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SUMMARY

The Public Utilities Commission of the State of Colorado (CoPUC or Petitioner) is filing this Petition pursuant to the provisions of 47 *Code of Federal Regulations* (CFR) § 54.207(c). Under that rule, a state commission may request (by petition) the Federal Communications Commission (FCC or Commission) agreement to define the service area of a rural telephone company to be an area other than the rural company's study area. Petitioner now seeks Commission agreement to redefine the service area of Nucla-Naturita Telephone Company (Nucla). Nucla is an incumbent rural telephone company operating within Colorado, and has been designated an Eligible Telecommunications Carrier (ETC) in its service area, in accordance with 47 CFR § 54.201.¹ As discussed below, agreement with the redefinition is in the public interest and will further federal and state goals of encouraging competition in the telecommunications marketplace.

Presently, Nucla's service area (*i.e.*, its study area)² in Colorado comprises five separate wire centers. Four out of five of those wire centers are contiguous, and together the five wire centers encompass a large geographic area that includes geographically diverse regions of the state. The size and topography of Nucla's service area are such that potential new entrants will find it burdensome to serve the entirety of that area all at once. Under federal law, any telephone company seeking certification as a competitive ETC in Nucla's service area must stand ready to provide supported services throughout the entirety of Nucla's expansive service area. That requirement is excessively burdensome for any potential new entrant.

¹ Designation as an ETC enables Nucla to receive federal universal service support under Commission rules.

² A rural company's service area is defined as its study area, until the state commission and the Commission both agree to redefine that company's service area. *See* 47 CFR § 54.207(b).

On November 14, 2008, NNTC Wireless Company, LLC (NNTC), a wireless subsidiary of Nucla, filed an application with the CoPUC for designation as a competitive ETC for federal Universal Service Fund (USF) and as an eligible provider for Colorado High Cost Support Mechanism (CHCSM) support in the Nucla, Naturita, and Paradox exchanges which are served by Nucla, and the Norwood exchange³ which is served by CenturyTel of Eagle, Inc., doing business as CenturyLink. CenturyTel of Eagle, Inc. has redefined its study area to the wire center exchange. However, before NNTC can receive USF or CHCSM support for the Nucla exchanges, Nucla's study area must be redefined to the wire center level and, pursuant to Section 214e(5) of the Telecommunications Act of 1996 (the Act), both the FCC and CoPUC must agree to any redefinition of Nucla's study area. The CoPUC decision to grant NNTC's application, attached hereto as Attachment 1,⁴ concluded that it was in the public interest to designate NNTC as an ETC and to redefine Nucla's study area to the wire center level.

NNTC is licensed to provide cellular mobile telecommunications and personal communications service (PCS). NNTC is a subsidiary of Nucla and provides service in BTA 168 (PCS, Block E) under Call Sign WQEB688. NNTC is a telecommunications carrier, as defined in 47 U.S.C. § 153(44), and qualifies as a common carrier under Section 153(10) of the Act, as well as 47 CFR § 20.9(a)(11) of the FCC rules.

³ See CC Docket No. 96-45, *In the Matter of the Petition by the Colorado Public Utilities Commission, Pursuant to 47 C.F.R. § 54.207(c), for Commission Agreement in Redefining the Service Area of CenturyTel of Eagle, Inc., A Rural Telephone Company* (CenturyTel Petition). No adverse FCC decision was issued.

⁴ CoPUC Decision No. C11-0757 (issued July 13, 2011) (CoPUC Decision on Application for Rehearing, Reargument, or Reconsideration) was the final CoPUC decision in Docket No. 08A-508T (*In the Matter of the Application of NNTC Wireless Company, LLC, for Designation as an Eligible Telecommunications Carrier and Eligible Provider in the State of Colorado*). Other notable decisions in Docket No. 08A-508T include Decision No. R11-0218 (issued March 1, 2011) (ALJ Decision granting application with conditions) and Decision No. C11-0551 (issued May 23, 2011) (CoPUC decision on Exceptions).

Petitioner notes that Nucla elected to disaggregate and target universal service support pursuant to Path 2. *See* 47 CFR § 54.315(c). That is, Nucla sought approval from CoPUC of its method of disaggregating universal service support by filing an application for such approval with CoPUC. CoPUC set Nucla's application for hearing before an Administrative Law Judge (ALJ). Nucla entered into a Stipulation and Settlement Agreement (Settlement) with CoPUC's Trial Staff and the Colorado Office of Consumer Counsel⁵ in which it agreed to disaggregate its universal service support to the wire center level. That Settlement was approved by the ALJ, and became a decision of the CoPUC by operation of law.

CoPUC adopted rules directing that a rural company's selected path for disaggregation of universal service support (under Rule 54.315) will also serve as its new service area. Since universal service support for Nucla has already been disaggregated and targeted, no reason exists to delay redefinition of its service area. CoPUC, in this Petition, requests Commission agreement that Nucla's service area be redefined to the wire center level.

I. INTRODUCTION

CoPUC is a state commission as that term is defined in 47 U.S.C. § 153(41). *See* § 40-2-101, C.R.S. Pursuant to 47 CFR § 54.207, the rule implementing 47 U.S.C. § 214(e)(5) of the Act, CoPUC petitions the Commission for agreement with CoPUC's study area redefinition for Nucla (Study Area Code 462193). Nucla is a rural telephone company, and, therefore, under 47 U.S.C § 214(e)(5), both the Commission and CoPUC must agree if Nucla's study area is to be redefined as an area other than its study area.

⁵ The Office of Consumer Counsel is the statutory consumer advocate in Colorado. *See* §§ 40-6.5-101 *et seq.*, C.R.S.

By this Petition, CoPUC seeks service area redefinition which differs from Nucla's study area. Specifically, Petitioner requests Commission agreement to redefine Nucla's study area consistent with Nucla's recently approved method of disaggregating and targeting its federal universal service support. Nucla filed with CoPUC (on November 17, 2011) its plan to redefine and target high-cost universal support. Under a subsequent Stipulation and Settlement Agreement filed with CoPUC on March 14, 2012 (Settlement Agreement), Nucla, in accordance with 47 CFR § 54.315, agreed to disaggregate support under Path 2 (47 CFR § 54.315(c)). The ALJ assigned to the application recommended approval of the Settlement in which Nucla and other parties to the proceeding agreed to disaggregate Nucla's universal service support to the exchange or wire center level. The Settlement between Nucla, CoPUC Trial Staff, and the Colorado Office of Consumer Counsel is appended to this Petition as Attachment 2. The ALJ's Recommended Decision approving the Settlement is appended here as Attachment 3.

As more fully articulated below, Petitioner now seeks Commission agreement to designate each individual wire center of Nucla as a separate service area for the purpose of designating competitive ETCs in Nucla's territory. Such action will promote competition in Nucla's service area.

II. Petition For Concurrence WITH COPUC'S ESTABLISHMENT OF SERVICE AREAS AS THE RESPECTIVE INDIVIDUAL WIRE CENTERS OF NUCLA-NATURITA TELEPHONE COMPANY

A. Applicable Law

The Act requires designation of ETCs for the purpose of implementing its universal service provisions. Under the Act, state commissions are to designate companies as ETCs for specific "service areas." *See* 47 U.S.C. § 214(e)(2). The term "service area" is defined in 47 U.S.C. § 214(e)(5) as:

[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.

Therefore, in the case of a rural telephone company such as Nucla, the company's service area is its study area until both the state commission and the Commission itself agree on a different service area.

Commission Rule 47 CFR § 54.207(e)(1) implements § 214(e)(5). In particular, the rule provides:

(1) A state commission or other party seeking the Commission's agreement in redefining a service area served by a rural telephone company shall submit a petition to the Commission. The petition shall contain:

- (i) The definition proposed by the state commission; and
- (ii) The state commission's ruling or other official statement presenting the state commission's reasons for adopting its proposed definition, including an analysis that takes into account the recommendations of any Federal-State Joint Board convened to provide recommendations with respect to the definition of a service area served by a rural telephone company.

The designation of service areas impacts the ease with which competition can enter rural areas. Specifically, 47 U.S.C. § 214(e)(1) of the Act, in part, requires any company seeking designation as an ETC to provide the services supported by the federal universal service support mechanism “throughout the service area” for which the designation is sought. *Accord*, 47 CFR § 54.201(d). The broader the service area, the more daunting the task facing a potential competitor seeking to enter the market as a competitive ETC within a rural exchange area.

For example, in Nucla's service area, no company could receive designation as a competitive ETC unless it is able to provide service in five separate wire centers in a large geographically disparate region of the state. As explained below, this constitutes a significant barrier to entry. Specifically, without disaggregation of Nucla's study area, potential competitors desiring to serve even in substantial portions of Nucla's study area, but not in the entirety of that area, cannot be designated ETCs. Therefore, competitors cannot receive the kind of universal service support now being received by Nucla.

B. Service Areas Proposed by CoPUC.

Petitioner requests agreement to redefine Nucla's study area to the wire center level, the same method the CoPUC has relied upon in redefining most of the service areas of rural local exchange carriers (LECs) in Colorado. As stated above, Nucla elected to disaggregate universal service support pursuant to the Path 2 method (47 CFR § 54.315(c)) reflected in the Settlement (Attachment 2). In the Settlement now approved by CoPUC, Nucla agreed to disaggregate universal service support to the wire center level for each of its five wire centers. COPUC now suggests that each of Nucla's five wire centers be designated as separate service areas.

C. CoPUC's Adopted Rules Provide that a Rural Carrier's Method for Disaggregating Universal Service Support Shall also Function as the Method For Redefining Service Areas.

In Docket No. 01R-434T, CoPUC adopted rules relating to universal service support partly in response to the Commission's decisions in *In the Matter of Federal-State Joint Board on Universal Service, Fourteenth Report and Order, Twenty-Second Order on Reconsideration, and Further Notice of Proposed Rulemaking in CC Docket No. 96-45, and Report and Order in CC Docket No. 00-256*, 16 FCC Rcd. 11244 (May 23, 2001) (Fourteenth Report and Order).

CoPUC's rules became effective on June 30, 2002. CoPUC's Rules Regulating Telecommunications Providers, Services, and Products, 4 *Code of Colorado Regulations* (CCR) 723-2-2190 (which adopted former Rule 10 in all relevant respects) follows the Commission's Rule 54.315 by directing rural ETCs to disaggregate universal service support pursuant to Path 1, 2, or 3—the same Paths established by the Commission. Notably, CoPUC's Rule 4 CCR 723-2-2191(a) (which adopted former Rule 11 in all relevant respects) then provides:

The Commission shall use the disaggregation plans of each rural ILEC established pursuant to rule 2190 not only for disaggregation of Colorado HCSM support, but also for the disaggregation of the study area of the rural ILEC pursuant to 47 C.F.R. 54.207 into smaller discrete service areas.

(CoPUC Rules 2190 and 2191 are appended to this Petition as Attachment 4.) Therefore, CoPUC's rules provide that Nucla's existing study area should be redefined in accordance with the Path 2 method Nucla elected for purposes of disaggregating support (*i.e.*, to the wire center level).

As indicated in the decisions in which CoPUC adopted Rules 10 and 11 (Attachment 5, Decision No. C02-319 (Docket No. 01R-434T issued March 18, 2002), Ruling on Exceptions,⁶ and Attachment 6, Decision No. C02-0530 (Docket No. 01R-434T issued May 7, 2002), Decision Denying Application for Rehearing, Reargument, or Reconsideration), rural telephone carriers, such as Nucla, actively participated in CoPUC's rulemaking docket through their association, the Colorado Telecommunications Association (CTA). Attachments 5 and 6 indicate that CoPUC carefully considered CTA's objections to redefining rural service areas consistent with the method for disaggregating universal service support. In those decisions, CoPUC determined that, once support has been targeted to specific geographic areas,

⁶ In this decision, the Commission did consider the Joint Board's recommendations regarding the definition of rural service areas. CoPUC's decision adopting the rules in Docket No. 01R-434T also takes into account the Joint Board's recommendations, in part, through its considerations of the Fourteenth Report and Order.

no justification exists to delay the redefinition of service areas in the same manner. Such delay, in fact, would be anticompetitive. CoPUC noted that, in prior cases, other carriers (e.g., Western Wireless and Northeast Colorado Cellular) had sought designation as competitive ETCs in various rural areas. Those carriers were unable to obtain that designation in some areas because they lacked the facilities to provide service throughout the entirety of those service areas. The decisions point out that after universal service support for rural carriers is disaggregated, concerns about cream skimming by competitive ETCs would no longer exist.

For reasons such as these, CoPUC determined that the method of targeting universal service support should also be the method for defining a rural carrier's service areas, and CoPUC's Rule 2191 reflects that determination. Consistent with those findings and Rule 2191 itself, Petitioner suggests that Nucla's service area be redefined as set forth here.

D. Defining Nucla's Service Areas to the Wire Center Level is Consistent with the Recommendations of the Joint Board.

Section 214(e)(5) and Commission Rule 54.207(c)(1) require that the state commission and the Commission itself, when seeking to redefine a rural service area, take into account the recommendations of the Joint Board regarding areas served by rural telephone companies. CoPUC asserts that redefining Nucla's service area in accordance with this Petition is consistent with the Joint Board's recommendations.

The Joint Board originally recommended that rural service areas remain the study areas of those companies, but implied that its recommendation might change as circumstances change. *Federal-State Joint Board on Universal Service in CC Docket No. 96-45*, 12 FCC Rcd. 87, para. 172 (November 8, 1996) (Joint Board Recommendation). The Joint Board stated three reasons for recommending retention of the study area as the service area at that time.

First, the Joint Board noted that some commenting parties expressed concern about cream skimming. By retaining a larger study area, the Joint Board observed, the potential for cream skimming would be minimized, because competitors, as a condition of eligibility, would be required to provide services throughout the rural telephone company's study area. Competitors, thus, would not be eligible for universal service support if they sought to serve only the lowest cost portions of a rural telephone company's study area. *Id.* Second, the Joint Board noted that the Act "in many respects places rural telephone companies on a different competitive footing with other local exchange companies." *See* Joint Board Recommendation, para. 173. Finally, the Joint Board expressed concern about the administrative difficulties rural companies may encounter in calculating costs at something other than a study area level. *See* Joint Board Recommendation, para. 174.

As reflected in the Commission's Fourteenth Report and Order, paras. 136-164, the Joint Board (through its Rural Task Force) has issued recommendations on redefining rural service areas. The Fourteenth Report and Order (para. 137) noted the Joint Board's continuing concern with cream skimming or "arbitrage" by competitive ETCs in rural service areas. In response to that concern, the Joint Board recommended that rural carriers be permitted to disaggregate and target universal service support under one of three Paths.⁷ Finally, the Commission, in the Fourteenth Report and Order, observed:

[W]e note the Rural Task Force recommended that the level of disaggregation of support be considered in determining whether to certify new eligible telecommunications carriers for a service area other than the entire study area of rural carrier study area. We believe that the level of disaggregation of support should be considered in determining whether to certify new eligible telecommunications carriers for a service area other than a rural carrier's entire study area to ensure that competitive neutrality

⁷ In fact, the Commission accepted the Joint Board's recommendation by directing rural companies to disaggregate support under Path 1, 2 or 3. *See* 47 CFR § 54.315.

is maintained between incumbent carriers and competitive eligible telecommunications carriers.

Fourteenth Report and Order, para. 164.

CoPUC's suggestion to redefine Nucla's service area addresses the concerns expressed by the Joint Board. Perhaps the Joint Board's greatest concern with defining a rural company's service area to be something other than its study area is the possibility of cream skimming or arbitrage by competitive ETCs. However, the disaggregation and targeting of universal service support under Rule 54.315—provisions recommended by the Joint Board itself—largely eliminate this possibility. In adopting Rule 11 (now part of Rule 2191), which states that the method for disaggregating support shall also serve as the method for redefining rural service areas, CoPUC noted that disaggregation and targeting of universal service support resolved concerns about cream skimming.

In this specific case, Petitioner notes that, pursuant to Rule 54.315, Nucla itself agreed to disaggregate and target universal service support in its service area under Path 2. Specifically, the Settlement agreed to by Nucla in its Path 2 application before CoPUC: (1) disaggregates Nucla Study Area support according to Nucla's five wire centers; (and 2) allocates support per line in each wire center area and per zone for USF support, Long Term Support, Interstate Common Line Support, and LSS support. A detailed rationale and explanation of the method for disaggregating Nucla's universal service support is contained in Exhibit A of Attachment 2. In light of these provisions, the possibility of cream skimming by competitive ETCs in Nucla's service territory has been minimized, if not eliminated. Competitive ETCs will not be eligible for universal service support at a uniform amount per access line throughout Nucla's territory. If they choose to serve in Nucla's lower cost wire centers only, they will receive support at lower amounts per access line.

The Recommended Decision by the ALJ (Attachment 3) approved the Settlement in its entirety, including the proposed method for disaggregating support. Decision No. R12-0417 issued in Docket No. 11A-938T on April 20, 2012 (Attachment 3), became the decision of the CoPUC by operation of law. *See* § 40-6-114, C.R.S.

The above discussion points out that the Joint Board (through the Rural Task Force) specifically recommended that the level of disaggregation of support be considered in determining whether to certify new ETCs for a service area other than the entire rural study area. Petitioner's suggestion here is consistent with that specific recommendation by the Joint Board.

As noted above, in addressing the issue of redefining rural service areas, the Joint Board also expressed concern that rural carriers may find it administratively difficult to recalculate universal service support for service areas different than their study area. The above discussion, however, indicates that Nucla has already calculated support to the wire center level. Therefore, there can be no concern here that Nucla will find it burdensome or even difficult to calculate universal service support based on its wire centers.

E. The Act's Procompetitive Policies Suggest Establishment of Service Areas at the Wire Center Level for Nucla.

Petitioner notes that, in the *Highland Cellular* decision,⁸ the Commission declared that an entire rural incumbent LEC wire center "is an appropriate minimum geographic area for ETC designation" The Commission reiterated this finding in the ETC Report and Order.⁹ Nucla's designated ETC service area does not include any partial rural incumbent LEC wire centers. Accordingly, the instant request for concurrence with redefinition to the wire center level, and not below the wire center level, is consistent with Commission policy.

⁸ Federal-State Joint Board on Universal Service, *Highland Cellular, Inc.*, CC Docket No. 96-45, Memorandum Opinion and Order, 19 FCC Red 6422, 6438 (2004) ("*Highland Cellular*").

⁹ *See* ETC Report and Order, 20 FCC Red at 6405.

Entry of competitive ETCs into Nucla's service areas will promote competition in the local exchange market in that region of the state. Petitioner suggests, however, that unless Nucla's study area/service area is redefined, competition and its attendant benefits will likely be limited in these regions. Specifically, Petitioner notes that given the present configuration of Nucla's study area/service area, potential competitors are unlikely to apply for designation as an ETC because of the difficulty of serving all of Nucla's study area. Without such designation, potential competitors would not be eligible for the kind of universal service support Nucla is receiving.

CoPUC notes that Nucla's study area—and therefore its present service area comprises five separate, geographically diverse wire centers. That study area is approximately 2,581 square miles. *See* Attachment 7. One of these wire centers is not contiguous with the other four.¹⁰ Nucla's study area includes cities, towns, valleys, and mountainous areas. It would be difficult for a competitive local exchange carrier to enter into all of Nucla's study area at once. Therefore, maintaining Nucla's rural service area in a multiple exchange configuration will, in effect, preclude potential competitive providers from seeking ETC designation even for wire centers where those companies can provide service, and can meet all other requirements for designation as an ETC. Nucla will receive universal service support, but potential competitive providers will not. This circumstance is a barrier to entry.

As explained above, there are no countervailing considerations (*e.g.*, the possibility of cream skimming by new entrants) which counsel against designation of competitive ETCs in Nucla's wire centers. As such, universal service support should be available to competitive providers offering supported services in any Nucla wire center.

¹⁰ The Arrowhead wire center central office is approximately 61 air miles from the Nucla wire center central office. *See* Attachment 7.

F. The FCC Should Concur with the Redefinition of Nucla's Study Area Regardless of the ICC/USF Order

On November 18, 2011, the FCC released the ICC/USF Reform Order that reforms the universal service support system and transitions the system to the Connect America Fund (CAF).¹¹ This ICC/USF Transformation Order (also known as the CAF Order) eliminated the identical support rule contained in 47 CFR § 54.307(a)(1) and froze each competitive ETC's support received as of December 31, 2011, but did allow for legacy identical support to continue over a certain period, decreasing the legacy amounts recoverable by 20 percent per year. The ICC/USF Transformation Order concluded that the legacy high-cost support received by competitive eligible telecommunications carriers (CETCs) for 2011 or an amount equal to \$3,000 times the number of reported lines for 2011, whichever is lower, should be used to set their baseline level of support for the phase-down transition, starting in 2012.

On December 29, 2011, T-Mobile USA, Inc. (T-Mobile) filed a Petition for Reconsideration or Clarification (the T-Mobile PFR) asking the Commission to clarify the level of high-cost USF support CETCs are to receive during the phase-down of high-cost support for CETCs established in the ICC/USF Reform Order. The T-Mobile PFR asks for the following relief:

In the case of a carrier granted ETC status in 2011 that received support for part of 2011, the total amount of support received for 2011 should be divided by the number of months for which it received support in 2011, rather than by 12, in order to calculate the "monthly baseline support amount." In the case of a carrier that filed an ETC application prior to adoption of the *CAF Order* that is granted too late to receive support for 2011, the "monthly baseline support amount" should be equal to

¹¹ See, *In the Matter of Connect America Fund, A National Broadband Plan for Our Future, Establishing Just and Reasonable Rate for Local Exchange Carriers, High-Cost Universal Service Support, Developing an Unified Intercarrier Compensation Regime, Federal-State Joint Board on Universal Service, Lifeline and Link-Up, Universal Service Reform – Mobility Fund*, WC Docket 10-90, GN Docket No. 09-51, WC Docket No. 0-7-135, WC Docket No. 05-337, CC Docket No. 01-92, CC Docket No. 96-45, WC Docket 03-109, WT Docket No. 10-208, *Report and Order and Further Notice of Proposed Rulemaking*, FCC 11-161 (rel. Nov. 18, 2011)(ICC/USF Reform Order or CAF Order).

the average monthly amount of high-cost support that the carrier would have received for 2011 if it had been designated an ETC and received support for 2011 under the prior rules.

See T-Mobile PFR at p. 13. If the T-Mobile PFR is granted, a competitive ETC would continue to be eligible for legacy USF funding even though it did not receive funding in 2011. For those carriers that seek ETC status for support other than legacy USF funding, the FCC recently ruled that disaggregation is no longer a requirement. See CAF Docket, *Report and Order and Further Notice of Proposed Rulemaking*, FCC 12-147 at ¶ 16 (rel. Feb. 3, 2012), which provides:

Elimination of Section 54.315 (Disaggregation). Section 54.315 of the Commission's rules permits incumbent local exchange carriers to target the high-cost universal service support they receive to specific areas within their study areas based on the relative costs of serving those areas. This disaggregation of support was intended to ensure that competitive ETCs receive an appropriate per-line support amount for the various areas within the incumbent study area, rather than a single, undifferentiated per-line support amount for the entire study area. Because the Commission eliminated the identical support rule in the *USF/ICC Transformation Order* and competitive ETCs therefore no longer receive support based on incumbent support amounts, the Commission's disaggregation rule is now obsolete. Because this rule is obsolete, we find good cause to delete it without notice and comment. [Footnotes omitted].

As set forth in the Settlement Agreement (Attachment 2), the Parties understand that the FCC's ICC/USF Reform Order froze USF support to competitive ETCs receiving support as of December 31, 2011, and that competitive ETCs designated after that date will not be eligible for identical support unless the T-Mobile PFR is granted. While disaggregation is no longer required by the FCC for carriers seeking non-legacy support from the USF, disaggregation remains a requirement under CoPUC Rules 2190 and 2191 for Path 2 and Path 3 providers and Nucla has agreed to disaggregation as a condition of settlement for supporting redefinition.¹² Regardless of the outcome of the T-Mobile PFR, the Commission should concur with CoPUC's

¹² The CoPUC will use Nucla's disaggregation plan to distribute identical support to competitive eligible providers from the CHCSM.

establishment of service areas for Nucla as the individual wire centers of Nucla, as Competitive ETCs, such as NNTC, may participate in the Connect America Fund.

CONCLUSION

CoPUC submits that rural areas of Colorado should not be left behind in the move to greater competition in the local exchange market. CoPUC concludes that the procompetitive goals of the Act would best be served by the designation of smaller service areas, to the wire center level, for Nucla. The relief proposed in this Petition is exactly the same in all material respects as that granted by the FCC and state commissions to numerous other carriers throughout the country, and the Commission is well within its authority to grant its prompt concurrence. CoPUC submits that the benefits of such concurrence will inure to rural consumers who desire competitive services in Nucla's study area. Accordingly, Petitioner requests that, in accordance with 47 U.S.C. § 214(e)(5) and Commission Rule 47 CFR § 54.207, the FCC concurs with CoPUC's establishment of service areas for Nucla as the individual wire centers of Nucla. Each individual wire center of Nucla should be established as a separate service area for the designation of competitive ETCs.

DATED June 18, 2012

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JOSHUA B. EPEL

JAMES K. TARPEY

Commissioners

ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Doug Dean".

Doug Dean,
Director

COMMISSIONER MATT BAKER
RESIGNED EFFECTIVE MAY 11, 2012.