing Phase I and Phase II E911 services, as a function of the capabilities of each PSAP throughout the Applicant service area. (Verified App. at §19).

No party questioned Delta's assertion that it will provide its customers the same ability to remain functional in emergency situations as is currently provided by the ILEC to its own customers. The Commission concludes that Delta has made the necessary showing on this issue.

F. Consumer Protection and Service Quality Standards

Under FCC guidelines, an ETC Applicant must demonstrate that it will satisfy applicable consumer protection and service quality standards. 47 CFR §54.202(a)(3); FCC ETC Order at ¶28.

Delta provided evidence intended to show that it will satisfy all such standards. As part of its certification requirements for local and interexchange services, Delta must abide by the service quality and consumer protection rules set forth in 83 Ill. Adm. Code 736. Delta was granted a waiver of Part 735.180 regarding the publication of directories. Delta asserts that it complies with the "slamming" and "cramming" requirements found in Sections 13-902 and 13-903 of the PUA (220 ILCS 5/13-902, 5/13-903). In addition, Delta commits to reporting information on consumer complaints per 1,000 lines on an annual basis consistent with the FCC's ETC Order. (Delta Verified Amended App. at §20). No party took issue with Delta's evidence that it will satisfy applicable consumer protection and service quality standards.

Having reviewed the record, the Commission concludes that Delta has shown it will satisfy applicable consumer protection and service quality standards as required by FCC guidelines. This finding is conditioned on Delta's continuing compliance with the commitments it made in its certification dockets and in the record of this proceeding. These are the standards that Delta shall be required to meet or exceed.

G. Local Usage/Rate Plans

As indicated above, under FCC guidelines, an ETC Applicant must demonstrate that it offers a local usage plan comparable to the one offered by the incumbent LEC in the service areas for which it seeks designation. The FCC has not adopted a specific local usage threshold. FCC ETC Order at ¶32; 47 CFR §54.202(a)(4).

Delta presented evidence to demonstrate that it offers local usage plans comparable to the service plans offered by Illinois Bell. Delta asserted that wireless and wireline offerings are different from each other, and as such, they are priced differently. Unlike any ILECs' or other ETCs' Lifeline plans, Delta' Lifeline offering goes beyond those of the ILEC in one very important aspect: Delta' Lifeline customers will receive as part of Lifeline service specified amounts of free wireless service with no monthly recurring service charge. That is, Delta' Lifeline customers will receive specified amounts of wireless calling -- local and long distance -- with no charge to the subscriber. Delta offers its Lifeline Wireless Plan that will include twenty five minutes of free local and long distance calling and five features which is comparable to AT&T's packages (as demonstrated in an Attachment to Delta' Amended Application).

Delta asserts that, in terms of comparability, its local calling packages are offered to all who apply for service regardless of past credit history, which tends to lead to a very large churn and default rate. Consequently, the cost of doing business may be higher for Delta than for the incumbent. In addition, Delta commits to continue to offer a local usage plan comparable to that offered by the incumbent LEC. (Delta Verified App. at §21). No party questioned Delta' assertion that its rates are comparable to that of the incumbent.

Having reviewed the record, including Delta' commitment noted above, the Commission finds that Delta' local usage and rate plans meet the requirement that it offer local usage and rate plans comparable to those offered by Illinois Bell.

H. Carrier of Last Resort - Equal Access Requirement

Under FCC guidelines, an ETC Applicant shall certify its acknowledgement that the FCC may require it "to provide equal access to long distance carriers in their designated service area in the event that no other ETC is providing equal access within the service area." FCC ETC Order at ¶35; 47 CFR §54.202(a)(5).

Delta acknowledges that it may be required to provide equal access to long distance carriers to all its customers in its designated service area, and will abide by such a requirement. (Verified App. at §22). No party provided evidence or argument in opposition to Delta' position regarding this commitment.

Having reviewed the record, the Commission finds that the acknowledgement and commitments made on the record by Delta are sufficient to satisfy the subject requirements for purposes of this proceeding.

I. Annual Reporting and Certification Requirements

In the ETC Order ¶69 and 47 CFR §54.209, the FCC has identified certain annual reporting requirements in connection with the annual certification of ETCs as follows:

- (1) progress reports on the ETC's five-year service quality improvement plan, including maps detailing progress towards meeting its plan targets, an explanation of how much universal service support was

received and how the support was used to improve signal quality, coverage, or capacity; and an explanation regarding any network improvement targets that have not been fulfilled. The information should be submitted at the wire center level;

(2) detailed information on any outage lasting at least 30 minutes, for any service area in which an ETC is designated for any facilities it owns, operates, leases, or otherwise utilizes that potentially affect at least ten percent of the end users served in a designated service area, or that potentially affect a 9-1-1 special facility (as defined in subsection (e) of section 4.5 of the Outage Reporting Order). An outage is defined as a significant degradation in the ability of an end user to establish and maintain a channel of communications as a result of failure or degradation in the performance of a communications provider's network. Specifically, the ETC's annual report must include: (1) the date and time of onset of the outage; (2) a brief description of the outage and its resolution; (3) the particular services affected; (4) the geographic areas affected by the outage; (5) steps taken to prevent a similar situation in the future; and (6) the number of customers affected;

(3) the number of requests for service from potential customers within its service areas that were unfulfilled for the past year. The ETC must also detail how it attempted to provide service to those potential customers;

(4) the number of complaints per 1,000 handsets or lines;

(5) certification that the ETC is complying with applicable service quality standards and consumer protection rules, e.g., the CTIA Consumer Code for Wireless Service;

(6) certification that the ETC is able to function in emergency situations;

(7) certification that the ETC is offering a local usage plan comparable to that offered by the incumbent LEC in the relevant service areas; and

(8) certification that the carrier acknowledges that the Commission may require it to provide equal access to long distance carriers in the event that no other eligible telecommunications carrier is providing equal access within the service area.

Delta has committed to comply with all of the applicable annual reporting requirements that are required of it as a recipient of low-cost support, and has committed to provide a five-year spending plan (reporting requirement 1, 47 CFR §54.209) in the event it becomes eligible for high cost support. (Verified Amended App. at §23). No party took issue with Delta on this issue.

Having reviewed the record, the Commission concludes that Delta must file reports and certifications with the Commission on an annual basis, consistent with Delta's commitment, as described above.

VI. PUBLIC INTEREST ANALYSIS

A. Introduction

In its ETC Order, the FCC encouraged state commissions to implement the FCC's framework for analyzing the public interest so as promote a consistent approach among the states in applying the universal service principles of preserving and advancing universal service and competitive neutrality, and improving the long-term sustainability of the USF. FCC ETC Order ¶19, ¶58.

The FCC acknowledged that state commissions may use and have used additional factors in their public interest analysis. The burden of proving whether an Applicant's service is in the public interest is on the Applicant. Finally, the FCC stressed that although it has set forth criteria for evaluating public interest, it and state commissions may conduct the analysis differently, or reach a different outcome, depending on the area being served by the Applicant. *Id.* at ¶40, ¶43-44, ¶60.

The FCC indicated that it would continue to balance the following factors in performing its public interest analysis for ETC applicants:

- (1) **Consumer Choice:** The Commission takes into account the benefits of increased consumer choice when conducting its public interest analysis. In particular, granting an ETC designation may serve the public interest by providing a choice of service offerings in rural and high-cost areas. The Commission has determined that, in light of the numerous factors it considers in its public interest analysis, the value of increased competition, by itself, is unlikely to satisfy the public interest test.
- (2) **Advantages and Disadvantages of Particular Service Offering:** The Commission also considers the particular advantages and disadvantages of an ETC's service offering. For instance, the Commission has examined the benefits of mobility that wireless carriers provide in geographically isolated areas, the possibility that an ETC designation will allow customers to be subject to fewer toll charges, and the potential for customers to obtain services comparable to those provided in urban areas, such as voicemail, numeric paging, call forwarding, three-way calling, call waiting, and other premium services. The Commission also examines disadvantages such as dropped call rates and poor coverage.

In addition to the balancing of the foregoing factors, the FCC conducts a "creamskimming" analysis in areas for which an applicant seeks designation below the study area level of a rural telephone company. The FCC compares the population density of each wire center in which the ETC applicant seeks designation to that of the wire centers in the study area in which the ETC applicant does not seek designation. FCC ETC Order at ¶41.

The FCC also suggests that a state commission may consider limiting the number of ETCs due to the strain on the federal USF by examining per-line USF support received by the individual LEC, on a case-by-case approach. The FCC,

however, declined to adopt a specific national per-line support benchmark to be applied in analyzing the strain on the federal USF. *Id.* at ¶¶55-56.

B. Positions of Parties

Applicant claims it has demonstrated that it meets all of the requirements set forth in the FCC's ETC Order, consistent with the Commission's determination in Dockets 06-0003, 06-0038, 06-0381, and 06-0410 that those requirements represent the minimum guidelines to be applied in an ETC designation proceeding. Further, Delta argues that granting its ETC application would serve the public interest by increasing customer choice for eligible low income consumers, and by promoting further deployment of its local exchange offerings. Delta asserts that it offers quality services at affordable prices, and will offer services to low income customers who might not otherwise have such services available. Delta contends that the commitments it would abide by as part of an ETC designation help ensure that such designation would be in the public interest. (Verified App. at §§24-26). No party raised objections to Delta's position regarding whether it meets the public interest test.

An additional element of the FCC's public interest assessment includes a "cream skimming" analysis if the ETC applicant is seeking designation below the study area level of a rural telephone company. ETC Order at ¶41. Delta does not seek designation below the study area level of a rural telephone company, and therefore, Delta asserts, no "creamskimming" analysis is required. No party took issue with Applicant's position on this issue.

C. Commission Analysis and Conclusions

The Commission has been given broad discretion in analyzing whether the designation of additional carrier as an eligible telecommunications carrier in a given area, thereby allowing the carrier to seek Universal Service funding support, is in the public interest. The Commission concludes that, consistent with its determinations made in the above-mentioned Dockets, the federal guidelines described in the FCC's ETC Order should be the minimum guidelines applied in this proceeding.

A public interest analysis in the context of ETC applications involves the balancing of a number of factors. One such factor is the benefit of increased customer choice, although that value alone is unlikely to satisfy the public interest test. In the instant proceeding, the designation of Delta as an ETC will increase customer choice for low income consumers eligible for Lifeline and Link-Up support in the areas requested.

Another factor for consideration is the advantages and disadvantages of the particular service offering. In that regard, Delta's offering is intended to provide additional rate plan options for low income customers and increased access to emergency services for the public overall, to the extent that additional low income customers are enabled to obtain service.

Also, the specific commitments made by Delta regarding compliance with the federal guidelines described in the FCC's ETC order, and specifically with Staff's tailoring of those guidelines to fit both the Commission's existing rules and precedents,

support a public interest finding. As noted above, as part of the public interest assessment in this docket, no cream-skimming analyses were performed. Such an analysis is relevant where a competitive ETC seeks to include only a portion of the study area of a rural ILEC in its ETC service area. The concern is that a competitive ETC may be providing service to only the lower-cost portion of the ILEC study area while receiving support based upon an overall higher average cost that is spread across the entire LEC study area.

Creamskimming arises when an ETC seeks designation in a disproportionate share of high-density wire centers in an incumbent LEC's rural service area. A creamskimming analysis is unnecessary for ETC applicants seeking designation below the service area level of non-rural incumbent LECs. In the instant docket, Delta seeks only ETC designation in non-rural areas; therefore, no "creamskimming" analysis is required.

VII. OVERALL CONCLUSIONS

As explained above, the Commission has found that the requirements in §214(e) of the Act and the FCC's ETC Order and rules provide appropriate minimum guidelines for this Commission in evaluating the ETC applications in this proceeding. In view of the determinations on the issues made above and subject to the commitments and conditions found appropriate herein, the Commission finds that Delta has made the necessary showings contemplated in §214(e) and the FCC's ETC Order and rules. All "low income" USF funding received by Delta will be used to support subsidized rates for its Lifeline and Link-Up customers. Moreover, Delta has committed to comply with all applicable Commission requirements. Accordingly, Delta should be designated an eligible telecommunications carrier in the requested study area for purposes of receiving federal "low-income" Universal Service Fund support, subject to the conditions imposed below. Delta should also be designated an eligible telecommunications carrier in the Verizon North, Inc. – IL (Contel) and Verizon North, Inc. – IL area for purposes of receiving federal "high-income" Interstate Access Universal Service support

The Commission also observes that the findings herein are based on the record in this proceeding, and in large part are reflective of the eventual concurrence of the parties on ultimate conclusions. As such, the findings are not intended to create any presumptions with respect to any future application for designation as an ETC.

VIII. COMMITMENTS AND CONDITIONS

Delta has made a number of commitments that are discussed in this Order and are listed below. Staff recommends that these commitments be made conditions to the Order.

The Commission concludes that the commitments set forth below are necessary and appropriate conditions with which Delta must comply with respect to its designation as an Eligible Telecommunications Carrier. That is, these are conditions Delta must satisfy to be eligible for ETC status. Accordingly, the Commission adopts each of the following commitments as conditions to this Order and to the ETC designation granted to the Applicant.

1. All "low income" USF funding received will be used only to support subsidized rates for Delta' Lifeline and Link-Up customers in the non-rural wire centers of Illinois Bell Telephone Company, Verizon North, Inc. – IL (Contel) and Verizon North, Inc.
2. To the extent that Delta becomes eligible for any form of USF "high cost" support in the non-rural wire centers of Illinois Bell, including funding related to access charges, it agrees that it is not seeking such support in this Application and will seek additional ETC certification from this Commission before it accepts any such support.
3. Delta shall notify the Commission within three weeks of any future change that would render it eligible to receive USF "high cost" support in the non-rural wire centers of Illinois Bell, along with certification that that it is not seeking and will not apply to receive such support and will seek additional ETC certification from this Commission before it accepts any such support.
4. In the event that Delta elects to seek high-cost funding in the non-rural wire centers of Illinois Bell, Delta shall file an appropriate revised five-year spending plan to account for appropriate use of all "high cost" USF support received. Delta commits to filing this plan within six weeks after notifying the Commission of any change that would render it eligible to receive USF "high cost" support.
5. Delta understands that, until Commission approval of its 5-year spending plan, and until its demonstration to the Commission that it satisfies all other conditions of the FCC's ETC Order such as would entitle it to high cost support, the Commission will not certify its eligibility for high-cost support to the FCC or the USAC.
6. Delta shall advertise to the public in its ETC-designated area the fact that it is offering the supported universal services and the charges for those services and the charges for those services in local circulation newspapers in each Applicant's serving areas. Delta shall also advertise to the public the availability of Lifeline and Link-Up services in a manner reasonably designed to reach those likely to qualify for such services, and in compliance with the requirements of 83 Ill. Adm. Code 757.
7. Delta acknowledges it may be required to provide Lifeline subscribers "equal access" to interexchange carriers of their choice.
8. Delta shall abide by its commitment to provide service throughout its ETC-designated service area to all customers who make a reasonable request for service, including all qualifying low-income customers.

9. Delta will comply with all applicable statutes and rules affecting ETC status and obligations thereunder.
10. Delta will comply with all annual reporting and certification requirements as set forth herein.
11. Should Delta fail to abide by any of these commitments, the Commission may, upon proper notice and hearing, revoke Delta's designation as an ETC.

IX. FINDINGS AND ORDERING PARAGRAPHS

The Commission, having reviewed the entire record herein and being fully advised in the premises, is of the opinion and finds that:

- (1) Delta Communications, Inc. d/b/a TSI Telephone Company is an Illinois corporation engaged in furnishing telecommunications services in Illinois and, as such, is a telecommunications carrier within the meaning of Section 13-202 of the PUA;
- (2) the Commission has jurisdiction over Delta and the subject matter of this proceeding;
- (3) the recitals of fact set forth in the prefatory portion of this Order are supported by the record and are hereby adopted as findings of fact;
- (4) the commitments and conditions found appropriate in this Order are hereby imposed with respect to the ETC designation to be granted herein, and the granting of such designation is subject to compliance with those conditions;
- (5) Delta shall be designated as an Eligible Telecommunications Carrier for purposes of receiving federal low-income Lifeline and Link-Up Universal Service support from the Federal Universal Service Fund with respect to the requested Lifeline and Linkup service, in the non-rural wire centers of Illinois Bell Telephone Company, Verizon North, Inc. – IL (Contel) and Verizon North, Inc. – IL, in Illinois.
- (6) Delta shall be designated as an Eligible Telecommunications Carrier for purposes of receiving federal high-income Interstate Access Service support from the Federal Universal Service Fund with respect to the Verizon North, Inc. – IL (Contel) and Verizon North, Inc. – IL areas in Illinois.

IT IS THEREFORE ORDERED that Delta Communications, LLC d/b/a Clearwave Communications is hereby designated, effective as of the date of this Order, an Eligible Telecommunications Carrier for purposes of receiving federal low-income Lifeline and Link-Up Universal Service support from the Federal Universal Service Fund for wireless services with respect to the requested ETC service areas, which consist of

Illinois Bell Telephone Company (Illinois Bell), Verizon North, Inc. – IL (Contel) and Verizon North, Inc. – IL, in Illinois.

IT IS FURTHER ORDERED that Delta Communications, LLC d/b/a Clearwave Communications is hereby designated, effective as of the date of this Order, an Eligible Telecommunications Carrier for purposes of receiving federal high-income Interstate Access Support from the Federal Universal Service Fund for wireless services with respect to the Verizon North, Inc. – IL (Contel) and Verizon North, Inc. – IL areas, in Illinois.

IT IS FURTHER ORDERED that Delta shall comply with the commitments and conditions set forth in Section VIII of this Order.

IT IS FURTHER ORDERED that subject to the provisions of Section 10-113 of the Public Utilities Act and 83 Ill. Adm. Code 200.880, this order is final; it is not subject to the Administrative Review Law.

By Order of the Commission this 10th day of September, 2009.

(SIGNED) CHARLES E. BOX

Chairman