



THE STATE

OF WYOMING

MATTHEW H. MEAD  
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## *Public Service Commission*

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### COMMISSIONERS

ALAN B. MINIER, Chairman

STEVE OXLEY, Deputy Chairman

KATHLEEN "CINDY" LEWIS, Commissioner

CHRISTOPHER PETRIE

Secretary and Chief Counsel

DARRELL ZLOMKE

Commission Administrator

September 28, 2012

The Honorable Marlene H. Dortch  
Secretary  
Federal Communications Commission  
9300 East Hampton Drive  
Capitol Heights, MD 20743

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

Re: Certification of Federal High Cost Support for Wyoming's Eligible Telecommunications Carriers (ETCs) Pursuant to 47 C.F.R. § 54.314 (WC Docket No. 10-90)

Dear Secretary Dortch and Ms. Majcher:

The Wyoming Public Service Commission (WyPSC) hereby submits, pursuant to 47 C.F.R. § 54.314, its annual certification to the Federal Communications Commission (FCC) and the Universal Service Administrative Company (USAC). 47 C.F.R. § 54.314 requires the appropriate state regulatory authority to annually certify those eligible telecommunications carriers within their jurisdiction for purposes of receiving federal universal service support.

For the 2012 annual certification process, the WyPSC applied the requirements and guidelines of WyPSC Rule Section 514 to the ETCs in Wyoming jurisdictional to it. (See Attached WyPSC Rule) The annual reporting requirements and guidelines of WyPSC Rule Section 514 are modeled after the FCC's *ETC Report and Order* adopted February 25, 2005, in CC Docket 96-45, FCC 05-46, and the WyPSC's own annual certification processes and rulemaking proceedings conducted during 2004, 2005 and 2006 for Wyoming's ETCs. The annual reporting requirements for previously designated ETCs in Wyoming became effective August 17, 2006.

Attached to this submission is a letter (PSC Letter Number 12-167) that the staff of the WyPSC sent to each ETC subject to its jurisdiction. The letter and its attachments describe the requirements and responsibilities of the WyPSC in conducting the annual certification process for each previously designated ETC serving designated areas within Wyoming. Rule Section 514

gives each carrier the opportunity to verify that it continues to offer the supported services and functionalities required for designation as an ETC under the federal Telecommunications Act of 1996 and the Code of Federal Regulations, throughout its designated service areas within Wyoming. The WyPSC has also obtained from its jurisdictional ETCs their respective signed affidavits setting forth how federal universal service support funds have been used in the past and how they will be used during the applicable 12-month period for which support funds are being requested. Additionally, the data provided by each applicant was the subject of public hearings before the WyPSC. The respective affidavits, additional documentation and detailed supporting information from each ETC jurisdictional to the WyPSC will be made available to you upon request.

As the state regulatory authority with jurisdiction to regulate, *inter alia*, the intrastate activities of telecommunications companies serving in Wyoming, the WyPSC hereby certifies the following ETCs as being eligible to receive federal universal service support funds for the upcoming program year:

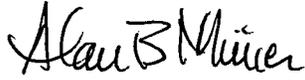
<b>CARRIER</b>	<b>STUDY AREA CODE</b>
Advanced Communications Technology	519004
All West Communications	512290
All West Wireless	519009
All West Wyoming	519008
CenturyTel of Wyoming	512299
Chugwater Telephone Company	512289
Dubois Telephone Exchange	512291
Gold Star Communications LLC	519005
Range Telephone Cooperative (includes RT Communications)	512251
Qwest Corporation	515108
Silver Star Communications	519001
Silver Star Communications	512295
Tri County Telephone Association (includes TCT West)	512296
Union Telephone Company	512297
Union Telephone Company d/b/a Union Cellular	519905
United Telephone Company of the West/Embarq	511595

The WyPSC finds these certifications to be in the public interest.

Based upon the representations in the affidavits submitted by these carriers and the WyPSC's review and examination of the additional documentation and support required by WyPSC Rule Section 514 to be filed by the carriers this year, the information adduced at the public hearings, and the WyPSC staff analysis, the WyPSC certifies the above-identified carriers only used support during the preceding calendar year and will only use support in the coming calendar year for the provision, maintenance, and upgrading of facilities and services for which support is intended, consistent with 47 U.S.C. § 214(e) and the requirements and mandates of 47 C.F.R. Part 54. This includes High Cost Loop support, Local Switching Support, Interstate

Access Support, Frozen high Cost Support, and high cost support received pursuant to the purchase of exchanges.

Sincerely,



ALAN B. MINIER  
Chairman



STEVE OXLEY  
Deputy Chairman



KATHLEEN A. LEWIS  
Commissioner

## WYOMING PUBLIC SERVICE COMMISSION

**Section 514.** Annual reporting requirements for all previously designated Eligible Telecommunications Carriers (ETCs) pursuant to the annual certification guidelines and standards set forth in Part 54 of Title 47 of the Code of Federal Regulations, as amended.

(a) In order for an ETC previously designated by the Wyoming Public Service Commission (Commission), or previously designated by the Federal Communications Commission (FCC), to be certified to receive support for the following calendar year, or to retain its ETC designation, each ETC shall submit to the Commission the annual reporting information listed below on or before a date to be determined annually by the Commission. ETCs failing to meet these annual report filing requirements may not be certified by the Commission to the FCC and the Universal Service Administrative Company (USAC) as eligible to receive federal support.

(b) Each designated ETC shall file:

(i) The number of requests for service from potential customers within the ETC's service areas that were unfulfilled during the past year and written submission detailing how it attempted to provide service to those potential customers, as set forth in 47 C.F.R. § 54.202(a)(1)(i).

(ii) The number of complaints per 1,000 access lines or handsets.

(iii) Written submission detailing how the carrier is complying with applicable Wyoming service quality standards, consumer protection rules and/or the Cellular Telecommunications and Internet Association (CTIA) Consumer Code (if applicable).

(iv) Written submission detailing how the carrier is able to function in emergency situations as set forth in 47 C.F.R. § 54.202(a)(2).

(v) Acknowledgment the Commission may require the carrier to provide customers with equal access to long distance carriers in the event no other ETC is providing equal access within the service area.

(vi) The total amount of all federal high cost support received in the previous calendar year.

(vii) For the previous calendar year, a detailed schedule/exhibit showing the actual dollar amounts expended by the carrier in the provision, maintenance, upgrading, plant additions and associated infrastructure costs within the service areas in Wyoming where the carrier has been designated an ETC.

(viii) Documentation the carrier offers the nine supported services/functionalities, listed (A) through (I) below, throughout the service areas in Wyoming where the carrier has been designated 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;
- (E) Access to emergency services;
- (F) Access to operator services;
- (G) Access to interexchange services;
- (H) Access to directory assistance; and
- (I) Toll limitation for qualifying low-income consumers.

(ix) Documentation the carrier advertises the prices and availability of the Lifeline and Linkup programs in a manner designed to reach those likely to qualify for these programs, throughout the service areas for which the carrier has been designated an ETC.

(x) A copy of the service agreement the carrier offers to its universal service customers, including all terms and conditions.

(xi) Documentation and support the carrier is committed to, and has the capability to, provide its universal service product/offering throughout the service areas to all customers who make a reasonable request for service in Wyoming where the carrier has been designated an ETC.

(xii) A detailed map of the service areas for which the carrier has been designated an ETC showing the location and the effective coverage area of each cellular tower. The commission may require such maps be submitted in a designated electronic format.

(xiii) The total amount of all federal high cost support received year-to-date for the current calendar year.

(xiv) For the current calendar year-to-date, a detailed schedule/exhibit showing the actual dollar amounts expended by the carrier in the provision, maintenance, upgrading, plant additions and associated infrastructure costs for any universal service products/offering within the service areas in Wyoming where the carrier has been designated an ETC. This should include the carrier's plans and budgets for any build-out projects, upgrades and installations applicable to any universal service products/offering not yet completed during the current calendar year.

(xv) Copies of the previous and current year's reports required by 47 C.F.R. § 54.307(b) and (c) to be filed by the carrier with the USAC applicable to the service areas in Wyoming where the carrier is designated an ETC.

(xvi) A three-year service quality improvement plan report, including maps detailing its progress towards meeting its plan targets, an explanation of how much federal universal service support was received and how it was used to improve signal quality, coverage, or capacity, and an explanation regarding any network improvement targets that have not been fulfilled. The information shall be submitted at the exchange level, study area level or some other similar service area level description.

(xvii) Detailed information on any outage, as that term is defined in 47 CFR 4.5, of at least 30 minutes in duration for each service area in which an ETC is designated for any facilities it owns, operates, leases, or otherwise utilizes that potentially affect (i) at least ten percent of the end users served in a designated service area; or (ii) a 911 special facility, as defined in 47 CFR 4.5(e). Specifically, the ETC's annual report must include information detailing:

- (A) The date and time of onset of the outage;
- (B) A brief description of the outage and its resolution;
- (C) The particular services affected;
- (D) The geographic areas affected by the outage;
- (E) Steps taken to prevent a similar situation in the future; and
- (F) The number of customers affected.



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CHRISTOPHER PETRIE

Secretary and Chief Counsel

DARRELL ZLOMKE

Commission Administrator

June 29, 2012

**To: Wyoming Eligible Telecommunications Carriers**

**Re: WYOMING PUBLIC SERVICE COMMISSION 2011 ANNUAL CERTIFICATION OF  
ELIGIBLE TELECOMMUNICATIONS CARRIERS**

**PSC LETTER NUMBER 12-167**

### **To Whom It May Concern:**

This letter provides you an important reminder of upcoming deadlines, details concerning the Commission's expectations, and the process and schedule for 2012 Eligible Telecommunications Carrier (ETC) certifications. The federal Telecommunications Act of 1996 provides that ETCs may receive federal high cost universal service support.<sup>1</sup> Federal rules require the Commission to file annual certifications on or before October 1 each year. Timely certification ensures that federal high cost universal service support payments to Wyoming ETCs continue. In its annual certifications, the Commission must identify Wyoming ETCs eligible to receive federal support in the upcoming year. The Commission must also certify that each ETC will use the high cost support only for the provisioning, maintenance and upgrading of facilities and services for which support is intended.

To ensure the Commission can make timely annual certification filings with the Federal Communications Commission (FCC) and the Universal Service Administrative Company (USAC) prior to October 1, 2012, annual certification information must be filed at the Commission by each ETC by August 1, 2012. Failure to submit a complete and accurate filing may preclude the Commission from submitting the necessary certification on behalf of your company to the appropriate federal agencies. Non-certification results in the loss of federal support funds for your company under federal law.

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<sup>1</sup> 47 U.S.C. § 214(e) and §254.

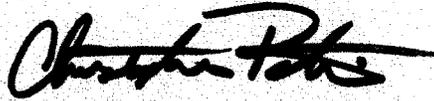
This is the same questionnaire used since 2008.<sup>2</sup> Attachments to this letter give additional instructions. Referencing Commission Rule Section 514,

- Appendix A sets forth specific requirements for the information you must file with the Commission as part of your certification application. Where applicable, Appendix A is annotated with detailed clarification of Rule Section 514 (noted in italics) to clarify the type of information requested.
- Appendix B describes how annual ETC certifications submitted to the Commission will be processed.
- Appendix C is the Letter Order regarding the Office of Consumer Advocate's (OCA) handling of confidential information in the Wyoming Universal Service Fund proceedings. The same process will be followed in the ETC proceeding.
- Appendix D is the Certification page that must be submitted with each company's ETC filing with the Commission.
- Appendix E is the schedule that the Commission intends to follow.

Please submit your company's response no later than August 1, 2012.

Should you have any questions regarding this matter please contact Tom Wilson at (307) 777-5701 or Art Schmidt at (307) 777-5706.

FOR THE COMMISSION



CHRISTOPHER PETRIE  
Chief Counsel

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<sup>2</sup> See Appendix A, items (vii)(b) and (ix)(a)-(f), for clarifications of loop count requirements and supplemental Lifeline information requirements that were added as part of the questionnaire in 2010.

## APPENDIX A

### INFORMATION REQUIREMENTS

Annual reporting requirements for all previously designated Eligible Telecommunications Carriers (ETCs) pursuant to the annual certification guidelines and standards set forth in Part 54 of Title 47 of the Code of Federal Regulations, as amended. (Reference Wyoming Public Service Commission Rule 514(b).)

- (i) The number of requests for service from potential customers within the ETC's service areas that were unfulfilled during the past year and written submission detailing how it attempted to provide service to those potential customers, as set forth in 47 C.F.R. § 54.202(a)(1)(i).
- (ii) The number of complaints per 1,000 access lines or handsets.
- (iii) Written submission detailing how the carrier is complying with applicable Wyoming service quality standards, consumer protection rules and/or the Cellular Telecommunications and Internet Association (CTIA) Consumer Code (if applicable).
- (iv) Written submission detailing how the carrier is able to function in emergency situations as set forth in 47 C.F.R. § 54.202(a)(2).
- (v) Acknowledgment the Commission may require the carrier to provide customers with equal access to long distance carriers in the event no other ETC is providing equal access within the service area.
- (vi) The total amount of all federal high cost support received in the previous calendar year.
- (vii) For the previous calendar year, a detailed schedule/exhibit showing the actual dollar amounts expended by the carrier in the provision, maintenance, upgrading, plant additions and associated infrastructure costs within the service areas in Wyoming where the carrier has been designated an ETC.

#### ***Expectations:***

- a) *Provide high-cost investments and expenses related to provisioning, maintenance and upgrading of facilities, plant additions, and associated cost to provide:*
  - (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;*
  - (E) *Access to emergency services;*
  - (F) *Access to operator services;*
  - (G) *Access to interexchange services;*
  - (H) *Access to directory assistance; and*
  - (I) *Toll limitation for qualifying low-income consumers.*
- b) *For ETCs receiving support based on high-cost investment and expenses, provide a copy of the National Exchange Carrier Association Universal Service Fund Data Collection Form that your company completed and filed by July 31, 2012, pertaining to operations in Wyoming study area(s). Category 1.3 USF working loops (excluding Category 1.3 TWX loops) are compared for reasonableness to the number of access lines providing essential telecommunications service.*

- c) *For all ETCs, provide a substantive description of your company's high-cost investment and expenses in Wyoming in 2011 related to the provisioning, maintenance and upgrading of facilities and services.*
- d) *Provide a substantively detailed description of build-out projects, upgrades and installations applicable to any universal service products/offerings completed during 2011.*
  - i. *Describe the locations in the carrier's high-cost service territory where the projects are located, and the dollar figure associated with the investment or expenses entailed in the project; and*
  - ii. *Provide this high-cost investment and expense information using Form 1 and Form 2 (attached).*
- e) *Provide a substantive description of the benefits to consumers that resulted from the 2011 high-cost investments and expenses.*
  - i. *Show in detail that the high-cost investments and expenses in Wyoming in 2011 were necessary to make quality services available in high-cost areas at just, reasonable, and affordable rates; and*
  - ii. *Show in detail that the high-cost investments and expenses in Wyoming in 2011 were necessary to provide the supported 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.*
- f) *Describe or explain the circumstances that resulted in differences between your 2011 responses to Subsections 514(b)(xiv) and (xvi) and your response to Subsection 514(b)(vii) in 2012.*

(viii) Documentation the carrier offers the nine supported services/functionalities, listed (A) through (I) below, throughout the service areas in Wyoming where the carrier has been designated 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;
- (E) Access to emergency services;
- (F) Access to operator services;
- (G) Access to interexchange services;
- (H) Access to directory assistance; and
- (I) Toll limitation for qualifying low-income consumers.

- (ix) Documentation the carrier advertises the prices and availability of the Lifeline and Linkup programs in a manner designed to reach those likely to qualify for these programs, throughout the service areas for which the carrier has been designated an ETC. *In addition:*
  - a) *Provide the number of Lifeline customers that your company served as of 12/31/2011.*
  - b) *Provide a detailed calculation of the discounted Lifeline rate that your Lifeline customers pay.*
  - c) *Provide evidence of the per-line Telephone Assistance Program surcharge your company puts on its customers' bills and state the amount of that surcharge.*
  - d) *Provide the total TAP and separately the total Lifeline subsidy provided in 2011 to qualified customers.*
  - e) *Provide the cumulative balance of your company's Lifeline account as of 12/31/2011.*
- (x) A copy of the service agreement the carrier offers to its universal service customers, including all terms and conditions.
- (xi) Documentation and support the carrier is committed to, and has the capability to, provide its

universal service product/offering throughout the service areas to all customers who make a reasonable request for service in Wyoming where the carrier has been designated an ETC.

- (xii) A detailed map of the service areas for which the carrier has been designated an ETC showing the location and the effective coverage area of each cellular tower. The commission may require such maps be submitted in a designated electronic format.
- (xiii) The total amount of all federal high cost support received year-to-date for the current calendar year.
- (xiv) For the current calendar year-to-date, a detailed schedule/exhibit showing the actual dollar amounts expended by the carrier in the provision, maintenance, upgrading, plant additions and associated infrastructure costs for any universal service products/offerings within the service areas in Wyoming where the carrier has been designated an ETC. This should include the carrier's plans and budgets for any build-out projects, upgrades and installations applicable to any universal service products/offerings not yet completed during the current calendar year.

***Expectations:***

- a) *Note: Documentation may not be construed as "assertions." "Documentation" requires actual documenting evidence.*
  - b) *The relationship between Subsections 514(b)(vii) and (xvi) is expected to be close. Explain the difference(s) between previous build-out plans and what was actually done subsequently for the purpose of certifying that federal funds are being used for the purpose for which they are intended.*
  - c) *Provide a substantive description of the benefits to consumers resulting from the year-to-date high-cost investments and expenses to show that the high-cost investments and expenses serve the purpose for which the federal support is intended.*
    - i. *Show in detail that year-to-date high-cost investments and expenses in Wyoming were necessary to make quality services available in high-cost areas at just, reasonable, and affordable rates; and*
    - ii. *Show in detail that the high-cost investments and expenses in Wyoming were necessary to provide 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.*
- (xv) Copies of the previous and current year's reports required by 47 C.F.R. § 54.307(b) and (c) to be filed by the carrier with the USAC applicable to the service areas in Wyoming where the carrier is designated an ETC.
- (xvi) A three-year service quality improvement plan report, including maps detailing its progress towards meeting its plan targets, an explanation of how much federal universal service support was received and how it was used to improve signal quality, coverage, or capacity, and an explanation regarding any network improvement targets that have not been fulfilled. The information shall be submitted at the exchange level, study area level or some other similar service area level description.

***Expectations:***

- a) *This question is intended to be answered by both incumbent and competitive ETCs and should*

*not be read as exclusively applying to wireless service providers.*

- b) Respond to this question even if your company bill-credits the federal support it receives.*
- c) Provide a substantive description of the benefits to consumers expected from planned future high-cost investments and expenses.
  - i. Show in detail that the high-cost investments and expenses in Wyoming will be necessary to make quality services available in high-cost areas at just, reasonable, and affordable rates.**
- d) Show in detail that the high-cost investments and expenses in Wyoming will be necessary to provide 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.*

(xvii) Detailed information on any outage, as that term is defined in 47 CFR 4.5, of at least 30 minutes in duration for each service area in which an ETC is designated for any facilities it owns, operates, leases, or otherwise utilizes that potentially affect (i) at least ten percent of the end users served in a designated service area; or (ii) a 911 special facility, as defined in 47 CFR 4.5(e). Specifically, the ETC's annual report must include information detailing:

- A. The date and time of onset of the outage;
- B. A brief description of the outage and its resolution;
- C. The particular services affected;
- D. The geographic areas affected by the outage;
- E. Steps taken to prevent a similar situation in the future; and
- F. The number of customers affected.

**Form 1**  
**2011 Plant Investment**

High-cost investments related to provision, maintenance and upgrade of facilities, and plant additions used to provide: A) voice grade access to the public switched network, B) local usage; C) DTMF or functional equivalent; D) single party service; E) Access to emergency services; F) access to operator services; G) access to interexchange services; H) access to directory assistance; and I) toll limitation for qualifying low income customers.

Account	Description	Additions (dollars)
2002	Plant Held for Future Use	
2003	Plant Under Construction S/T	
3004	Plant Under Construction L/T	
2005	Plant Adjustments	
2006	Non-operating plant	
2110	Land General Support	
2210	Central Office Switching	
2220	Operator Systems	
2230	Central Office Transmission	
2310	Information Origination/Termination	
2410	Cable and Wire Facilities	
2680	Tangible Assets	
2690	Intangible Assets	

**Form 2**  
2011 Operating Expenses

High-cost expenses related to provision, maintenance and upgrade of facilities, and plant additions used to provide: A) voice grade access to the public switched network, B) local usage; C) DTMF or functional equivalent; D) single party service; E) Access to emergency services; F) access to operator services; G) access to interexchange services; H) access to directory assistance; and I) toll limitation for qualifying low income customers.

Account	Description	Total Wyoming Expenses
6110	Network Support	
6120	General Support	
6210	Central Office Switching	
6220	Operator Systems	
6230	Central Office Transmission	
6310	Information Origination/Termination	
6410	Cable and Wire Facilities	
6510	Other Plant and Equipment	
6530	Network Operations	
6540	Access	
6560	Depreciation and Amortization	
6610	Marketing	
6620	Customer Operations	
6710	Executive Planning	
6720	General Administrative	

## APPENDIX B

### PROCESS

The Commission has determined that annual ETC certification submissions required by Section 514 of the Commission's Rules will be processed as explained below.

The Commission will assign a docket number to each ETC annual certification matter. Docketing ETC annual certification submissions will allow us to track filings more efficiently and will make interested parties aware of the submissions through the Commission's normal distribution practice.

If the OCA is provided access to confidential information, such confidential information shall be handled in the same manner as in Docket No. 90072-32-XO-10, as described in the *Letter Order* attached as Appendix C. While the OCA may have access to annual ETC certification submissions to develop comments, these are not contested case proceedings, and no opportunity for a "trial-type" hearing will be provided.

ETCs will be required to observe Section 120 of the Commission's rules to receive confidential treatment of appropriate portions of their annual ETC certification submissions.

The obligation to submit all information necessary for the Commission to perform an adequate review prior to making annual certification decisions is not altered by this policy. All elements of Section 514 of the Rules, including its reporting requirements, continue to apply to the annual certification process.

No telecommunications company may view or obtain copies of confidential filings made by other companies in these proceedings (or the identifiable data derived therefrom UNDER ANY CIRCUMSTANCES). This does not preclude companies from showing this information voluntarily.

**APPENDIX C**



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**DAVE FREUDENTHAL**  
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Secretary and Chief Counsel

**DARRELL ZLOMKE**

Commission Administrator

April 16, 2010

Mr. Ivan Williams  
Mr. David McMullian  
Office of Consumer Advocate  
2515 Warren Ave., Suite 304  
Cheyenne, WY 82001

Re: IN THE MATTER OF THE FUNDING REQUIREMENT AND PROPOSED ASSESSMENT  
FACTOR FOR THE JULY 2010 TO JUNE 2011 FISCAL YEAR OF THE WYOMING  
UNIVERSAL SERVICE FUND--Docket No. 90072-32-XO-10 (Record No. 12473)

LETTER ORDER  
(Issued April 16, 2010)

Dear Mr. Williams and Mr. McMullian:

This matter is before the Wyoming Public Service Commission (Commission) upon the Office of Consumer Advocate's (OCA) *Notice of Intervention*, request for a copy of the July 2010 - June 2011 Confidential Wyoming Universal Service Fund (WUSF) Manager's Report and request for access to certain confidential information used to create the Report filed on April 8, 2010.

At the Commission's open meeting on April 15, 2010, Mr. Williams, counsel for OCA, noted OCA had filed a *Notice of Intervention* and advised the Commission that OCA wanted to receive a copy of the Confidential Manager's Report and to review certain confidential information relating to the Report. Commission counsel stated that the WUSF docket involved a legislative hearing and comments were accepted by all interested entities or individuals. The Commission stated in its *Order Denying Petitions for Rehearing by Qwest Corporation and by the Wyoming Office of Consumer Advocate (Order Denying)* issued February 23, 2010, at paragraph 5:

On April 1, 2009, the OCA filed a *Notice of Intervention* and noted that a hearing was scheduled in the Commission's procedural order. According to W.S. § 37-2-402(a)(i),

- (a) The consumer advocate shall have the power to:

(i) Act as a party in any proceeding before the commission, with the same rights and subject to the same obligations and requirements and limitations on ex parte communications, including confidentiality requirements, as other parties to the proceeding;

The nature of this proceeding is that there are no parties; and, therefore, the OCA is not considered a party. The statute giving OCA rights and obligations "as other parties to the proceeding" does not serve to change the fundamental nature of this proceeding.

Additionally, the Commission made the following conclusion regarding contested cases in its *Order Denying*, which states at paragraph 141:

In the instant docket, the Commission made the following policy determinations:

a. On the contested case issue, the Commission determined the WUSF parameters do not require a contested case proceeding. The Commission accepted Commission Counsel's argument that this type of proceeding should be conducted as a legislative-type proceeding. This exception to contested case proceedings was carved out by the Wyoming Supreme Court. Additionally, the Commission is concerned about the confidentiality of the company-specific data as well as limited participation by the companies impacted by decisions made in this docket. Neither Qwest nor the OCA considered the issues regarding a contested case hearing in their *Rehearing Petitions* and arguments presented to the Commission.

After discussion at the Commission's open meeting on April 15, 2010, it was determined that OCA's *Notice of Intervention* would be denied insofar as the WUSF is a legislative proceeding, not a contested case, and no parties are involved in legislative proceeding. The Commission further determined by a quorum of the Commissioners that OCA would receive a copy of the final form of the 2010-2011 Confidential Manager's Report and will have access to the confidential source data and work papers related to the WUSF Manager's Report. The terms and conditions for OCA's use of the data are the similar to those established in a *Letter Order* issued on April 15, 2008. Commissioner Lewis dissented from granting OCA access to the requested confidential information because she believes they do not have a statutory right to the information under W.S. § 37-2-402(a)(i) and has concerns regarding the manner in which the OCA used this information in prior years' proceedings.

The conditions to be observed by all employees of the OCA with respect to confidential materials in this and future proceedings related to the determination of the WUSF funding requirement assessment are as follows:

1. After receiving any confidential material in any form, OCA will acknowledge receipt of such confidential material by letter, including a description of each document received;
2. OCA will take appropriate measures to prevent unauthorized disclosure of confidential material;
3. OCA will be free to use any electronic documents that are provided as they deem necessary and may create working copies for use in the instant docket;
4. One week following the issuance of the Commission's *Order* on May 21, 2010, OCA will destroy or return all copies of confidential materials, regardless of format, to the Commission;
5. OCA will provide Commission Staff an opportunity to confirm to its satisfaction that all electronic copies are deleted or destroyed;
6. The confidential source data provided to OCA in this docket and any other work papers created by OCA shall not be used or referenced in any docket except the instant one;

7. OCA will provide a final letter to the Commission certifying what confidential documents were returned or destroyed and an inventory of any original working documents created and retained by OCA; and

8. Should OCA require further access to the 2010-2011 Confidential Fund Manager's Report or the confidential source data for any purpose, OCA shall file a request with the Commission for review of the confidential information.

IT IS THEREFORE ORDERED:

1. Pursuant to open meeting action taken on April 15, 2010, the Office of Consumer Advocate will receive a copy of the 2010-2011 Confidential Fund Manager's Report and have access to the requested additional confidential information for only the Office of Consumer Advocate's review of the 2010-2011 Wyoming Universal Service Fund Manager's Report, under the conditions set forth above.

2. One week following the issuance of the Commission's *Order* on May 21, 2010, the Office of Consumer Advocate will destroy or return all copies of confidential materials, regardless of format, to the Commission certifying the same in writing and providing Commission Staff an opportunity to confirm to its satisfaction that all electronic copies have been deleted or destroyed.

3. This *Letter Order* is effective immediately.

MADE and ENTERED at Cheyenne, Wyoming, this 16<sup>th</sup> day of April 2010.

BY ORDER OF THE COMMISSION

(SEAL)

J. BLAIR BALES, Assistant Secretary  
Wyoming Public Service Commission  
2515 Warren Avenue, Suite 300  
Cheyenne, Wyoming 82002

**APPENDIX D**

**Certification**

The certification must be submitted by a company officer, stating the date and place of its execution; and that it is so certified or declared under the laws of the state of Wyoming. The certification or declaration may be in substantially the following form:

**WYOMING ELIGIBLE TELECOMMUNICATIONS CARRIER CERTIFICATION APPLICATION**

**VERIFICATION**

"I \_\_\_\_\_ (name), the \_\_\_\_\_ (company employee title) of \_\_\_\_\_ (company name), after being duly sworn upon my oath, depose and state that I certify (or declare), that the information contained on the foregoing 2012 application for certification as an eligible telecommunications carrier, including the attachments thereto, is true and correct, to the best of my knowledge, information and belief, and that federal universal service support received shall be used only for the provision, maintenance, and upgrading of facilities for which the support is intended.

.....  
(Date and Place)

.....  
(Signature)

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

On this \_\_\_\_ day of \_\_\_\_, 2012, before me, a notary public in and for the said state and county, personally appeared before me \_\_\_\_\_ (name of person), the \_\_\_\_\_ (company employee title) of \_\_\_\_\_ (company name), to me known to be the identical person named in and who executed the 2012 eligible telecommunications carrier certification application, and acknowledged that he/she executed the 2012 eligible telecommunications carrier certification application as the voluntary act of the person and the company.

Witness my hand and official seal.

\_\_\_\_\_  
Notary Public  
My Commission Expires \_\_\_\_\_

## APPENDIX E

### **SCHEDULE**

June 29, 2012

Commission letter issued with instructions for filing 2011 ETC certification application

July 2012

Commission staff and companies follow-up contacts/Q&A with conference call if necessary

August 1, 2012

Completed ETC Certification Applications due to be filed at the Commission

September tbd, 2012

Commission Open Meeting to consider ETC certification applications

September tbd, 2012

Second Commission Open Meeting for Further Consideration (if necessary)

October 1, 2012

Commission Annual ETC Certification Letter Due to FCC and USAC