



Your business  
is our business.

7852 Walker Drive, Suite 200  
Greenbelt, Maryland 20770  
phone: 301-459-7590, fax: 301-577-5575  
internet: www.jsitel.com, e-mail: jsi@jsitel.com

**REDACTED – FOR PUBLIC INSPECTION**

October 15, 2013

**Via Hand Delivery**

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

**Re: WC Docket No. 10-90, WC Docket No. 11-42  
2013 ETC Annual Report of Tohono O’Odham Utility Authority  
Study Area Code 452173**

Dear Ms. Dortch:

On behalf of Tohono O’Odham Utility Authority (“TOUA”), JSI files the attached confidential and redacted versions of the FCC Form 481 ETC annual reporting information pursuant to sections 54.313 and 54.422 of the Commission’s rules.<sup>1</sup> TOUA seeks confidential treatment under Protective Order for section 54.313(f)(2) financial information.<sup>2</sup> The redacted version is also being filed this date via the FCC’s Electronic Comment Filing System. Also attached is a letter requesting confidential treatment under section 0.459 of the Five-Year Service Quality Progress Report filed pursuant to section 54.313(a)(1).<sup>3</sup>

Please direct any questions regarding the filing to the undersigned.

Sincerely,

John Kuykendall  
JSI Vice President  
301-459-7590  
[jkuykendall@jsitel.com](mailto:jkuykendall@jsitel.com)

cc: Charles Tyler, Telecommunications Access Policy Division (two copies, confidential)

<sup>1</sup> 47 C.F.R. §§ 54.313, 54.422.

<sup>2</sup> *Connect America Fund et al.*, WC Docket No. 10-90 *et al.*, Protective Order, DA 12-1857 rel. Nov. 16, 2012 (Protective Order). 47 C.F.R. § 54.313(f)(2).

<sup>3</sup> 47 C.F.R. §§ 0.459, 54.313(a)(1).



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October 15, 2013

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

**Re: WC Docket No. 10-90, WC Docket No. 11-42  
2013 ETC Annual Report of Tohono O’Odham Utility Authority  
Study Area Code 452173  
Request for Confidentiality**

Dear Ms. Dortch:

John Staurulakis, Inc. (“JSI”), on behalf of its client Tohono O’Odham Utility Authority (the “Company”) hereby requests, pursuant to Section 0.459 of the Commission’s rules,<sup>1</sup> withholding from public inspection certain information contained in an attachment to the above referenced reporting requirement. The Company provides the following in support of its request, numbered consistent with the subparagraphs of Section 0.459(b).<sup>2</sup>

1. The information for which the Company is seeking confidential treatment is an attachment to the Company’s annual reporting information pursuant to Sections 54.313 and 54.422 of the Commission’s rules (“Report”).<sup>3</sup>
2. Eligible Telecommunications Carriers (“ETCs”) must file with the Commission the reporting information which is contained in the attachment to the Report pursuant to Sections 54.313(a)(1) and as specified in the August 6, 2013 Public Notice.<sup>4</sup>

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<sup>1</sup> 47 C.F.R. § 0.459.

<sup>2</sup> 47 C.F.R. § 0.459(b)(1) through (9).

<sup>3</sup> 47 C.F.R. §§ 54.313, 54.422.

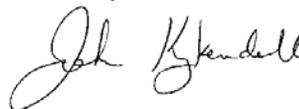
<sup>4</sup> See *Wireline Competition Bureau Announces Filing Deadline of October 15, 2013 for Eligible Telecommunications Carriers to File High-Cost and Low-Income Annual Reports, and Announces Filing Deadline of December 16, 2013 for States and ETCs to File Annual Use Certifications*, DA 13-1707 (rel. Aug. 6, 2013) (“August 6, 2013 Public Notice”).

3. The information contained in attachment for which the Company seeks the withholding from public inspection is the entirety of data pertaining to the Company's Five-Year Service Quality Progress Report provided at FCC Form 481 Line 112 attachment. Information of this nature is confidential commercial information routinely withheld from public inspection.
4. With respect to identifying the degree to which the subject attachment concerns a service that is subject to competition, the information is of a financial and competitive nature regarding the provision of telecommunications services.
5. With respect to identifying possible exposure to competitive harm, the information contained in the Line 112 attachment is information that is not customarily released to the public. Because the telecommunications market is highly competitive, release of this information could substantially harm the Company's telecommunications business.
6. With respect to steps the Company has taken to ensure against unauthorized disclosure of the information contained in the attachment, the Company is filing the attachment under seal.
7. Any previous versions of this information are not publicly available.
8. Because the information is not routinely available, a need exists for maintaining the confidentiality of this information permanently.
9. Not applicable.

Based on the preceding, JSI respectfully requests on behalf of the Company that the Commission grant confidential treatment under Section 0.459 to Company's Five-Year Service Quality Progress Report provided at FCC Form 481 Line 112 attachment.

Please contact the undersigned with any questions regarding this request.

Sincerely,



John Kuykendall  
JSI Vice President  
301-459-7590  
[jkuykendall@jsitel.com](mailto:jkuykendall@jsitel.com)

<b>FCC Form 481 - Carrier Annual Reporting Data Collection Form</b>	FCC Form 481 OMB Control No. 3060-0986/OMB Control No. 3060-0819 July 2013
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<010> Study Area Code	452173
<015> Study Area Name	TOHONO O'ODHAM UTIL.
<020> Program Year	2014
<030> Contact Name: Person USAC should contact with questions about this data	Mike Bethurem
<035> Contact Telephone Number: Number of the person identified in data line <030>	5203835811
<039> Contact Email Address: Email of the person identified in data line <030>	Mike.Bethurem@hq.toua.net

<b>ANNUAL REPORTING FOR ALL CARRIERS</b>	<b>54.313 Completion Required</b>	<b>54.422 Completion Required</b>
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<i>(check box when complete)</i>		
<100> Service Quality Improvement Reporting <span style="float: right;"><i>(complete attached worksheet)</i></span>	<input checked="" type="checkbox"/>	
<200> Outage Reporting (voice) <span style="float: right;"><i>(complete attached worksheet)</i></span>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<210> <input checked="" type="checkbox"/> <-- check box if no outages to report		
<300> Unfulfilled Service Requests (voice) <span style="float: right;"><i>(attach descriptive document)</i></span>	<input checked="" type="checkbox"/>	
<310>     Detail on Attempts (voice)	<input type="text" value="0"/>	
<320> Unfulfilled Service Requests (broadband) <span style="float: right;"><i>(attach descriptive document)</i></span>	<input type="text"/>	
<330>     Detail on Attempts (broadband) <span style="float: right;"><i>(attach descriptive document)</i></span>	<input type="text"/>	
<400> Number of Complaints per 1,000 customers (voice)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<410>     Fixed	<input type="text" value="0.0"/>	
<420>     Mobile	<input type="text"/>	
<430> Number of Complaints per 1,000 customers (broadband)	<input type="text"/>	
<440>     Fixed	<input type="text"/>	
<450>     Mobile	<input type="text"/>	
<500> Service Quality Standards & Consumer Protection Rules Compliance <span style="float: right;"><i>(check to indicate certification)</i></span>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<510> <input type="text" value="452173az510"/> <span style="float: right;"><i>(attached descriptive document)</i></span>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<600> Functionality in Emergency Situations <span style="float: right;"><i>(check to indicate certification)</i></span>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<610> <input type="text" value="452173az610"/> <span style="float: right;"><i>(attached descriptive document)</i></span>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<700> Company Price Offerings (voice) <span style="float: right;"><i>(complete attached worksheet)</i></span>	<input type="text"/>	
<710> Company Price Offerings (broadband) <span style="float: right;"><i>(complete attached worksheet)</i></span>	<input type="text"/>	
<800> Operating Companies and Affiliates <span style="float: right;"><i>(complete attached worksheet)</i></span>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<900> Tribal Land Offerings (Y/N)? <input checked="" type="radio"/> <input type="radio"/> <span style="float: right;"><i>(if yes, complete attached worksheet)</i></span>	<input checked="" type="checkbox"/>	
<1000> Voice Services Rate Comparability <span style="float: right;"><i>(check to indicate certification)</i></span>	<input type="text"/>	
<1010> <input type="text"/>	<input type="text"/>	
<1100> Terrestrial Backhaul (Y/N)? <input checked="" type="radio"/> <input type="radio"/> <span style="float: right;"><i>(if not, check to indicate certification)</i></span>	<input type="text"/>	
<1110> <span style="float: right;"><i>(complete attached worksheet)</i></span>	<input type="text"/>	
<1200> Terms and Condition for Lifeline Customers <span style="float: right;"><i>(complete attached worksheet)</i></span>	<input type="text"/>	<input checked="" type="checkbox"/>

**Price Cap Carriers, Proceed to Price Cap Additional Documentation Worksheet**

*Including Rate-of-Return Carriers affiliated with Price Cap Local Exchange Carriers*

<2000> <span style="float: right;"><i>(check to indicate certification)</i></span>	<input type="text"/>	
<2005> <span style="float: right;"><i>(complete attached worksheet)</i></span>	<input type="text"/>	

**Rate of Return Carriers, Proceed to ROR Additional Documentation Worksheet**

<3000> <span style="float: right;"><i>(check to indicate certification)</i></span>	<input checked="" type="checkbox"/>	
<3005> <span style="float: right;"><i>(complete attached worksheet)</i></span>	<input checked="" type="checkbox"/>	

<b>(100) Service Quality Improvement Reporting Data Collection Form</b>	FCC Form 481 OMB Control No. 3060-0986/OMB Control No. 3060-0819 July 2013
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<010> Study Area Code	452173
<015> Study Area Name	TOHONO O'ODHAM UTIL.
<020> Program Year	2014
<030> Contact Name - Person USAC should contact regarding this data	Mike Bethurem
<035> Contact Telephone Number - Number of person identified in data line <030>	5203835811
<039> Contact Email Address - Email Address of person identified in data line <030>	Mike.Bethurem@hq.toua.net

<110> Has your company received its ETC certification from the FCC?	(yes / no) <input checked="" type="radio"/> <input type="radio"/>
If your answer to Line <110> is yes, do you have an existing §54.202(a) "5	
<111> year plan" filed with the FCC?	(yes / no) <input checked="" type="radio"/> <input type="radio"/>

If your answer to Line <111> is yes, then you are required to file a progress report, on line <112> delineating the status of your company's existing § 54.202(a) "5 year plan" on file with the FCC, as it relates to your provision of voice telephony service.

<112> Attach Five-Year Service Quality Improvement Plan or, in subsequent years, your annual progress report filed pursuant to 47 C.F.R. § 54.313(a)(1). If your company is a CETC which only receives frozen support, your progress report is only required to address voice telephony service.

452173az112

Name of Attached Document (.pdf)

Please check these boxes below to confirm that the attached PDF, on line 112, contains a progress report on its five-year service quality improvement plan pursuant to § 54.202(a). The information shall be submitted at the wire center level or census block as appropriate.

- <113> Maps detailing progress towards meeting plan targets
- <114> Report how much universal service (USF) support was received
- <115> How (USF) was used to improve service quality
- <116> How (USF) was used to improve service coverage
- <117> How (USF) was used to improve service capacity
- <118> Provide an explanation of network improvement targets not met in the prior calendar year.

<input checked="" type="checkbox"/>









<b>(900) Tribal Lands Reporting Data Collection Form</b>	FCC Form 481 OMB Control No. 3060-0986/OMB Control No. 3060-0819 July 2013
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<010>	Study Area Code	452173
<015>	Study Area Name	TOHONO O'ODHAM UTIL.
<020>	Program Year	2014
<030>	Contact Name - Person USAC should contact regarding this data	Mike Bethurem
<035>	Contact Telephone Number - Number of person identified in data line <030>	5203835811
<039>	Contact Email Address - Email Address of person identified in data line <030>	Mike.Bethurem@hq.toua.net

<910> Tribal Land(s) on which ETC Serves Tohono O'odham Tribe

<920> Tribal Government Engagement Obligation

452173az920

Name of Attached Document (.pdf)

If your company serves Tribal lands, please select (Yes, No, NA) for each these boxes to confirm the status described on the attached PDF, on line 920, demonstrates coordination with the Tribal government pursuant to § 54.313(a)(9) includes:

- <921> Needs assessment and deployment planning with a focus on Tribal community anchor institutions;
- <922> Feasibility and sustainability planning;
- <923> Marketing services in a culturally sensitive manner;
- <924> Compliance with Rights of way processes
- <925> Compliance with Land Use permitting requirements
- <926> Compliance with Facilities Siting rules
- <927> Compliance with Environmental Review processes
- <928> Compliance with Cultural Preservation review processes
- <929> Compliance with Tribal Business and Licensing requirements.

Select (Yes, No, NA)
Yes
Yes

<b>(1100) No Terrestrial Backhaul Reporting Data Collection Form</b>	FCC Form 481
	OMB Control No. 3060-0986/OMB Control No. 3060-0819 July 2013

<010>	Study Area Code	452173
<015>	Study Area Name	TOHONO O'ODHAM UTIL.
<020>	Program Year	2014
<030>	Contact Name - Person USAC should contact regarding this data	Mike Bethurem
<035>	Contact Telephone Number - Number of person identified in data line <030>	5203835811
<039>	Contact Email Address - Email Address of person identified in data line <030>	Mike.Bethurem@hq.toua.net

<1120> Please check this box to confirm no terrestrial backhaul options exist within the supported area pursuant to § 54.313(G)

<1130> Please check this box to confirm the reporting carrier offers broadband service of at least 1 Mbps downstream and 256 kbps upstream within the supported area pursuant to § 54.313(G)

<b>(1200) Terms and Condition for Lifeline Customers</b> <b>Lifeline</b> <b>Data Collection Form</b>	FCC Form 481 OMB Control No. 3060-0986/OMB Control No. 3060-0819 July 2013
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<010>	Study Area Code	452173
<015>	Study Area Name	TOHONO O'ODHAM UTIL.
<020>	Program Year	2014
<030>	Contact Name - Person USAC should contact regarding this data	Mike Bethurem
<035>	Contact Telephone Number - Number of person identified in data line <030>	5203835811
<039>	Contact Email Address - Email Address of person identified in data line <030>	Mike.Bethurem@hq.toua.net

<1210> Terms & Conditions of Voice Telephony Lifeline Plans 452173az1210

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Name of attached document (.pdf)

<1220> Link to Public Website HTTP \_\_\_\_\_

“Please check these boxes below to confirm that the attached PDF, on line 1210, or the website listed, on line 1220, contains the required information pursuant to § 54.422(a)(2) annual reporting for ETCs receiving low-income support, carriers must annually report:

<1221> Information describing the terms and conditions of any voice telephony service plans offered to Lifeline subscribers,

<1222> Details on the number of minutes provided as part of the plan,

<1223> Additional charges for toll calls, and rates for each such plan.

<b>(2000) Price Cap Carrier Additional Documentation</b>	FCC Form 481
<b>Data Collection Form</b>	OMB Control No. 3060-0986/OMB Control No. 3060-0819
<i>Including Rate-of-Return Carriers affiliated with Price Cap Local Exchange Carriers</i>	July 2013

<b>&lt;010&gt;</b>	Study Area Code	452173
<b>&lt;015&gt;</b>	Study Area Name	TOHONO O'ODHAM UTIL.
<b>&lt;020&gt;</b>	Program Year	2014
<b>&lt;030&gt;</b>	Contact Name - Person USAC should contact regarding this data	Mike Bethurem
<b>&lt;035&gt;</b>	Contact Telephone Number - Number of person identified in data line <030>	5203835811
<b>&lt;039&gt;</b>	Contact Email Address - Email Address of person identified in data line <030>	Mike.Bethurem@hq.toua.net

**CHECK the boxes below to note compliance as a recipient of Incremental Connect America Phase I support, frozen High Cost support, High Cost support to offset access charge reductions, and Connect America Phase II support as set forth in 47 CFR § 54.313(b),(c),(d),(e) the information reported on this form and in the documents attached below is accurate.**

<b>Incremental Connect America Phase I reporting</b>		
<b>&lt;2010&gt;</b>	2nd Year Certification {47 CFR § 54.313(b)(1)}	<input type="checkbox"/>
<b>&lt;2011&gt;</b>	3rd Year Certification {47 CFR § 54.313(b)(2)}	<input type="checkbox"/>
<b>Price Cap Carrier Receiving Frozen Support Certification {47 CFR § 54.312(a)}</b>		
<b>&lt;2012&gt;</b>	2013 Frozen Support Certification	<input type="checkbox"/>
<b>&lt;2013&gt;</b>	2014 Frozen Support Certification	<input type="checkbox"/>
<b>&lt;2014&gt;</b>	2015 Frozen Support Certification	<input type="checkbox"/>
<b>&lt;2015&gt;</b>	2016 and future Frozen Support Certification	<input type="checkbox"/>
<b>Price Cap Carrier Connect America ICC Support {47 CFR § 54.313(d)}</b>		
<b>&lt;2016&gt;</b>	Certification Support Used to Build Broadband	<input type="checkbox"/>
<b>Connect America Phase II Reporting {47 CFR § 54.313(e)}</b>		
<b>&lt;2017&gt;</b>	3rd year Broadband Service Certification	<input type="checkbox"/>
<b>&lt;2018&gt;</b>	5th year Broadband Service Certification	<input type="checkbox"/>
<b>&lt;2019&gt;</b>	Interim Progress Certification	<input type="checkbox"/>
<b>&lt;2020&gt;</b>	Please check the box to confirm that the attached PDF , on line 2021, contains the required information pursuant to § 54.313 (e)(3)(ii), as a recipient of CAF Phase II support shall provide the number, names, and addresses of community anchor institutions to which began providing access to broadband service in the preceding calendar year.	<input type="checkbox"/>
<b>&lt;2021&gt;</b>	Interim Progress Community Anchor Institutions	Name of Attached Document Listing Required Information _____

<b>(3000) Rate Of Return Carrier Additional Documentation</b>	FCC Form 481
<b>Data Collection Form</b>	OMB Control No. 3060-0986/OMB Control No. 3060-0819
	July 2013

<010>	Study Area Code	452173
<015>	Study Area Name	TOHONO O'ODHAM UTIL.
<020>	Program Year	2014
<030>	Contact Name - Person USAC should contact regarding this data	Mike Bethurem
<035>	Contact Telephone Number - Number of person identified in data line <030>	5203835811
<039>	Contact Email Address - Email Address of person identified in data line <030>	Mike.Bethurem@hq.toua.net

**CHECK the boxes below to note compliance on its five year service quality plan (pursuant to 47 CFR § 54.202(a)) and, for privately held carriers, ensuring compliance with the financial reporting requirements set forth in 47 CFR § 54.313(f)(2). I further certify that the information reported on this form and in the documents attached below is accurate.**

**Progress Report on 5 Year Plan**

(3010) Milestone Certification {47 CFR § 54.313(f)(1)(i)} Please check this box to confirm that the attached PDF, on line 3012, contains the required information pursuant to § 54.313 (f)(1)(ii), as a recipient of CAF Phase II support shall provide the number, names, and addresses of community anchor institutions to which began providing access to broadband service in the preceding calendar year.	Name of Attached Document Listing Required Information _____ <input style="width: 20px; height: 15px;" type="checkbox"/>	
(3012) Community Anchor Institutions {47 CFR § 54.313(f)(1)(ii)} (3013) Is your company a Privately Held ROR Carrier {47 CFR § 54.313(f)(2)} (3014) If yes, does your company file the RUS annual report Please check these boxes to confirm that the attached PDF, on line 3017, contains the required information pursuant to § 54.313(f)(2) compliance requires: (3015) Electronic copy of their annual RUS reports (Operating Report for Telecommunications Borrowers) (3016) PDF of Balance Sheet, Income Statement and Statement of Cash Flows	Name of Attached Document Listing Required Information _____ <input checked="" type="checkbox"/> (Yes/No) <input checked="" type="checkbox"/> (Yes/No)  <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	
(3017) If the response is yes on line 3014, attach your company's RUS annual report and all required documentation (3018) If the response is no on line 3014, Is your company audited? If the response is yes on line 3018, please check the boxes below to confirm your submission, on line 3026 pursuant to § 54.313(f)(2), contains : (3019) Either a copy of their audited financial statement; or (2) a financial report in a format comparable to RUS Operating Report for Telecommunications (3020) PDF of Balance Sheet, Income Statement and Statement of Cash Flows (3021) Management letter issued by the independent certified public accountant that performed the company's financial audit. If the response is no on line 3018, please check the boxes below to confirm your submission, on line 3026 pursuant to § 54.313(f)(2), contains: (3022) Copy of their financial statement which has been subject to review by an independent certified public accountant; or 2) a financial report in a format comparable to RUS Operating Report for Telecommunications Borrowers, (3023) Underlying information subjected to a review by an independent certified public accountant (3024) Underlying information subjected to an officer certification. (3025) PDF of Balance Sheet, Income Statement and Statement of Cash Flows (3026) Attach the worksheet listing required information	Name of Attached Document Listing Required Information 452173az3017 _____ <input type="checkbox"/> (Yes/No)  _____ <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>  _____ <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
(3026) Attach the worksheet listing required information	Name of Attached Document Listing Required Information _____	

<b>Certification - Reporting Carrier Data Collection Form</b>	FCC Form 481 OMB Control No. 3060-0986/OMB Control No. 3060-0819 July 2013
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<b>&lt;010&gt;</b>	<b>Study Area Code</b>	452173
<b>&lt;015&gt;</b>	<b>Study Area Name</b>	TOHONO O'ODHAM UTIL.
<b>&lt;020&gt;</b>	<b>Program Year</b>	2014
<b>&lt;030&gt;</b>	<b>Contact Name - Person USAC should contact regarding this data</b>	Mike Bethurem
<b>&lt;035&gt;</b>	<b>Contact Telephone Number - Number of person identified in data line &lt;030&gt;</b>	5203835811
<b>&lt;039&gt;</b>	<b>Contact Email Address - Email Address of person identified in data line &lt;030&gt;</b>	Mike.Bethurem@hg.toua.net

**TO BE COMPLETED BY THE REPORTING CARRIER, IF THE REPORTING CARRIER IS FILING ANNUAL REPORTING ON ITS OWN BEHALF:**

<b>Certification of Officer as to the Accuracy of the Data Reported for the Annual Reporting for CAF or LI Recipients</b>	
I certify that I am an officer of the reporting carrier; my responsibilities include ensuring the accuracy of the annual reporting requirements for universal service support recipients; and, to the best of my knowledge, the information reported on this form and in any attachments is accurate.	
Name of Reporting Carrier:	
Signature of Authorized Officer:	Date
Printed name of Authorized Officer:	
Title or position of Authorized Officer:	
Telephone number of Authorized Officer:	
Study Area Code of Reporting Carrier:	Filing Due Date for this form:
Persons willfully making false statements on this form can be punished by fine or forfeiture under the Communications Act of 1934, 47 U.S.C. §§ 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. § 1001.	

<b>Certification - Agent / Carrier Data Collection Form</b>	FCC Form 481 OMB Control No. 3060-0986/OMB Control No. 3060-0819 July 2013
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<b>&lt;010&gt;</b>	Study Area Code	452173
<b>&lt;015&gt;</b>	Study Area Name	TOHONO O'ODHAM UTIL.
<b>&lt;020&gt;</b>	Program Year	2014
<b>&lt;030&gt;</b>	Contact Name - Person USAC should contact regarding this data	Mike Bethurem
<b>&lt;035&gt;</b>	Contact Telephone Number - Number of person identified in data line <030>	5203835811
<b>&lt;039&gt;</b>	Contact Email Address - Email Address of person identified in data line <030>	Mike.Bethurem@hq.toua.net

**TO BE COMPLETED BY THE REPORTING CARRIER, IF AN AGENT IS FILING ANNUAL REPORTS ON THE CARRIER'S BEHALF:**

Certification of Officer to Authorize an Agent to File Annual Reports for CAF or LI Recipients on Behalf of Reporting Carrier	
I certify that (Name of Agent) <u>James Bethurem</u> is authorized to submit the information reported on behalf of the reporting carrier. I also certify that I am an officer of the reporting carrier; my responsibilities include ensuring the accuracy of the annual data reporting requirements provided to the authorized agent; and, to the best of my knowledge, the reports and data provided to the authorized agent is accurate.	
Name of Authorized Agent:	James Bethurem
Name of Reporting Carrier:	TOHONO O'ODHAM UTIL.
Signature of Authorized Officer:	CERTIFIED ONLINE Date: 10/10/2013
Printed name of Authorized Officer:	James Bethurem
Title or position of Authorized Officer:	General Manager
Telephone number of Authorized Officer:	5203832236
Study Area Code of Reporting Carrier:	452173 Filing Due Date for this form: 10/15/2013
Persons willfully making false statements on this form can be punished by fine or forfeiture under the Communications Act of 1934, 47 U.S.C. §§ 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. § 1001.	

**TO BE COMPLETED BY THE AUTHORIZED AGENT:**

Certification of Agent Authorized to File Annual Reports for CAF or LI Recipients on Behalf of Reporting Carrier	
I, as agent for the reporting carrier, certify that I am authorized to submit the annual reports for universal service support recipients on behalf of the reporting carrier; I have provided the data reported herein based on data provided by the reporting carrier; and, to the best of my knowledge, the information reported herein is accurate.	
Name of Reporting Carrier:	TOHONO O'ODHAM UTIL.
Name of Authorized Agent or Employee of Agent:	John Staurulakis, Inc.
Signature of Authorized Agent or Employee of Agent:	CERTIFIED ONLINE Date: 10/10/2013
Printed name of Authorized Agent or Employee of Agent:	Cassandra Heyne
Title or position of Authorized Agent or Employee of Agent:	Senior Analyst
Telephone number of Authorized Agent or Employee of Agent:	3014597590
Study Area Code of Reporting Carrier:	452173 Filing Due Date for this form: 10/15/2013
Persons willfully making false statements on this form can be punished by fine or forfeiture under the Communications Act of 1934, 47 U.S.C. §§ 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. § 1001.	

## Attachments

**REDACTED – FOR PUBLIC INSPECTION**

**TOHONO O’ODHAM UTILITY AUTHORITY (SAC 450815)**

**ATTACHMENT - LINE 112**

**ATTACHMENT REDACTED IN ENTIRETY**

## Certification for TOUA

### **Demonstration of Compliance with Applicable Service Quality Standards and Consumer Protection Rules:**

In establishing this certification in its *2005 ETC Order*,<sup>1</sup> the FCC found that an ETC must make “a specific commitment to objective measures to protect consumers.”<sup>2</sup> The Commission found that for wireless ETCs, compliance with CTIA’s Consumer Code for Wireless Service would satisfy this requirement” and that the sufficiency of other commitments would be considered on a case-by-case basis.<sup>3</sup> In this context, the FCC stated, “to the extent a wireline or wireless ETC applicant is subject to consumer protection obligations under state law, compliance with such laws may meet our requirement.”<sup>4</sup>

Tohono O’Odham Utility Authority (“TOUA” or the “Company”) hereby certifies that it is complying with applicable service quality standards and consumer protection rules. As a tribally owned company, TOUA operates under the service quality standards and customer protections that are established by its Board of Directors, which is comprised of tribal members and utility business professionals. The Board receives monthly reports on outages, held orders and complaints. The topics are discussed as appropriate for each report.

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<sup>1</sup> *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Report and Order, FCC 05-46 (rel. Mar. 17, 2005) (“*2005 ETC Order*”).

<sup>2</sup> *Id.* at para. 28.

<sup>3</sup> *Id.* The FCC noted that under the CTIA Consumer Code, wireless carriers agree to: “(1) disclose rates and terms of service to customers; (2) make available maps showing where service is generally available; (3) provide contract terms to customers and confirm changes in service; (4) allow a trial period for new service; (5) provide specific disclosures in advertising; (6) separately identify carrier charges from taxes on billing statements; (7) provide customers the right to terminate service for changes to contract terms; (8) provide ready access to customer service; (9) promptly respond to consumer inquiries and complaints received from government agencies; and (10) abide by policies for protection of consumer privacy.” *Id.* at n. 71.

<sup>4</sup> *Id.* at n. 72.

Although TOUA is not under the jurisdiction of any state commission, the Company has developed a Local Exchange Tariff which contains consumer protection standards which are similar to those required by state commissions for the telecommunications carriers that are under state jurisdiction. Other obligations include, but are not limited to, truth-in-billing requirements; and CPNI, Red Flag Rules and other applicable federal requirements governing the protection of customers' privacy.

## Certification for TOUA

### **Demonstration of Ability to Function in Emergency Situations**

Tohono O’Odham Utility Authority (“TOUA” or “Company”) hereby certifies that it is able to function in emergency situations as set forth in §54.201(a)(2).<sup>1</sup> The Company’s network is designed to remain functional in emergency situations without an external power source, is able to reroute traffic around damaged facilities, and is capable of managing traffic spikes resulting from emergency situations as required by Section 54.202(a)(2). The Company can change call routing translations as needed to reroute traffic around damaged facilities. Changing call routing translations will also allow the Company to manage traffic spikes throughout its network, as emergency situations require.

Specifically, each central office building is supplied with standby generators that enable the central office to keep running until power is restored so long as fuel is available, or until system changes are made to reroute traffic. TOUA’s local network consists of three exchanges and a fiber optic and microwave backbone to Tucson, Arizona where it connects with Qwest. TOUA has a limited ability to reroute traffic around damaged facilities and has a restoration plan in place to restore any disruption in service expeditiously.

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<sup>1</sup> Section 54.201(a)(2) requires ETCs that are designated by the Commission to “demonstrate its ability to remain functional in emergency situations, including a demonstration that it has a reasonable amount of back-up power to ensure functionality without an external power source, is able to reroute traffic around damaged facilities, and is capable of managing traffic spikes resulting from emergency situations.”

# Tohono O'odham Utility Authority

## 2012 Tribal Government Engagement Report

The Tohono O'odham Utility Authority ("TOUA") is an enterprise of the Tohono O'odham Tribe ("Tribe"), established by the Tribe's Legislative Council in 1970, by Resolution No. 18-70 approving the Plan of Operation for TOUA.

TOUA currently operates in accordance with the requirements of the Second Restated Plan of Operation ("Plan of Operation"), approved by the Tribe's Legislative Council, by Resolution No. 328-90. The Plan of Operation defines TOUA's purpose and establishes a Management Board to direct the purpose, subject to applicable laws and regulations of the Tribe. In accordance with the Plan of Operation, The Management Board consists of seven Directors, three of which are required to be members of the Tribe. The other four Directors must have business management experience and three of them must have experience in management and operations of a utility business.

The Plan of Operation empowers that Management Board to establish business plans to provide utility services to the Tribe, within the boundaries of the reservation, to establish policies, rules and regulations for service. It also empowers the Management Board to adopt rates and charges for utility services and requires a public hearing on rates and charges if requested by petition, filed by five percent (5%) of the affected customers.

The Plan of Operation grants TOUA, subject to all applicable federal laws and the laws of the Tribe, the right to use any franchise, right, permit, privilege, easement or right of way standing in the name of or granted to the Tribe in conjunction with the utility systems, lines or facilities furnishing, electric, gas, water, sewer, telephone or cellular service.

The Plan of Operation requires that the Chairperson of the Management Board and the General Manager appear before the Tribes Legislative Council to make an annual report. The presentation before the Legislative Council is broadcast over the Tribes radio station. TOUA's annual report provides information on the previous year's operations, including both financial and operational statistics. It also provides information on capital improvement projects that were completed and information on plans for the current year. As a part of the annual report, the General Manager responds to questions about the information provided in annual report and also addresses Council members concerns and questions about service issues and strategic planning issues.

In addition General Manager makes a separate presentation of the annual report to the Chairman and Vice Chairman of the Tribe during which they discuss service and planning concerns. Within the governance structure of the Tribe, the Legislative Council has various committees which have responsibility of oversight for various tribal departments and the Tribes enterprises. The purpose and membership of each committee is established by action of the Legislative Council and the committee membership is comprised of Legislative Council members. The Legislative Council Commerce Committee has oversight responsibilities for TOUA. During 2102, members of the Commerce Committee attended one of TOUA's Management Board Meeting to learn about current issues and future plans. The General Manager also meets independently with the Commerce Committee to present TOUA's annual report and discuss concerns share plans for the next year.

Throughout the year TOUA management meets with and coordinates planning and operational activities with various departments of the Tribe, as needed or required by tribal law and regulations. TOUA regularly works with the Tribes Reality Office on easement issues; collaborates with the Planning and Economic Development Department in developing economic development plans; Department of Information and Technology to address

plans and service requirements for the Tribe's government offices, public safety and fire departments. TOUA also works with the educational facilities on the reservation to develop telephone and broadband services needed to fulfill their requirements and improve the educational opportunities.

TOUA has Public Relations staff person that is a member of the Tribe that helps to develop all promotional marketing material addressing any cultural sensitive issues. TOUA has 112 full time employees and over 80% are Native Americans and or members of the Tribe. The telephone Department has 34 employees, all of which are Native American.

**TOHONO O'ODHAM UTILITY AUTHORITY**  
**Highway 86, P.O. Box 816**  
**Sells, Arizona 85634-0816**

**LINK UP TERMS AND CONDITIONS**

**TRIBAL LINK UP**

**General**

Tribal Link Up is a program designed to increase the availability of telecommunications services to low income subscribers residing on federally recognized Tribal lands by providing a credit to the non-recurring installation and service charges to qualifying residential subscribers.

**Regulations**

- A. Customers eligible under Tribal Link Up are also eligible for monthly recurring assistance under the Tribal Lifeline program following.
- B. One Tribal Link Up connection assistance is available per household and is applicable to the primary residential connection only.
- C. The Tribal Link Up credit is available a second or subsequent time only for otherwise qualifying commencement of telecommunications service at a principal place of residence with an address different from the address for which Tribal Link Up assistance was provided previously.
- D. To receive the credit, proof of eligibility must be provided prior to installation of service.
- E. The total tariffed charges for connecting service, including service and any other applicable installation charges, are considered in the credit calculation.

**Eligibility**

- A. To be eligible for a Tribal Link Up credit, in addition to meeting the tribal land residency requirement, the customer, a dependent, or a member of the household must be a current recipient of any of the following low income assistance programs.
  - 1. Temporary Assistance to Needy Families (TANF) or EMPOWER (Employing and Moving People Off Welfare and Encouraging Responsibility)
  - 2. Supplemental Security Income (SSI)
  - 3. Supplemental Nutrition Assistance Program (SNAP) or Nutrition Assistance
  - 4. Medicaid or Arizona Healthcare Cost Containment System
  - 5. Low-Income Home Energy Assistance Plan (LIHEAP)
  - 6. Federal Public Housing Assistance or Section 8
  - 7. National School Lunch Program's free lunch program
  - 8. BIA (Bureau of Indian Affairs) General Assistance

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**TRIBAL LINK UP (Cont'd)**

**Eligibility (Cont'd)**

9. Tribally administered Temporary Assistance for Needy Families (TANF)
  10. Head Start Program (income eligible)
  11. Food Distribution Program on Indian Reservations
- B. Additionally, customers not receiving benefits under one of the preceding programs, and whose household's total gross annual income does not exceed one hundred and thirty-five percent (135%) of the Federal Poverty Guidelines, meet the requirements for eligibility.
- C. All applications for service are subject to verification of the qualifying program.

**Certification**

- A. Proof of eligibility in any of the qualifying low income assistance programs should be provided by the eligible Tribal Link Up subscriber to the Company at the time of application for service. The Tribal Link Up credit will not be established until the Company has received proof of eligibility. If the customer requests installation without proof of eligibility, the requested service will be provided without the Tribal Link Up credit.
- B. Each Tribal Link Up subscriber must provide documentation of income-based or program-based eligibility and certify in writing to the Company, under penalty of perjury, that s/he receives benefits under a program, and must on that same document, agree to notify the Company if s/he ceases to participate in the program(s) or to meet income eligibility requirements. The certification form shall conform to the requirements described herein, and shall be made available upon request to any subscriber. The Company shall retain all such subscriber certifications in order to furnish proof of subscriber eligibility as may be required from time to time by Universal Service administrators.
- C. The use or disclosure of information concerning enrollees will be limited to purposes directly connected with the administration of the Tribal Link Up program.

**Credit**

- A. The federal credit available for a Tribal Link Up connection is a one hundred percent (100%) reduction, up to one hundred dollars (\$100.00), of the customary charge for commencing telecommunications service for a single telecommunications connection at a subscriber's principal place of residence.
- B. Upon request, qualifying residents may also receive a deferred schedule of payments of up to two hundred dollars (\$200), and any interest charges associated with the connection charge shall be deferred for a period not longer than one (1) year.

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**LIFELINE TERMS AND CONDITIONS**

**TRIBAL LIFELINE**

**General**

- A. Tribal Lifeline Assistance is a non-transferable retail service offering for which qualifying low-income subscribers pay reduced charges, as provided for below. Tribal Lifeline Assistance enables eligible subscribers to pay reduced charges for voice telephony service that includes the following services: voice-grade access to the public switched network; local usage; access to emergency services; and toll limitation.
- B. The Tribal Lifeline credit available to an eligible customer residing on TOUA tribal land is equal to the total federal support as established by the Federal Communications. The amount of credit will not exceed the charge for local service, which includes the access line, the Subscriber Line Charge and local usage.
- C. The Company shall apply the baseline payments received by the administrator of the federal Lifeline Assistance program to waive the qualifying customer's federal Subscriber Line Charge. The Company shall apply any additional federal support amount to the qualifying customer's basic local exchange service rate.
- D. The Tribal Lifeline Program reduction to voice telephony service shall apply only to residential service. Qualifying customers must subscribe to a generally available residential service plan or package that includes voice telephony service that is made available in the Company's service area.
- E. Partial payments that are received from Tribal Lifeline customers shall first be applied to voice telephony charges and then to any outstanding charges for additional services.
- F. Nothing in this Section shall prohibit a customer who is otherwise eligible for the Tribal Lifeline Program from obtaining and using telecommunications equipment and services designed to aid such customer in utilizing qualifying telecommunications services.
- G. Residents of the TOUA tribal land who are eligible to receive Tribal Lifeline are also eligible to receive Tribal Link Up assistance for service charges under Link up preceding.
- H. The Tribal Lifeline Program rate will not be available on a retroactive basis.

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**TRIBAL LIFELINE (Cont'd)**

**Eligibility and Certification Requirements**

- A. To be eligible for Tribal Lifeline assistance, in addition to meeting the tribal land residency requirement, the customer, a dependent, or a member of the household must be a current recipient of any of the following low income assistance programs.
1. Temporary Assistance to Needy Families (TANF) or EMPOWER (Employing and Moving People Off Welfare and Encouraging Responsibility)
  2. Supplemental Security Income (SSI)
  3. Supplemental Nutrition Assistance Program (SNAP) or Nutrition Assistance
  4. Medicaid or Arizona Healthcare Cost Containment System
  5. Low-Income Home Energy Assistance Plan (LIHEAP)
  6. Federal Public Housing Assistance or Section 8
  7. National School Lunch Program's free lunch program
  8. BIA (Bureau of Indian Affairs) General Assistance
  9. Tribally administered Temporary Assistance for Needy Families (TANF)
  10. Head Start Program (income eligible)
  11. Food Distribution Program on Indian Reservations
- B. Additionally, customers not receiving benefits under one of the preceding programs, and whose household's total gross annual income does not exceed one hundred and thirty-five percent (135%) of the Federal Poverty Guidelines, meet the requirements for eligibility.
- C. Each subscriber to Tribal Lifeline must provide documentation of income-based or program-based eligibility and certify in writing to the Company, under penalty of perjury, that s/he receives benefits under a program outlined in paragraph A. above, and must on that same document, agree to notify the Company if s/he ceases to participate in the program(s) or to meet income eligibility requirements. The certification form shall conform to the requirements described herein, and shall be made available upon request to any subscriber. The Company shall retain all such subscriber certifications in order to furnish proof of subscriber eligibility as may be required from time to time by Universal Service administrators.
- D. A subscriber may elect at the time of subscription to Tribal Lifeline Assistance to receive toll restriction as part of Tribal Lifeline Assistance. "Toll Restriction" is a service that allows a subscriber to elect not to allow the completion of outgoing toll calls from the subscriber's residence.

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**TRIBAL LIFELINE (Cont'd)**

**Restrictions**

Only one Tribal Lifeline Assistance credit is available per household.

**Recertification**

Customers must recertify on an annual basis that their household continues to qualify for the discounted service.

**Credit and Collection**

A. Credit References

The credit verification procedures used for all applicants who apply for service with the Company will also be used for applicants who apply for service under the Tribal Lifeline Program.

B. Deposits

The Company may not collect a service deposit in order to initiate Tribal Lifeline Assistance if the qualifying low-income subscriber voluntarily elects toll restriction from the Company, where available or if the qualifying low-income subscriber elects a calling plan that does not distinguish between toll and non-toll calls in its pricing. If toll restriction is unavailable, then the Company may charge a service deposit.

**Service Connection Charges**

A. Secondary Service charges do not apply to eligible customers with existing residential access line service when they convert to the Tribal Lifeline Program.

B. Service Connection Charges will apply when:

1. Existing eligible residential Local Exchange Service customers also convert to a different grade of eligible residential service and/or Optional Calling Services at the time the Tribal Lifeline Program billing is initiated.
2. A customer receiving Tribal Lifeline Program billing voluntarily elects to convert to telephone service arrangements which preclude Lifeline Program eligibility.

C. Any subsequent service changes after the initial connection to the Tribal Lifeline Program will be subject to the applicable tariffed Service Charges .

**REDACTED – FOR PUBLIC INSPECTION**

**TOHONO O’ODHAM UTILITY AUTHORITY (SAC 452173)**

**ATTACHMENT - LINE 3017**

**ATTACHMENT REDACTED IN ENTIRETY**