

Public Service Commission of West Virginia

201 Brooks Street, P.O. Box 812
Charleston, West Virginia 25323

Michael A. Albert
Chairman



November 9, 2009

Received & Inspected

NOV 16 2009
FCC Mail Room

Marlene H. Dortch
Office of the Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

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

Re: Modification of 2010 Eligibility Certification for High Cost Support
Pursuant to 47 C.F.R. §§54.313, 54.314 and 54.316, CC Docket No.
96-45.

Dear Ms. Dortch and Ms. Majcher:

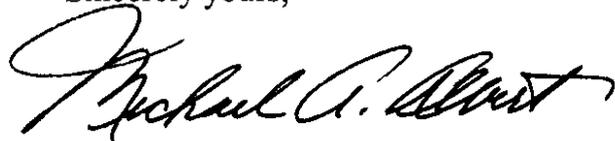
The Public Service Commission of West Virginia ("WV PSC") hereby modifies its annual certification of eligible telecommunications carriers ("ETCs") that are qualified to receive federal universal support in 2010. Following the entry of its Order of September 29, 2009, it came to the attention of the WV PSC that it was necessary to reopen its annual investigation into the eligibility of ETCs to receive federal universal service support pursuant to 47 C.F.R. §§54.301 - 54.314, and clarify that U.S. Cellular - including USCOC of Cumberland, Inc. and Hardy Cellular Telephone, Inc. - is both a rural and a non-rural ETC.

No. of Copies rec'd 0
List A B C D E

Marlene H. Dortch
Karen Majcher
November 9, 2009
Page 2

Therefore, please accept this letter as a modification of the September 29, 2009 certification letter. In all other respects, the September 29, 2009 certification is unchanged. A copy of the original certification letter and modification order are attached for your convenience.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Michael A. Albert". The signature is fluid and cursive, with a large initial "M" and "A".

Michael A. Albert
Chairman

RWC/klm
Enclosures

Public Service Commission
of West Virginia

COPY

201 Brooks Street, P.O. Box 812
Charleston, West Virginia 25323



September 28, 2009

Michael A. Albert
Chairman

Received & Inspected

NOV 18 2009
FCC Mail Room

Marlene H. Dortch
Office of the Secretary
Federal Communications Commission
9300 East Hampton Drive
Capitol Heights, MD 20743
(overnight mail)

(Duplicate copy to:)
Marlene H. Dortch
Office of the Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

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

Re: Certification of High Cost Support Pursuant to 47 C.F.R. §§54.313,
54.314 and 54.316, CC Docket No. 96-45

Dear Ms. Dortch and Ms. Majcher:

The Public Service Commission of West Virginia ("WVPSC") hereby submits its annual certification in accordance with 47 C.F.R. §§54.313, 54.314 and 54.316. These Federal Communications Commission ("FCC") rules require state certifications to allow non-rural and rural incumbent local exchange carriers, or eligible telecommunications carriers ("ETCs"), to receive federal universal service support pursuant to 47 C.F.R. §§54.301 - 54.314.

Ms. Dortch
Ms. Majcher
September 28, 2008
Page 2 of 6

I. Use of High Cost Support Certification – All Carriers.

As required by 47 C.F.R. §§54.313(a) and 54.314(a), the WVPSC certifies that the following carriers in West Virginia are eligible to receive federal support during January 1, 2010 to December 31, 2010:

1. Alltel Communications, LLC.
2. New Cingular Wireless PCS, LLC d/b/a AT & T Mobility
3. Armstrong Telephone Company - Northern Division
4. Armstrong Telephone Company - West Virginia
5. Citizens Telecommunications of West Virginia, Inc.
6. FiberNet, LLC
7. Gateway Telecom, LLC, dba StratusWave Communications, LLC
8. Hardy Telecommunications, Inc. CLEC
9. Hardy Telecommunications, Inc. ILEC
10. Sprint Nextel Corporation
11. Spruce Knob-Seneca Rocks Telephone, Inc.
12. USCOC of Cumberland and Hardy Cellular Telephone, Inc.
13. Verizon West Virginia Inc.
14. War Telecommunications
15. West Side Telecommunications
16. West Virginia PCS Alliance, LC dba NTELOS
17. TracFone Wireless

Attachment A to this letter lists these carriers, each carrier's Study Area Code ("SAC"), whether the carrier is rural or non-rural, and whether the carrier is an incumbent or competitive carrier. The WVPSC further certifies that these carriers will use federal universal service support only for the provision, maintenance and upgrading of facilities and services for which the support is intended, consistent with Section 254(e) of the Communications Act of 1934, as amended. This certification is the product of formal proceedings before the WVPSC. See, "Commission Order," General Investigation Regarding Certification of Federal Universal Service Funding for Eligible Telecommunications Carriers in West Virginia, Case No. 09-0784-T-GI (September 28, 2009) (attached hereto as Attachment B). With respect to Verizon West Virginia Inc. ("Verizon WV"), all federal universal service support received by Verizon WV is used to reduce monthly rates for single-line business and residential customers in West Virginia, and for

Ms. Dortch
Ms. Majcher
September 28, 2008
Page 3 of 6

network upgrades in high-cost areas, pursuant to an order of the WVPSC. See, "Commission Order," Verizon WV Inc., Case No. 05-1778-T-PC (April 3, 2006).

II. Rate Comparability Certification – Non-rural ILEC Service Areas.

A. Non-rural ILEC Rate Comparability Certification.

Verizon WV is West Virginia's only non-rural incumbent local exchange carrier (ILEC). As required by 47 C.F.R. §54.316(a), the WVPSC certifies that the rates charged by Verizon WV in rural areas of its ILEC service area are reasonably comparable to rates charged in urban areas nationwide. This certification is the result of formal proceedings before the WVPSC. See, "Commission Order" Case No. 09-0784-T-GI (September 28, 2009). In that case, the WVPSC found that the rates charged by Verizon WV to residential customers in rural areas of its ILEC service area are comparable to rates charged in urban areas nationwide for purposes of 47 U.S.C. §254(e). As set forth in the Order, three of the four residential calling plans available to all Verizon WV customers in West Virginia, including those in rural areas, have basic rates which fall below the national urban benchmark of \$36.52 per month set forth in the FCC's Reference Book on Rates, Price Indices and Expenditures for Telephone Service, (2008 Edition). The fourth calling plan, Frequent Caller, has basic rates that are slightly above the benchmark. The Commission finds the one cent that the Frequent Caller Plan exceeds the urban benchmark to be *de minimis*. The Commission's finding is also supported by the following facts:

- a. Since 1988, the rates charged to residential customers in West Virginia have been uniform throughout the state.
- b. "Local calling areas" are uniformly defined throughout West Virginia, and consist of all adjacent wire centers and wire centers within twenty-two air miles of the customer's home wire center. This means that every residential customer in every Verizon WV wire center in West Virginia, rural or urban, has a large local calling area, usually in excess of fifty miles in diameter. These large local calling areas benefit residential customers by reducing the need to make long distance calls for normal daily activities.
- c. Every residential customer in every Verizon WV wire center has the choice of the same four calling plans. Since the rate plans are optional, no customer is forced to purchase service under any particular plan.

Ms. Dortch
Ms. Majcher
September 28, 2008
Page 4 of 6

d. The Frequent Caller Plan is an optional calling plan that provides flat-rate local calling across a very large area. Customers do not have to choose that plan, since there are other alternative calling plans available from Verizon WV and competitive carriers. Moreover, that plan gives customers flat-rate local calling for calls that are normally billed as long distance calls in other, more urban states.

See, "Commission Order," Case No. 09-0784-T-GI (September 28, 2009).

B. Additional Rate Comparability Certification – Competitive ETCs.

The WVPSC has also reviewed the residential rates charged by competitive ETCs in rural areas of West Virginia served by Verizon WV and determined that the competitive ETCs' rates are reasonably comparable to urban rates nationwide. As noted in the attached order, most of these carriers offer residential rates to customers in rural wire centers served by Verizon WV that fall below the national urban benchmark of \$36.52 per month set forth in the FCC's Reference Book on Rates, Price Indices and Expenditures for Telephone Service, (2008 Edition). To the extent that some of the competitive ETCs offer basic calling plans with rates that are above the national urban benchmark, the WVPSC believes that those plans are nevertheless comparable to urban rates nationwide because the plans include calling features that are not federally supported, such as long distance calling and vertical services.

III. Conclusion.

On behalf of the people of West Virginia, the WVPSC expresses its appreciation for the FCC's efforts in arriving at a mechanism to provide support that will reduce monthly rates for the bulk of customers and make those rates more comparable to rates paid by consumers in other parts of the nation.

Sincerely,



Michael A. Albert
Chairman

RWC/tt
Enclosures

“ATTACHMENT A”

Rural and Non-Rural Carriers Certified to Receive High Cost Support

Carrier	SAC⁴	Rural/ Non-Rural⁵	Type⁶
Alltel Communications, Inc.	209008	N	C
Armstrong Telephone Company - Northern Division	200267	R	I
Armstrong Telephone Company - West Virginia	200256	R	I
Citizens Telecommunications of West Virginia, Inc.	200271	R	I
Citizens Telecommunications of West Virginia, Inc.	204338	R	I
Citizens Telecommunications of West Virginia, Inc.	204339	R	I
FiberNet, LLC	209002	N/R	C
Gateway Telecom, LLC, dba StratusWave Communications, LLC	209001	N	C
Hardy Telecommunications, Inc. (CLEC)	200259	R	C
Hardy Telecommunications, Inc. (ILEC)	200259	R	I
New Cingular Wireless PCS, LLC d/b/a AT & T Mobility	209012	N/R	C
Sprint Nextel Corporation	209007	N	C
Spruce Knob-Seneca Rocks Telephone, Inc.	200257	R	I
USCOC of Cumberland & Hardy Cellular Telephone, Inc.	209005	N	C
Verizon West Virginia Inc.	205050	N	I
War Telecommunications	200258	R	I
West Side Telecommunications	200277	R	I
West Virginia PCS Alliance, LC dba NTELOS	209909	N	C

⁴Study Area Code

⁵R - Rural Carrier; N - Non-Rural Carrier

⁶I- Incumbent; C - Competitive

ATTACHMENT "B"

Received & Inspected

**PUBLIC SERVICE COMMISSION
OF WEST VIRGINIA
CHARLESTON**NOV 16 2009
FCC Mail Room

At a session of the PUBLIC SERVICE COMMISSION OF WEST VIRGINIA in the City of Charleston on the 29th day of September 2009.

CASE NO. 09-0784-T-GI

GENERAL INVESTIGATION
REGARDING CERTIFICATION OF
FEDERAL UNIVERSAL SERVICE
FUNDING FOR ELIGIBLE
TELECOMMUNICATIONS CARRIERS
IN WEST VIRGINIA.

COMMISSION ORDER

The Commission finds that certain eligible telecommunications carriers ("ETCs") in West Virginia are appropriately using federal universal service funds ("USF") and that rates in rural areas served by non-rural incumbent carriers are comparable to rates charged in urban areas nationwide.

BACKGROUND

The Federal Communications Commission ("FCC") requires states to annually certify which carriers are eligible for USF and file a certificate stating that all federal high-cost funds flowing to rural and non-rural carriers in that state will be used in accordance with Section 254(e) of the Telecommunications Act of 1934 (as amended)¹ ("Act"). See, 47 U.S.C. §254(e), 47 C.F.R. §§54.313 and 54.314. If a state commission files a certification with the FCC prior to October 1, then USF for the next calendar year will be forwarded to rural and non-rural carriers. *Id.* Therefore, the Commission initiated this general investigation ("GI") regarding the certification of federal USF for ETCs in West Virginia for calendar year 2010.

¹This section states that federal USFs received by ETCs must be used "only for the provision, maintenance and upgrading of facilities and services for which the support is intended."

On March 17, 2005, the FCC strengthened its reporting requirements for ETCs to ensure that high-cost universal service support continues to be used for its intended purposes. See, In the Matter of Federal-State Joint Board on Universal Service, CC Docket No. 96-45, Report and Order, FCC 05-46 (Rel. March 17, 2005). The FCC encouraged state commissions to adopt the same annual reporting requirements for all ETCs, not just competitive ETCs. Id. at ¶ 71. The FCC also recognized that state commissions possess the authority to rescind ETC designations for failure of an ETC to comply with the requirements of section 214(e) of the Act or any conditions imposed by the state. Id. at ¶ 72. On May 17, 2005, this Commission adopted the annual reporting requirements of the FCC in addition to the reporting requirements of previous years, including the requirement that all ETCs file verified statements certifying that they use universal service support only for the provision, maintenance and upgrading of facilities and services for which the support is intended.

Pursuant to 47 C.F.R. §54.316, each state must annually review the residential rates in areas served by non-rural incumbent local exchange carriers to urban rates nationwide and certify to the FCC and Universal Service Administrative Company ("USAC") whether the rates are reasonably comparable. Verizon West Virginia Inc. ("Verizon WV") is the only non-rural incumbent local exchange carrier in West Virginia. Only carriers serving such non-rural service areas are required to make rate comparability certifications.

The Commission directed that the verified statements of the carriers be posted on the Commission website, directed that notice of its Order and the internet posting of the verified statements be published once in the Charleston Gazette and Charleston Daily Mail and invited interested persons to file comments with the Commission by July 16, 2009. See Commission Order, May 18, 2009.

On May 22, 2009, The Commission granted the petition to intervene filed by the Consumer Advocate Division.

The following ETCs filed their respective documentation and requests that the Commission certify to the FCC and the USAC their eligibility to continue to receive federal high-cost support in calendar year 2010:

1. Alltel Communications, LLC.
2. New Cingular Wireless PCS, LLC d/b/a AT & T Mobility
3. Armstrong Telephone Company - Northern Division
4. Armstrong Telephone Company - West Virginia
5. Citizens Telecommunications of West Virginia, Inc.
6. FiberNet, LLC
7. Gateway Telecom, LLC, dba StratusWave Communications, LLC
8. Hardy Telecommunications, Inc. CLEC
9. Hardy Telecommunications, Inc. ILEC
10. Sprint Nextel Corporation
11. Spruce Knob-Seneca Rocks Telephone, Inc.

12. USCOC of Cumberland and Hardy Cellular Telephone, Inc.
13. Verizon West Virginia Inc.
14. War Telecommunications
15. West Side Telecommunications
16. West Virginia PCS Alliance, LC dba NTELOS
17. TracFone Wireless

Staff filed a Final Joint Staff Memorandum recommending that the Commission certify to the FCC that the seventeen ETCs filing in this proceeding are adequately in compliance with all applicable ETC/USF requirements in the current reporting period. See, August 3, 2009 Staff Memorandum.

As of the date of this Order, all ETCs have filed a 2009 Lifeline disclosure. See, case file generally.

DISCUSSION

Use of High-Cost Support Certification - All Carriers

With regard to the use of USFs, the Commission finds and concludes that the following telecommunications carriers should be certified to receive Federal Universal Service support during calendar year 2010, because they use federal universal service support only for the provision, maintenance and upgrading of facilities and services for which the support is intended, consistent with Section 254(e) of the Act:

1. Alltel Communications, LLC.
2. New Cingular Wireless PCS, LLC d/b/a AT & T Mobility
3. Armstrong Telephone Company - Northern Division
4. Armstrong Telephone Company - West Virginia
5. Citizens Telecommunications of West Virginia, Inc.
6. FiberNet, LLC
7. Gateway Telecom, LLC, dba StratusWave Communications, LLC
8. Hardy Telecommunications, Inc. CLEC
9. Hardy Telecommunications, Inc. ILEC
10. Sprint Nextel Corporation
11. Spruce Knob-Seneca Rocks Telephone, Inc.
12. USCOC of Cumberland and Hardy Cellular Telephone, Inc.
13. Verizon West Virginia Inc.
14. War Telecommunications
15. West Side Telecommunications
16. West Virginia PCS Alliance, LC dba NTELOS
17. TracFone Wireless

Therefore, the Commission finds and concludes that it should certify by letter to the FCC and the USAC that all federal high-cost support will be used by the above-listed ETCs only for the provision, maintenance, and upgrading of facilities and services for which the support is intended, consistent with Section 254(e) of the Act.

Rate Comparability Certification - Non-rural ILEC Service Areas

The Commission concludes that the rates charged by the incumbent non-rural carrier, Verizon WV, to residential customers in rural areas of West Virginia are comparable to rates charged in urban areas for purposes of 47 U.S.C. §254(e). Three of the four residential calling plans available to all Verizon WV customers in West Virginia, including those in rural areas, have basic rates that fall below the national urban benchmark of \$36.52 per month set forth in the FCC's Reference Book on Rates, Price Indices and Expenditures for Telephone Service, (2008 Edition).² The fourth calling plan, Frequent Caller, has basic rates that are only \$1.02 above the benchmark (including federal excise taxes). The Commission finds that the one dollar and four cents by which the Frequent Caller plan exceeds the urban benchmark to be *de minimis*. The finding of the Commission is also supported by the following facts:

1. Since 1988 the rates charged to residential customers in West Virginia have been uniform geographically throughout the state.
2. "Local calling areas" are uniformly defined throughout West Virginia and consist of all adjacent wire centers and wire centers within twenty-two air miles of the customer's home wire center. This means that every residential customer in every Verizon WV wire center in West Virginia, rural or urban, has a large local calling area, usually in excess of fifty miles in diameter. These large local calling areas benefit residential customers by reducing the need to make long distance calls for normal daily activities.
3. Every residential customer in every Verizon WV wire center has the choice of the same four calling plans. Since the rate plans are optional, no customer is forced to purchase service under any particular plan.
4. The Frequent Caller Plan is an optional calling plan that provides flat-rate local calling across a very large area. Customers do not have to choose that plan, because there are other alternative calling plans available from Verizon WV and competitive carriers. Moreover, that plan gives customers flat-rate local calling for calls that are normally billed as long distance calls in other, more urban states.

²As of the date of this Order, the FCC has not released a 2009 Reference Book. The Commission has, therefore, used the 2008 national urban benchmark.

Additional Rate Comparability Certification - Competitive ETCs

The Commission also reviewed the comparability of the residential rates of competitive ETCs charged in rural areas of West Virginia served by Verizon WV and determined that they are reasonably comparable to rates charged in urban areas. Most of these carriers³ offer residential rates to customers in rural wire centers served by Verizon WV that fall below the national urban benchmark. To the extent that some of these competitive ETCs offer basic calling plans with rates that are above the national urban benchmark, the Commission finds that plans are nevertheless comparable to urban rates nationwide because these plans include calling features that are not federally supported such as long distance calling and vertical services, the existence of uniform residential rates, uniformly defined "local calling areas" in West Virginia and the existence of competitive carriers offering alternative calling plans.

Therefore, the Commission finds and concludes that it should certify by letter to the FCC and the USAC that residential rates in area served by Verizon WV are comparable to urban rates nationwide.

Annual Lifeline Verification Certifications

On July 10, 2007, the FCC issued Public Notice DA 07-3088, "Deadline for Annual Lifeline Verification Surveys," requiring ETCs in a state with its own state-based Low-income program to submit a certification, signed by an officer of the company to USAC by August 31 of each year, attesting that the ETC has complied with the state verification procedures. Pursuant to the notice of the FCC, each state with a state-based Low-income program is required to establish state-specific verification procedures. The state procedures should include how ETCs verify continued eligibility and to whom the results should be submitted.

W.Va. Code §24-2C-4 sets forth the procedures in West Virginia for its state-based low-income program called "Tel-Assistance." The West Virginia Department of Health and Human Resources ("DHHR") verifies initial and continuing eligibility of Tel-Assistance recipients. ETCs communicate with DHHR and verify continuing eligibility. The Commission is responsible for establishing the procedures governing the application for and providing of Tel-Assistance.

As directed in the May 18, 2009 Commission Order, all ETCs have filed an acceptable copy of the annual Lifeline verification certification.

³The Commission considered the filings of (1) Alltel Communications, Inc., (2) New Cingular Wireless PCS, LLC d/b/a AT & T Mobility, (3) Fibernet, LLC, (4) Gateway Telecom, LLC, dba StratusWave Communications, (5) Sprint Nextel Corporation, (6) USCOC of Cumberland and Hardy Cellular Telephone, Inc., and (7) West Virginia PCS Alliance, LC dba NTELOS.

Requests for Protective Treatment

A number of the filers in this matter requested protective treatment of certain information. The majority of the filers, however, did not request protective treatment. As it is possible to issue this Order and the corresponding certification letter without including any of the proprietary information, the Commission concludes that there is no need to rule on the requests for protective treatment at this time. The Commission shall direct its Executive Secretary to maintain such information separate and apart from the rest of the file. Should there be a request filed with the Commission in the future to make such information public, the Commission shall require the entity seeking protective treatment to argue its request for protective treatment at that time.

Requirements for Certification Filings for Next Year

In prior USF proceedings, the Commission directed all ETCs to file certain information with the Commission the following year, to assure that the Commission would have the necessary information available for its next certification letter to the FCC. The Commission shall similarly require such filings be made on or before July 1, 2010.

FINDINGS OF FACT

1. The Commission initiated this GI regarding the certification of federal USF for ETCs in West Virginia during calendar year 2010. See, May 18, 2009 Commission Order.
2. In accordance with the July 1, 2009 filing deadline, seventeen ETCs filed their respective documentation and requests that the Commission certify to the FCC and USAC their eligibility to continue to receive federal high-cost support in calendar year 2010. See, Case file generally.
3. Staff filed its Final Joint Staff Memorandum recommending that the Commission certify to the FCC that the seventeen ETCs filing in the instant proceeding are adequately in compliance with all applicable ETC/USF requirements in the current reporting period. See, August 3, 2009 Staff Memorandum.
4. All carriers filed a an acceptable copy of the 2009 Lifeline disclosure.

CONCLUSIONS OF LAW

1. The Commission finds and concludes that the following telecommunications carriers should be certified by letter to the FCC to receive Federal Universal Service support during calendar year 2009, because they use federal universal service support only for the provision, maintenance and upgrading of facilities and services for which the support is intended, consistent with Section 254(e) of the Act:

1. Alltel Communications, LLC.
2. New Cingular Wireless PCS, LLC d/b/a AT & T Mobility
3. Armstrong Telephone Company - Northern Division
4. Armstrong Telephone Company - West Virginia
5. Citizens Telecommunications of West Virginia, Inc.
6. FiberNet, LLC
7. Gateway Telecom, LLC, dba StratusWave Communications, LLC
8. Hardy Telecommunications, Inc. CLEC
9. Hardy Telecommunications, Inc. ILEC
10. Sprint Nextel Corporation
11. Spruce Knob-Seneca Rocks Telephone, Inc.
12. USCOC of Cumberland and Hardy Cellular Telephone, Inc.
13. Verizon West Virginia Inc.
14. War Telecommunications
15. West Side Telecommunications
16. West Virginia PCS Alliance, LC dba NTELOS
17. TracFone Wireless

2. The Commission concludes that the rates charged by the incumbent non-rural carrier, Verizon WV, to residential customers in rural areas of West Virginia are comparable to rates charged in urban areas nationwide for purposes of 47 U.S.C. §254(e).

3. The Commission concludes that the rates of competitive ETCs charged in rural areas of West Virginia served by Verizon WV are reasonably comparable to rates charged in urban areas nationwide.

4. To facilitate certification filings for next year, it is reasonable for the Commission to mandate specific filing requirements within this Order.

ORDER

IT IS THEREFORE ORDERED that a certification be issued to the FCC and USAC stating that the following carriers are using Federal Universal Service support only for the provision, maintenance and upgrading of facilities and services for which the support is intended, consistent with Section 254(e) of the Act:

1. Alltel Communications, LLC.
2. New Cingular Wireless PCS, LLC d/b/a AT & T Mobility
3. Armstrong Telephone Company - Northern Division
4. Armstrong Telephone Company - West Virginia
5. Citizens Telecommunications of West Virginia, Inc.
6. FiberNet, LLC
7. Gateway Telecom, LLC, dba StratusWave Communications, LLC

8. Hardy Telecommunications, Inc. CLEC
9. Hardy Telecommunications, Inc. ILEC
10. Sprint Nextel Corporation
11. Spruce Knob-Seneca Rocks Telephone, Inc.
12. USCOC of Cumberland and Hardy Cellular Telephone, Inc.
13. Verizon West Virginia Inc.
14. War Telecommunications
15. West Side Telecommunications
16. West Virginia PCS Alliance, LC dba NTELOS
17. TracFone Wireless

IT IS FURTHER ORDERED that it is appropriate to certify to the FCC and USAC that the above-stated carriers are eligible to continue receiving Federal Universal Service support for calendar year 2010, based on the verified statements submitted to the Commission.

IT IS FURTHER ORDERED that it is appropriate to certify to the FCC and USAC that the residential rates charged by Verizon WV and competitive ETCs in rural areas of West Virginia served by Verizon WV are reasonably comparable to urban rates nationwide.

IT IS FURTHER ORDERED that by July 1, 2010, regardless of whether the Commission has yet instituted the 2010 annual certification proceeding, all ETCs providing service in areas served by a non-rural incumbent local exchange carrier shall file, for the purposes of making the rate comparability determination, the following information:

- (1) Monthly line charge
- (2) Average monthly usage
- (3) Any federal subscriber line charge
- (4) Any federal universal service credit
- (5) Any federal universal service surcharge
- (6) Any local number portability surcharge
- (7) Any telecommunications relay service surcharge
- (8) Any E-911 surcharge
- (9) Federal excise tax
- (10) Any other mandatory surcharges that apply to their listed basic calling plan.

IT IS FURTHER ORDERED that on or before July 1, 2010, regardless of whether the Commission has yet instituted the 2010 annual certification proceeding, all ETCs designated by this Commission shall, in addition to the information detailed above for the then most recent calendar year, also file:

- (1) progress reports on the five-year service quality improvement plan for the ETC, including maps detailing progress towards meeting its plan targets, an

explanation of how much universal service support was received during the most recent calendar year, and how the support was used during that period 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) for the most recent calendar year, detailed information on any outage lasting at least thirty 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 911 special facility. 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 and wire centers affected by the outage; (5) steps taken to prevent a similar situation in the future; and (6) the number of customers affected;
- (3) the total number of requests for service from potential customers within its service areas that were unfulfilled for the most recent calendar year. The ETC must also detail how it attempted to provide service to those potential customers;
- (4) the total number of complaints and the number of complaints per thousand handsets or lines during the most recent calendar year;
- (5) certification that the ETC is complying with applicable service quality standards and consumer protection rules, *e.g.*, the Commission quality of service standards, and the CTIA Consumer Code for Wireless Service;
- (6) certification that the ETC is able to function in emergency situations including a description of the emergency facilities of the ETC;
- (7) certification that the ETC is offering a local usage plan comparable to that offered by the incumbent LEC in the relevant service areas;
- (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 ETC is providing equal access within the service area; and
- (9) their Study Area Code(s), whether the filer is a rural carrier and/or a non-rural carrier, and whether the filer is an incumbent or a competitive carrier.

IT IS FURTHER ORDERED that on or before July 1, 2010, all ETCs designated by this Commission shall file a copy of the annual Lifeline verification compliance certification referenced in FCC Public Notice DA 07-3088 and above.

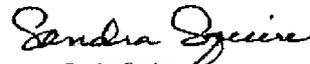
IT IS FURTHER ORDERED that the Executive Secretary of the Commission shall docket in this proceeding a copy of the Commission letter to the FCC issued pursuant to this order.

IT IS FURTHER ORDERED that the Executive Secretary shall maintain all confidential versions of ETC filings in this matter separate and apart from the rest of the file.

IT IS FURTHER ORDERED that, on entry hereof, this proceeding shall be removed from the Commission docket of active cases.

IT IS FURTHER ORDERED that the Executive Secretary of the Commission serve a copy of this order on all ETCs by United States First Class Mail and on Staff by hand delivery.

A True Copy, Teste:


Sandra Squire
Executive Secretary

RWC/tt
090784cb.wpd

**PUBLIC SERVICE COMMISSION
OF WEST VIRGINIA
CHARLESTON**

At a session of the PUBLIC SERVICE COMMISSION OF WEST VIRGINIA in the City of Charleston on the 9th day of November 2009.

CASE NO. 09-0784-T-GI

Received & Inspected

NOV 16 2009

FCC Mail Room

GENERAL INVESTIGATION REGARDING CERTIFICATION
OF FEDERAL UNIVERSAL SERVICE FUNDING FOR ELIGIBLE
TELECOMMUNICATIONS CARRIERS IN WEST VIRGINIA.

COMMISSION CORRECTIVE ORDER

The Commission reopens this matter and modifies its September 29, 2009 Order, and certifies USCOC of Cumberland, Inc. and Hardy Cellular Telephone, Inc. (collectively, "U.S. Cellular"), as both a rural and a non-rural eligible telecommunications carrier ("ETC") for federal high cost support.

BACKGROUND

On May 18, 2009, the Commission initiated a General Investigation into the eligibility of certain ETCs for universal service funding ("USF") during calendar year 2010. See, Commission Order.

The Federal Communications Commission ("FCC") requires states to annually certify which carriers are eligible for USF and file a certificate stating that all federal high-cost funds flowing to rural and non-rural carriers in that state will be used in accord with Section 254(e) of the Telecommunications Act of 1934 (as amended) ("Act"). See, 47 U.S.C. §254(e), 47 C.F.R. §§54.313 and 54.314. Each state must also review and compare the residential rates in areas served by non-rural incumbent local exchange carriers to urban rates nationwide and certify to the FCC and Universal Service Administrative Company ("USAC") whether the rates are reasonably comparable. See, 47 C.F.R. §54.316.

Seventeen ETCs filed documentation requesting that the Commission certify their eligibility to continue to receive federal high-cost support in calendar year 2010 to the FCC and USAC. See, Case file generally.

On July 1, 2009, U.S. Cellular filed documentation responding to the May 18, 2009 Commission Order. U.S. Cellular certified that it would use any USF support in accord with the Act. U.S. Cellular included a rate comparability analysis in its filing. See, U.S. Cellular filing.

CONCLUSION OF LAW

It is reasonable to reopen this matter to clarify that U.S. Cellular is both a rural and a non-rural ETC.

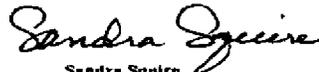
ORDER

IT IS THEREFORE ORDERED that this matter is reopened.

IT IS FURTHER ORDERED that the Commission modifies its September 29, 2009 certification to the FCC and USAC to designate U.S. Cellular, as both a rural and a non-rural ETC that is eligible to receive USF support throughout calendar year 2010.

IT IS FURTHER ORDERED that upon entry of this Order, the Executive Secretary of the Commission shall remove this matter from the Commission docket of active cases and serve a copy of this Order on all parties of record by United States First Class Mail and on Staff by hand delivery.

A True Copy. Testet


Sandra Squire
Executive Secretary

RWC/tt
090784d.wpd