

## **Exhibit A**

### **Declaration of Tisha Lake**

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

In the Matter of	)	
	)	
Connect America Fund	)	WC Docket No. 10-90
	)	
Universal Service High-Cost Filing Deadlines	)	WC Docket No. 08-71
	)	
Petition of Virgin Islands Telephone Corp. d/b/a Innovative Telephone for Waiver of Section 54.904(d) of the Commission's Rules	)	
	)	
	)	

**DECLARATION OF TISHA LAKE**

1. My name is Tisha Lake. I am the Controller for the Virgin Islands Telephone Corp. d/b/a Innovative Telephone (“Innovative” or “Company”). My business address is 4611 Tutu Park, Suite 200, St. Thomas, VI 00802.

2. I am a graduate of Washington Adventist University (formerly known as Columbia Union College) with Bachelor of Science degrees in Accounting (*Cum Laude*) and Information Systems (*Magna Cum Laude*). My professional background includes 11 years of experience with Innovative. I joined the Company as a financial analyst working primarily with carrier access billing system (“CABS”) billing and operating expense budgets. In this role, I also assisted with occasional regulatory filings, various accounting tasks, and special projects. After eight years as a financial analyst, I was promoted to the position of manager of Innovative’s Accounting Department. My responsibilities expanded to include regulatory reporting for Innovative. After two years, I was promoted to my current position of Controller. Among other

responsibilities, I oversee the preparation of regulatory filings that are required of Innovative, including universal service certifications.

3. I am submitting this Declaration in support of Innovative's petition requesting the Federal Communications Commission ("FCC" or "Commission") to waive the July 2, 2012 filing deadline to submit the Interstate Common Line Support ("ICLS") annual certification.

4. Innovative is a small company. There are only two other employees in my group, which is tasked with regulatory compliance matters. Our work has been particularly difficult over the past year as we have attempted to understand and implement the FCC's reforms to the high-cost universal service program, intercarrier compensation system, and federal Lifeline program. These reforms required significant changes to the Company's operations, which have been challenging to administer.

5. In my review of the Commission's new universal service rules, I thought that new section 54.313 of the Commission's rules, which sets forth reporting and certification requirements for recipients of high-cost support, were the only certifications required. With the new section 54.313 certification, it was my understanding that Innovative no longer was required to file the certification set forth in section 54.904(a) of the Commission's rules.

6. Due to its limited resources, Innovative partially relies on information provided by the National Exchange Carrier Association, Inc. ("NECA") to ensure compliance with its regulatory obligations. To understand what information the Company was required to file with the FCC by July 2, 2012, I reviewed notices from NECA explaining the filing obligations of ETCs following the Commission's recent reforms. In particular, I relied upon two notices from NECA that reinforced my understanding of Innovative's reporting obligations as a recipient of high-cost universal service support. The first notice was dated June 8, 2012 and entitled "For

Your Action - FCC Reporting Requirements for 2012,” and the second notice was dated June 14, 2012 and entitled “For Your Action – Clarification on FCC Reporting Requirements for 2012.” Each notice purported to embody NECA’s understanding of the information that ETCs were required to file with the Commission by July 2, 2012. In each notice, NECA identified the certifications required by section 54.313 of the Commission’s rules. In neither notice did NECA identify the ICLS annual certification required by section 54.904(a).<sup>1</sup> Copies of these notices are attached as Appendix 1 to my Declaration. To confirm my understanding of Innovative’s reporting obligations, I also consulted expert third-party sources that did not identify an ICLS annual certification being due on July 2, 2012.

7. On June 29, 2012, Innovative filed the information and certifications required by section 54.313 of the Commission’s rules. I believed that this filing satisfied Innovative’s obligations as a recipient of high-cost universal service support, including ICLS. After the July 2, 2012 deadline passed, I reviewed USAC’s website and noticed a reference to an ICLS annual certification filed by another carrier in 2012. This reference led me to believe that I may have misunderstood Innovative’s reporting obligations. Innovative promptly filed its ICLS annual certification with the FCC on July 13, 2012. Following this incident, I contacted USAC and confirmed that the Company should have filed its ICLS annual certification by July 2, 2012.

8. Innovative appreciates the importance of filing the information and certifications required by the Commission’s rules by the set deadline. Innovative recognizes that it should have clarified its specific ICLS reporting obligations by contacting USAC or an expert third

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<sup>1</sup> The calendar attached to the June 8, 2012 notice reflected a June 29, 2012 deadline for Common Line Pool members to submit the ICLS “Use Certification” to NECA. I overlooked this reference because I was focused on the July 2, 2012 calendar deadline, which did not list the ICLS annual certification as a submission required by that date. Moreover, Innovative is not a Common Line Pool member.

party. Going forward, Innovative's management will confirm the Company's understanding of its reporting obligations as a recipient of high-cost universal support with USAC, outside counsel, or a consultant in advance of filing deadlines. Management also will meet with staff each week to review Innovative's reporting calendars to ensure timely and complete compliance with the Company's reporting obligations.

9. Innovative stands to lose more than \$1 million in ICLS each month if its petition for a waiver is not granted. The Company depends on universal service support to fulfill its universal service obligations and serve the residents of the United States Virgin Islands. Should the Commission deny Innovative's request for a waiver, the Company, and its customers, will be significantly harmed.

I, Tisha Lake, hereby declare that the foregoing is true and correct to the best of my knowledge, information and belief.

  
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Tisha Lake

## **Appendix 1**

### **Notices from the National Exchange Carrier Association, Inc.**



80 South Jefferson Road  
Whippany, NJ 07981

**Carol A. Brennan**  
Vice President  
Industry Relations  
PH 303-893-4402  
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[cbrennan@neca.org](mailto:cbrennan@neca.org)

Eastern Region  
PH 800-228-8398  
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Midwest Region  
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FX 800-323-8402

Southern Region  
PH 800-223-7751  
FX 800-551-3038

Southwestern Region  
PH 800-351-9033  
FX 800-774-2481

Western Region  
PH 800-892-3322  
FX 800-551-1328

North Central Region  
PH 800-228-0180  
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**For your action**  
**FCC Reporting Requirements for 2012**

June 8, 2012

TO: General and Pool Contacts

**New tool for tracking reporting requirements and certifications**

To help you better understand the filing requirements as outlined in the FCC USF/ICC Transformation Orders, we have developed the attached 12 month calendar of data requests and certifications as required by the FCC, USAC and NECA. This calendar will be regularly updated and is available on NECA's [Member Services web page](#).

Based on rules and what we have confirmed from discussions with the FCC and information from USAC, below are the items we believe are required to be filed by July 2, 2012.

- ARC rates and related CAF ICC data will be filed with USAC and the FCC as part of NECA's Annual Tariff Filing on June 18, 2012. Non-TS Pool members are required to file this data along with the required certifications with USAC as well as the FCC.
- Local rate floor information will be filed with the FCC and USAC on July 2, 2012 via NECA's data collection for CL and TS pool members.
- Local rate floor information being filed by NECA and directly with the FCC and USAC, also needs to be filed by companies with their state commissions by July 2, 2012.
- Part 54.313 requires audited financial data to be filed by July 1, 2012; however, this requirement is on hold pending approval from the Office of Management and Budget (OMB). We will communicate this filing date once there is OMB approval and publication in the Federal Register.
- State designated ETCs **who currently have requirements to file data as listed in Part 54.313 (a)(1) – (a)(6) with their state commission** (see attached) are required to file that same data with the FCC and USAC by July 2, 2012. Beginning July 1, 2013, all ETCs are required to file data as listed in Part 54.313 (a) – (h).

We will be revising the Accountability and Oversight Requirements document currently on our website to reflect changes from recent FCC USF/ICC Reconsideration Orders.

**Questions?**

If you have questions, please contact your member service manager.

Sincerely,

Carol A. Brennan

Attachments

cc: Authorized Consultants



# Calendar of Submissions for Rate of Return Carriers

## January 2012

01/16/12 FCC Form 497 (if filing monthly or Q4 if filing quarterly) due to USAC

## February 2012

02/01/12 FCC Form 499Q due to USAC  
02/01/12 FCC Form 502 due to NANPA  
02/15/12 FCC Form 497 (if filing monthly) due to USAC

## March 2012

03/01/12 FCC Form 477 due to FCC  
03/09/12 FCC Form 507 (Q3) due to NECA  
03/15/12 FCC Form 497 (if filing monthly) due to USAC  
03/26/12 FCC Form 508 (ICLS) due to NECA  
03/30/12 FCC Form 507 (Q3) due to USAC  
03/30/12 High Cost Loop 2011-4 Forms & Certifications due to NECA  
03/30/12 FCC Form 497 (if filing annually) due to USAC  
03/30/12 FCC Form 492 due to FCC  
03/30/12 ICLS Projection Data and Certifications due to USAC

## April 2012

04/01/12 Annual Report for Federally Designated ETCs per 54.313, formerly 54.209  
04/02/12 FCC Form 499A due to USAC  
04/16/12 FCC Form 497 (if filing monthly or Q1 if filing quarterly) due to USAC

## May 2012

05/01/12 FCC Form 499Q due to USAC  
05/15/12 FCC Form 497 (if filing monthly) due to USAC  
05/23/12 ARC data collection due to NECA for TS Pool members  
05/31/12 CAF ICC Certifications due to NECA for TS Pool members:

- CAF ICC Accurate Data Certification
- CAF ICC Authorize NECA as Agent Certification
- CAF ICC Rate of Return Company Eligible Certification
- CAF ICC No Duplicate Recovery Certification

## June 2012

06/15/12 FCC Form 497 (if filing monthly) due to USAC  
06/15/12 Local Rate Floor data collection due to NECA for CL and TS Pool members  
06/18/12 NECA Annual Tariff Filing including CAF ICC data and certifications with FCC and USAC  
06/18/12 Non TS Pool Members must file CAF ICC data and certifications with FCC and USAC  
06/20/12 Local Rates Below Floor Certifications due to NECA for CL and TS Pool members  
06/25/12 FCC Form 508 (ICLS) due to NECA for CL Pool members  
06/29/12 ICLS

- ICLS Revised Projection Data and Certifications due to USAC via NECA for CL Pool members
- Use Certification due to USAC via NECA for CL Pool members



## Calendar of Submissions for Rate of Return Carriers

### July 2012

- 07/02/12 Audited Financial data as noted in 54.313(f)(2)&(j) due to FCC,  
**delayed pending OMB approval**
- 07/02/12 State designated ETCs **who currently have requirements to collect data as listed in Part 54.313 (a) (1) – (a)(6) and file with their state commission** are required to file that same data with the FCC and USAC by July 2, 2012. Beginning July 1, 2013, all ETCs are required to file data as listed in Part 54.313 (a) – (h).
- 07/02/12 Local Rate Floor data and certifications filed with USAC and FCC via NECA for CL/TS pool members
- 07/02/12 All ETCs must file Local Rate Floor data with their State Commission
- 07/07/12 FCC Form 507 Annual due to NECA
- 07/16/12 FCC Form 497 (if filing monthly or Q2 if filing quarterly) due to USAC
- 07/31/12 FCC Form 507 Annual due to USAC
- 07/31/12 Annual High Cost Loop Data (2012-1) and Certifications (USF) due to NECA
- 07/31/12 2011 Cost Study due to NECA

### August 2012

- 08/01/12 FCC Form 499Q due to USAC
- 08/01/12 FCC Form 502 due to NANPA
- 08/15/12 FCC Form 497 (if filing monthly) due to USAC
- 08/28/12 2011 Cost Studies Pooled
- 08/31/12 Annual Lifeline Certification and Verification Letters due to USAC

### September 2012

- 09/01/12 FCC Form 477 due to FCC
- 09/07/12 FCC Form 507 (Q1) due to NECA
- 09/17/12 FCC Form 497 (if filing monthly) due to USAC
- 09/30/12 FCC Form 492 due to FCC
- 09/30/12 FCC Form 507 (Q1) due to USAC
- 09/30/12 High Cost Loop 2012-2 Forms and Certifications due to NECA
- 09/30/12 Universal Service Support "Use" Certification due to USAC and FCC

### October 2012

- 10/15/12 FCC Form 497 (if filing monthly or Q3 if filing quarterly) due to USAC

### November 2012

- 11/01/12 FCC Form 499Q due to USAC
- 11/15/12 FCC Form 497 (if filing monthly) due to USAC

### December 2012

- 12/07/12 FCC Form 507 (Q2) due to NECA
- 12/17/12 FCC Form 497 (if filing monthly) due to USAC
- 12/19/12 FCC Form 509 (ICLS) due to NECA
- 12/19/12 LSS Certification Form due to NECA
- 12/11/12 Form 507 data due to NECA
- 12/30/12 FCC Form 507 (Q2) due to USAC
- 12/30/12 High Cost Loop 2012-3 Forms and Certifications due to NECA
- 12/31/12 ICLS True Up Data and Certification Form due to USAC via NECA for CL Pool members
- 12/31/12 LSS True Up Data and Certification Form due to USAC via NECA for TS Pool members



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## **For Your Action** **Clarification on FCC Reporting Requirements for 2012**

June 14, 2012

TO: General and Pool Contacts

### **Reporting requirements and certifications**

We received additional information regarding the submission of certifications that are due to the FCC on July 2, 2012.

Specifically, it appears that all ETCs receiving high cost are required to file the certifications pursuant to sections 54.313(a)(5) and (a)(6). Those certifications do not depend on the collection of information in the prior calendar year, and thus it would be possible for all ETCs to make such certifications to the FCC in their July 2 filing, regardless of state requirements. While there may be some confusion regarding these specific requirements, we recommend companies file these certifications just to be safe.

These additional certifications required by July 2 are:

Per Part 54.313 (a)(5): Certification that the carrier is complying with applicable service quality standards and consumer protection rules.

Per Part 54.313 (a)(6): Certification that the carrier is able to function in emergency situations as set forth in section 54.202 (a)(2).

**Attached is a blank certification you may complete and have signed by an officer of the company.** In order to comply with this requirement, please ensure you have completed the above certifications and filed them with the FCC and USAC by July 2, 2012 at the addresses listed below. Please include a cover letter with your filing clearly referencing WC Docket No. 10-90. We recommend you send these well in advance of the due date using a service that provides receipt confirmation. *In an effort to cover all bases, we have also included on this form the related FCC filing requirements for those companies currently obligated to file 54.313 (a)(2)- (4) data with their respective state commissions.*

### **Addresses:**

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

USAC  
2000 L Street NW Suite 200  
Washington, DC 20036

### **Questions?**

If you have questions, please contact your member service manager.

Sincerely,

Carol A. Brennan

Attachment

cc: Authorized Consultants