

Public Service Commission
Of West Virginia

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December 5, 2013

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FCC Mail Room

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Office of the Secretary
Federal Communications Commission
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Capitol Heights, Maryland 20743
(overnight mail)

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

Universal Service Administrative Company
Vice President, High Cost and Low Income Division
2000 L Street, NW, Suite 200
Washington, DC 20036

Re: CC Docket No. 96-45/WC Docket No. 10-90, Annual State
Certification of Support for Eligible Telecommunications Carriers
Pursuant to 47 C.F.R. §54.314

Pursuant to the requirements of 47 C.F.R. §54.314, The Public Service Commission of West Virginia (WVPSC) hereby certifies to the Federal Communications Commission and the Universal Service Administrative Company that the telecommunications carriers included in this letter are eligible to receive federal high-cost support for the program years cited.

The WVPSC certifies for the carriers listed that all federal high-cost or low income support provided to such carriers within West Virginia was used within the

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preceding calendar year, 2012, and will be used in the coming calendar year, 2014, only for the provision, maintenance and upgrading of facilities and services for which the support is intended. 47 C.F.R. §54.314. The certified carriers include the following:

Carriers Certified to Receive High Cost Support

Carrier	SAC¹	Type²
American Broadband & Telecommunications Co.	209031	C
Armstrong Telephone Company - Northern Division	200267	I
Armstrong Telephone Company - West Virginia	200256	I
Boomerang Wireless, LLC	209030	C
Budget Prepay, Inc.	209029	C
Cellspan, Inc.	n/a	C
Cintex Wireless, LLC	209018	C
Citizens Telecommunications Co. of West Virginia, Inc.	200271	I
Citizens Telecommunications Co. of West Virginia, Inc.	204338	I
Citizens Telecommunications Co. of West Virginia, Inc.	204339	I
Frontier West Virginia Inc.	205050	I
Gateway Telecom, LLC, dba StratusWave Communications, LLC	209001	C
Global Connection Inc. of America	209025	C
Gulf Coast Home Phone Services dba Gulf Coast Wireless	209023	C
Hardy Telecommunications, Inc. (CLEC)	209009	C

¹ Study Area Code

² I – Incumbent; C – Competitive

Hardy Telecommunications, Inc. (ILEC)	200259	I
i-wireless, LLC	209022	C
Linkup Telecom	209020	C
Lumos Networks, LLC, fka FiberNet, LLC	209002	C
New Cingular Wireless PCS, LLC dba AT&T Mobility	209012	C
Nexus Communications, Inc.	209014	C
Q-Link Wireless, LLC	209028	C
Spruce Knob-Seneca Rocks Telephone, Inc.	200257	I
Tag Mobile, LLC	209026	C
Telrite Corporation	209016	C
TerraCom, Inc.	209017	C
Total Call Mobile, Inc.	209027	C
Tracfone Wireless, Inc.	209013	C
US Connect, LLC	209024	C
USCOC of Cumberland & Hardy Cellular Telephone, Inc.	209005	C
Virgin Mobile USA, L.P.	209015	C
War Acquisition Corp., dba OTT Communications	200258	I
West Side Telecommunications	200277	I
West Virginia PCS Alliance, LC dba NTELOS	209909	C

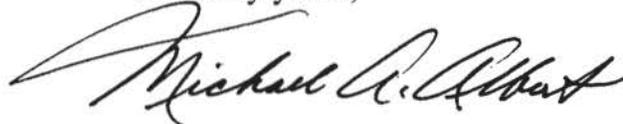
This certification is the product of formal proceedings before the WVPSC. General Investigation Regarding The Use of Federal Universal Service Funding By Eligible Telecommunications Carriers in West Virginia, Case No. 13-0503-T-GI (Commission Order, December 4, 2013) (attached as Attachment A). In that proceeding, the WVPSC reviewed information filed by each carrier, including disclosures under 47 C.F.R. §54.313, to support this certification.

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On behalf of the people of West Virginia, the WVPSC expresses its appreciation for the continuing efforts of the FCC in working to expand advanced telecommunications services throughout the nation.

Sincerely yours,

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

Michael A. Albert
Chairman

MJM/lrm
Enclosures

**PUBLIC SERVICE COMMISSION
OF WEST VIRGINIA
CHARLESTON**

At a session of the PUBLIC SERVICE COMMISSION OF WEST VIRGINIA in the City of Charleston on the 4th day of December 2013.

CASE NO. 13-0503-T-GI

GENERAL INVESTIGATION REGARDING
THE USE OF FEDERAL UNIVERSAL SERVICE
FUNDING BY ELIGIBLE TELECOMMUNICATIONS
CARRIERS IN WEST VIRGINIA.

COMMISSION ORDER

The Commission finds that certain eligible telecommunications carriers (ETCs) in West Virginia are appropriately using federal universal service funds (USF).

BACKGROUND

On April 10, 2013, the Commission opened its annual general investigation into the use of USF by ETCs in West Virginia. The Commission directed ETCs to certify that they are properly using USF and file information required by the Federal Communications Commission (FCC) under 47 C.F.R. §54.313. That Order also directed ETCs to file information to assist this Commission with a review conducted under Rule 10.6.c of the Rules for the Government of Telephone Utilities, 150 C.S.R. Series 6 (Telephone Rules). The Commission initially directed carriers to file the information on or before July 2, 2013. Finally, the Commission also directed the Executive Secretary to publish notice of its Order to inform the public that interested parties could file comments with the Commission by July 16, 2013.

The FCC previously directed states to annually certify carriers that are eligible for USF and file a certification letter stating that federal high-cost funds flowing to carriers in that state in the preceding and upcoming calendar year are used in accord with Section 254(e) of the Telecommunications Act of 1934 (as amended)¹ (Act). 47 U.S.C. §254(e), 47 C.F.R. §54.314. See also, In the Matter of Connect America Fund, WC Docket 10-90

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

et al., Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd 17663 (2011) (CAF Order). If a state commission timely files² its certification with the FCC and the Administrator of the Universal Service Administrative Company (USAC), then USF for the next calendar year will be forwarded to the qualified carriers. *Id.* Therefore, the Commission initiated this general investigation regarding the certification of federal USF for ETCs in West Virginia for the preceding calendar year (2012) and the upcoming calendar year (2014). The FCC has also expressed an expectation that state commissions utilize data filed by ETCs under 47 C.F.R. §54.313 to conduct a rigorous examination of the use of USF. In the event that an ETC is not using USF support as intended, a state commission may recommend that the FCC make prospective support adjustments or recover past support amounts.³ CAF Order at ¶612.

On May 14, 2013, Commission Staff filed an initial memorandum stating that it would file a final recommendation as directed by the April 10, 2013 Commission Order.

On May 23, 2013, several rural carriers filed identical requests for clarification of the April 10, 2013 Commission Order, citing a recent FCC Order that modified the filing requirements under 47 C.F.R. §54.313.

This Commission subsequently clarified the April 10, 2013 Commission Order and adopted changes promulgated by the FCC to filing requirements under 47 C.F.R. §54.313. June 6, 2013 Commission Order.

On June 10, 2013, the FCC issued an order suspending certain filing deadlines for carriers under 47 C.F.R. §54.313 and the deadline for states to certify the proper use of USF under 47 C.F.R. §54.314. In the Matter of Connect America Fund et al., WC Docket 10-90 et al., Order, DA 13-1348 (Rel. June 10, 2013).

Most ETCs subsequently filed USF certifications in response to the April 10, 2013 Commission Order. Several carriers, however, noted the preliminary nature of their filings based on the June 10, 2013 FCC Order.

Certain carriers also requested that the Commission maintain a portion of their USF filings under seal, asserting that the sealed documents contain trade secrets exempt from the provisions of the West Virginia Freedom of Information Act, codified as W.Va. Code §§29B-1-1 to 7 (WV FOIA). The carriers requesting that the Commission continue to seal a portion of their filings included Citizens Telecommunications Company of West Virginia, Inc. (Citizens), Frontier West Virginia Inc. (Frontier WV), USCOC of

² The filing deadline is normally October 1st of each year, but the Commission delayed the filing deadline this year to accommodate the approval and filing of FCC Form 481.

³ Alternatively, this Commission may rescind an ETC designation or refuse to certify the ETC.

Cumberland and Hardy Cellular Telephone, Inc. (US Cellular), New Cingular Wireless PCS, LLC dba AT&T Mobility (AT&T) and Nexus Communications, Inc. (Nexus).

On August 6, 2013, the FCC released public notice DA 13-1707 to announce that it obtained approval for a form to facilitate the filing of data required under 47 C.F.R. §§54.313 and 54.422. Therefore, the FCC established a deadline of October 15, 2013, for carriers to file the new form and a deadline of December 16, 2013, for certifications by state commissions under 47 C.F.R. §54.314.

The Commission subsequently adjusted its filing deadlines in this matter to allow carriers to supplement their initial USF filings. August 14, 2013 Commission Order.

On or before October 15, 2013, most carriers filed FCC Form 481 to supplement their initial filings. Several carriers also requested that the Commission seal a portion of their supplements. The carriers requesting that the Commission maintain a portion of their supplemental filings under seal included US Cellular, Frontier WV, Citizens, AT&T and West Virginia PCS Alliance, LC dba NTELOS (NTELOS).

On November 1, 2013, Staff filed a memorandum recommending that the Commission certify twenty-five ETCs to the FCC as properly using USF. Staff also stated that certain carriers either failed to respond to the Commission Order opening this matter or file sufficient information. Specifically, Staff asserted that (i) US Connect, LLC, (ii) Cellspan, Inc., (iii) Conexions, LLC, dba Conexions Wireless (Conexions) and (iv) Total Call Mobile, Inc., failed to respond. Staff also stated that (i) American Broadband and Telecommunications Company and (ii) Budget Prepay, Inc., did not file adequate information.

In response to the November 1, 2013 Staff Recommendation, the Commission directed the carriers Staff cited to comply with the April 10, 2013 Commission Order forthwith. The Commission also directed Staff to provide an updated recommendation to include carriers that subsequently provided sufficient information to allow this Commission to certify their use of USF to the FCC. November 6, 2013 Commission Order.

Subsequent to the November 6, 2013 Commission Order, every carrier Staff cited in its November 1, 2013 Memorandum responded to the April 10, 2013 Commission Order, except Conexions.

On November 20, 2013, Staff filed a further memorandum to update its November 1, 2013, recommendation. Staff recommended that the Commission certify every ETC that responded to the April 10, 2013 Commission Order. It noted, however, that Conexions failed to respond to any of the Commission Orders and recommended that the Commission decline to certify that carrier. Staff also stated that it would separately

request that the Commission rescind the ETC designation awarded to Conexions. Therefore, Staff recommended that the Commission certify that the following ETCs that filed documentation and requested that this Commission certify to the FCC and USAC that they properly used USF in the prior calendar year and will continue to use USF properly in the coming calendar year:

1. American Broadband & Telecommunications Company
2. Armstrong Telephone Company - Northern Division
3. Armstrong Telephone Company - West Virginia
4. Boomerang Wireless, LLC
5. Budget Prepay, Inc.
6. Cellspan, Inc.
7. Cintex Wireless, LLC
8. Citizens Telecommunications Company of West Virginia, Inc.
9. Frontier West Virginia Inc.
10. Gateway Telecom, LLC, dba StratusWave Communications, LLC
11. Global Connection Inc. of America
12. Gulf Coast Home Phone Services dba Gulf Coast Wireless
13. Hardy Telecommunications, Inc. (CLEC)
14. Hardy Telecommunications, Inc. (ILEC)
15. i-wireless, LLC
16. Linkup Telecom
17. Lumos Networks, LLC, fka FiberNet, LLC
18. New Cingular Wireless PCS, LLC dba AT&T Mobility
19. Nexus Communications, Inc.
20. Q-Link Wireless, LLC
21. Spruce Knob-Seneca Rocks Telephone, Inc.
22. Tag Mobile, LLC
23. Telrite Corporation
24. TerraCom, Inc.
25. Total Call Mobile, Inc.
26. Tracfone Wireless, Inc.
27. US Connect, LLC
28. USCOC of Cumberland and Hardy Cellular Telephone, Inc.
29. Virgin Mobile USA, L.P.
30. War Acquisition Corp., dba OTT Communications
31. West Side Telecommunications
32. West Virginia PCS Alliance, LC dba NTELOS

No member of the general public filed comments in this proceeding.

DISCUSSION

Use of High-Cost Support Certification

With regard to the use of USF, the Commission accepts the Staff recommendation to certify that the following telecommunications carriers should continue to receive federal universal service support. The Commission finds that the support that the listed ETCs received in the preceding calendar year, 2012, and will use in the coming calendar year, 2014, is only applied to the provision, maintenance and upgrading of facilities and services for which the support is intended, consistent with the Act. Those ETCs include:

1. American Broadband & Telecommunications Company
2. Armstrong Telephone Company - Northern Division
3. Armstrong Telephone Company - West Virginia
4. Boomerang Wireless, LLC
5. Budget Prepay, Inc.
6. Cellspan, Inc.
7. Cintex Wireless, LLC
8. Citizens Telecommunications Company of West Virginia, Inc.
9. Frontier West Virginia Inc.
10. Gateway Telecom, LLC, dba StratusWave Communications, LLC
11. Global Connection Inc. of America
12. Gulf Coast Home Phone Services dba Gulf Coast Wireless
13. Hardy Telecommunications, Inc. (CLEC)
14. Hardy Telecommunications, Inc. (ILEC)
15. i-wireless, LLC
16. Linkup Telecom
17. Lumos Networks, LLC, fka FiberNet, LLC
18. New Cingular Wireless PCS, LLC dba AT&T Mobility
19. Nexus Communications, Inc.
20. Q-Link Wireless, LLC
21. Spruce Knob-Seneca Rocks Telephone, Inc.
22. Tag Mobile, LLC
23. Telrite Corporation
24. TerraCom, Inc.
25. Total Call Mobile, Inc.
26. Tracfone Wireless, Inc.
27. US Connect, LLC
28. USCOC of Cumberland and Hardy Cellular Telephone, Inc.
29. Virgin Mobile USA, L.P.
30. War Acquisition Corp., dba OTT Communications
31. West Side Telecommunications
32. West Virginia PCS Alliance, LC dba NTELOS

Therefore, the Commission will certify by letter to the FCC and USAC that the above-listed ETCs are properly using USF consistent with Section 254(e) of the Act. The Commission declines to certify Conexions because it has failed to cooperate with Staff or respond to the orders of the Commission in this case.⁴ Finally, the Commission notes that the requests of (i) American Broadband & Telecommunications Company, (ii) Boomerang Wireless, LLC, (iii) Budget Prepay, Inc., (iv) Cellspan, Inc., (v) Cintex Wireless, LLC, (vi) Global Connection Inc. of America, (vii) Gulf Coast Home Phone Services dba Gulf Coast Wireless, (viii) i-wireless, LLC, (ix) Linkup Telecom, (x) Nexus Communications, Inc., (xi) Q-Link Wireless, LLC, (xii) Tag Mobile, LLC, (xiii) Telrite Corporation, (xiv) TerraCom, Inc., (xv) Total Call Mobile, Inc., (xvi) Tracfone Wireless, Inc., (xvii) US Connect, LLC and (xviii) Virgin Mobile USA, L.P., are limited to support for their Lifeline programs.

Lifeline and Tel-Assistance Review

Under Telephone Rule 10.6, the Commission annually reviews the efforts of ETCs to participate in the Lifeline program and the state-based Tel-Assistance program. The Commission has reviewed the Lifeline and Tel-Assistance materials filed in this proceeding by each ETC. It continues to encourage all ETCs to participate in these programs and will monitor these programs in future USF proceedings.

Requests for Protective Orders

Most ETCs did not request any type of protective order for their filings in this matter. Certain carriers, however, requested protective orders for portions of their certifications or supplemental filings, arguing that the sealed information is exempt from disclosure under WV FOIA. Those carriers also filed an affidavit in support of their requests for a protective order. The sealed data in this matter include:

US Cellular

- Exhibit 1 – Service Improvement Plan and Description of Expenditures
- Exhibit 2 – Network Coverage Map
- Exhibit 3 – 2012 Outage Report
- Exhibit 4 – Unfulfilled Service Requests in 2012
- Portion of FCC Form 481

AT&T

- Attachment 2-1 – Service Improvement Plan 2012
- Attachment 2-2 – Service Improvement Plan 2013
- Attachment 2-3 – Service Improvement Plan 2014

⁴ Staff stated that it will request that the Commission open a proceeding to rescind the ETC designation of Conexions in the near future.

- Attachment 3-1 – 2012 Coverage Map
- Attachment 3-2 – 2013 Coverage Map
- Attachment 3-3 – 2014 Coverage Map
- Attachment 4 – 2012 Outage Data
- Portion of FCC Form 481

Citizens

- Attachment 4 – Draft FCC Form 481 for each Study Area
- Portion of FCC Forms 481 filed for each Study Area

Frontier WV

- Attachments 4 and 5 – Portions of Draft FCC Form 481
- Portion of FCC Form 481

Nexus

- FCC Form 555

NTELOS

- Portions of FCC Form 481

The Commission concludes that there is no need at present to make a final ruling on the pending protective treatment requests. It will instead direct the Executive Secretary to continue to hold the unredacted versions of the sealed filings separate and apart from the remnant of this casefile until the Commission receives and reviews a request for that information. By deferring consideration of the protective treatment requests, the Commission is not taking any final position on the application of WV FOIA to the sealed data.

Requirements for 2014 Certification Filings

In prior USF proceedings, the Commission directed all ETCs to file certain information with the Commission by July 1st of the following year to assure that it would have the necessary data available for the upcoming certification proceeding. The Commission will require similar filings here on or before July 1, 2014. ETCs should (i) certify their proper use of universal service support by affidavit on or before that date and file information required under 47 C.F.R. §54.313, (ii) include copies of the current FCC Form 481 and FCC Form 555, (iii) describe their efforts to promote low income programs, and (iv) include their Study Area Code.

FINDINGS OF FACT

1. The Commission initiated this general investigation to review the use of federal USF by ETCs in West Virginia. April 10, 2013 Commission Order.
2. Thirty-two ETCs filed the required USF documentation and requested that this Commission certify that they have previously used federal USF support consistent with the Act in 2012 and will continue to do so in calendar year 2014. ETC USF filings.
3. Conexions failed to respond to the Commission Orders in this matter or file FCC Form 481 here as directed by the FCC.
4. Six carriers requested that the Commission seal portions of their initial or supplemental responses to the April 10, 2013 Commission Order, asserting that the sealed data are exempt from WV FOIA. Motions for Protective Order.
5. Staff recommended that the Commission certify to the FCC and USAC that all ETCs that responded to the April 10, 2013 Commission Order previously used USF support consistent with the Act and will continue to do so in calendar year 2014. November 1, 2013 and November 20, 2013 Staff Memoranda.

CONCLUSIONS OF LAW

1. The following telecommunications carriers should be certified by letter to the FCC and USAC as eligible to continue to receive federal universal service support because they used that support in the prior calendar year only for the provision, maintenance and upgrading of facilities and services for which the support is intended and will continue to do so in the upcoming calendar year:

1. American Broadband & Telecommunications Company
2. Armstrong Telephone Company - Northern Division
3. Armstrong Telephone Company - West Virginia
4. Boomerang Wireless, LLC
5. Budget Prepay, Inc.
6. Cellspan, Inc.
7. Cintex Wireless, LLC
8. Citizens Telecommunications Company of West Virginia, Inc.
9. Frontier West Virginia Inc.
10. Gateway Telecom, LLC, dba StratusWave Communications, LLC
11. Global Connection Inc. of America
12. Gulf Coast Home Phone Services dba Gulf Coast Wireless
13. Hardy Telecommunications, Inc. (CLEC)

14. Hardy Telecommunications, Inc. (ILEC)
15. i-wireless, LLC
16. Linkup Telecom
17. Lumos Networks, LLC, fka FiberNet, LLC
18. New Cingular Wireless PCS, LLC dba AT&T Mobility
19. Nexus Communications, Inc.
20. Q-Link Wireless, LLC
21. Spruce Knob-Seneca Rocks Telephone, Inc.
22. Tag Mobile, LLC
23. Telrite Corporation
24. TerraCom, Inc.
25. Total Call Mobile, Inc.
26. Tracfone Wireless, Inc.
27. US Connect, LLC
28. USCOC of Cumberland and Hardy Cellular Telephone, Inc.
29. Virgin Mobile USA, L.P.
30. War Acquisition Corp., dba OTT Communications
31. West Side Telecommunications
32. West Virginia PCS Alliance, LC dba NTELOS

2. To facilitate certification filings for next year, it is reasonable for the Commission to direct carriers to file information listed in the relevant discussion above with this Commission regardless of the opening of a new general investigation.

3. The Commission will direct its Executive Secretary to continue to segregate the material subject to the protective treatment motions filed in this matter until the Commission receives a WV FOIA request for that information. General Investigation Regarding the Use of Federal Universal Service Funding, Case No. 12-0546-T-GI (Commission Order, September 18, 2012).

ORDER

IT IS THEREFORE ORDERED that a certification be issued to the FCC and USAC stating that the following carriers used federal high-cost and other universal service support only for the provision, maintenance and upgrading of facilities and services for which the support is intended in the preceding calendar year and will do so in the coming calendar year:

1. American Broadband & Telecommunications Company
2. Armstrong Telephone Company - Northern Division
3. Armstrong Telephone Company - West Virginia
4. Boomerang Wireless, LLC

5. Budget Prepay, Inc.
6. Cellspan, Inc.
7. Cintex Wireless, LLC
8. Citizens Telecommunications Company of West Virginia, Inc.
9. Frontier West Virginia Inc.
10. Gateway Telecom, LLC, dba StratusWave Communications, LLC
11. Global Connection Inc. of America
12. Gulf Coast Home Phone Services dba Gulf Coast Wireless
13. Hardy Telecommunications, Inc. (CLEC)
14. Hardy Telecommunications, Inc. (ILEC)
15. i-wireless, LLC
16. Linkup Telecom
17. Lumos Networks, LLC, fka FiberNet, LLC
18. New Cingular Wireless PCS, LLC dba AT&T Mobility
19. Nexus Communications, Inc.
20. Q-Link Wireless, LLC
21. Spruce Knob-Seneca Rocks Telephone, Inc.
22. Tag Mobile, LLC
23. Telrite Corporation
24. TerraCom, Inc.
25. Total Call Mobile, Inc.
26. Tracfone Wireless, Inc.
27. US Connect, LLC
28. USCOC of Cumberland and Hardy Cellular Telephone, Inc.
29. Virgin Mobile USA, L.P.
30. War Acquisition Corp., dba OTT Communications
31. West Side Telecommunications
32. West Virginia PCS Alliance, LC dba NTELOS

IT IS FURTHER ORDERED that on or before July 1, 2014, all ETCs designated by this Commission to receive high-cost or other support shall (i) certify their proper use of universal service support by affidavit on or before that date along and file information required under 47 C.F.R. §54.313, (ii) include copies of the current FCC Form 481 and FCC Form 555, (iii) describe their efforts to promote low income programs, and (iv) include their Study Area Code.

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

IT IS FURTHER ORDERED that the requests for protective orders filed in this matter are deferred until the filing of a request under WV FOIA. The Executive Secretary shall maintain the sealed responses separate and apart from the rest of the file pending further Order. If the Commission receives a request to inspect any of the sealed

information, the Commission will afford the affected carrier a brief opportunity to respond to each WV FOIA request.

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

IT IS FURTHER ORDERED that the Commission Executive Secretary serve a copy of this Order by electronic service on all ETCs and parties requesting that service, on all other parties by United States First Class Mail and on Staff by hand delivery.

A True Copy, Teste,



Ingrid Ferrell
Executive Secretary

MJM/lrm
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