

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Communications Division
Carrier Oversight and Reporting Branch

RESOLUTION T-17231
October 29, 2009

RESOLUTION

RESOLUTION T-17231. To approve the request of TC Telephone LLC (U-6875-C) to become a limited eligible telecommunications carrier (ETC) within the Pacific Bell Telephone Company dba AT&T service territories.

SUMMARY

Resolution T-17231 grants limited eligible telecommunications carrier (ETC) status to TC Telephone LLC, in the service territories of Pacific Bell Telephone Company dba AT&T (hereafter referred to as AT&T/Pacific Bell) as of the effective date of this resolution. TC Telephone appears to meet the requirements set forth in Resolution T-17002 Appendix A, thereby allowing it to participate in the Lifeline program. TC Telephone is required to provide all Lifeline designated services in the areas for which it has received ETC status.

BACKGROUND

The Federal Communications Commission (FCC) delegated to the states, the responsibility of approving Eligible Telecommunications Carriers (ETC). ETC status allows telecommunications carriers to draw federal Universal Lifeline funds, and federal High Cost support. Resolution T-17002 establishes the criteria for a telecommunications carrier to become an ETC in California, and the reporting requirements associated with that status¹. Additionally, Resolution T-17002 also establishes the ETC reporting requirements for the approved carriers which wish to draw Federal High Cost funds².

Application for ETC status in California, begins with a carrier filing a Tier III Advice Letter (AL) with the California Public Utilities Commission. TC Telephone LLC, has filed its AL for ETC status in California on July 1, 2009, with the qualification that it will not seek Federal High Cost Support.

¹ Resolution T-17002 Appendix A

² Resolution T-17002 Appendix B

DRAFT

TC Telephone LLC (U-6875-C) was granted its certificate of public convenience and necessity (CPCN) "...to operate as a limited facilities-based and resale provider of competitive local exchange services, and interexchange services..."³ on July 8, 2004 in Decision D. 04-07-014. TC Telephone is authorized to operate in the service territories of Pacific Bell Telephone Company, Verizon California Inc., SureWest Telephone Company, and Citizens Telecommunications Company of California Inc. The address of record for TC Telephone LLC is 545 Sykes Avenue; Red Bluff, CA 96080.

Notice

TC Telephone's application for ETC status was filed on July 1, 2009 in its Advice Letter 9. It was published on the Commission's Daily Calendar on July 6, 2009. TC Telephone LLC has represented that all parties on the attached service list (see Attachment #1) have received a copy of its Advice Letter 9.

Protests

No protests have been filed regarding TC Telephone LLC's Advice Letter 9 filing.

DISCUSSION

Resolution T-17002 contains the federal ETC criteria found in FCC 97-157, FCC 05-46, and FCC 03-249. A telecommunications carrier must meet all of the criteria found in Resolution T-17002 in order to receive *full* ETC designation (see Attachment #2). Full ETC designation, allows a carrier to participate in both the Lifeline Program and the High Cost Support Program.

In order to qualify as a *limited* ETC [a carrier allowed only to participate in the Lifeline program] a carrier needs only to meet the criteria found in Resolution T-17002 Appendix A, with the exception of "Submission of Two-Year Service Quality Improvement Plan"⁴. By virtue of the fact that TC Telephone LLC has specifically stated that it will not draw any High Cost funds – it is not subject to this requirement.

Based upon a review of TC Telephone LLC's Advice Letter 9, it has met the requirements set forth in Appendix A of Resolution T-17002.

COMMENTS

TC Telephone LLC has stated that AL 9 was served upon the attached service list (see Attachment #1). AL 9 is uncontested and it grants the relief requested. Therefore, pursuant to P.U. Code §311(g)(2), the 30-day public review and comment period is waived.

³ Decision 04-07-014 at 7

⁴ Resolution T-1702 Appendix A contains this requirement for carriers seeking High Cost Support. This is not relevant to a carrier which will not be seeking those funds.

DRAFT**FINDINGS**

1. TC Telephone LLC, applied for limited eligible telecommunications carrier status on July 1, 2009, to offer lifeline services within the AT&T/Pacific Bell service territory.
2. TC Telephone LLC has met the requirements set forth in Resolution T-17002 for an eligible telecommunications carrier limited to participate in the lifeline program only.
3. TC Telephone LLC will not seek High Cost Support funds.

THEREFORE, IT IS ORDERED that:

1. TC Telephone LLC is designated as a limited eligible telecommunications carrier within the service territories of AT&T/Pacific Bell as of the effective date of this resolution.
2. TC Telephone LLC is designated as an ETC authorized to only participate in the Lifeline Telephone Service program, with the exclusion of High Cost Support.
3. TC Telephone LLC is required to provide all Lifeline designated services in the areas for which it has received ETC status.

This resolution is effective today.

I certify that the foregoing resolution was duly introduced, passed, and adopted at a conference of the Public Utilities Commission of the State of California held on October 29, 2009, the following Commissioners voting favorably thereon:

PAUL CLANON
Executive Director

Attachment #1

TC Telephone California Advice Letter Service List**Via U.S. Mail**

Arch Wireless
Jim Mossbarger
P.O. Box 397
Rosemead, CA 91770

Via e-mail

regtss@att.com	jparker@credomobile.com	marcel@turn.org
katielson@dwt.com	stoverlaw@gmail.com	ken.mceldowney@consumer-action.org
ajbily@aol.com	jspencer@creatint.com	elaine.duncan@verizon.com
ksalazar@telekenex.com	terry.houlihan@bingham.com	lupita.reyes@verizon.com
angelika.jacob@verizon.com	judykau@dwt.com	dmw@wblaw.net
bwilde@creatint.com	william.sanders@sfgov.org	william.harrelson@mci.com
lorrie.bernstein@mossadams.com	katherine.mudge@covad.com	wcooper@fcblaw.com
daguirre@telscape.net	ysmythe@caltel.com	mmcsba@yahoo.com
lsaldana@czn.com	kathy.mcmahon@sprint.com	cborn@czn.com
daniel.ostroff@xo.com	epoole@adplaw.com	cheryl_hills@icgcomm.com
diane.peters@globalcrossing.com	stephanie.holland@att.com	ngriffin@pacwest.com
mmulkey@arrival.com	thomas.selhorst@att.com	rmarcantonio@publicadvocates.org
esther.northrup@cox.com	anna.kapetanacos@att.com	david@simpsonpartners.com
nathan.glazier@alltel.com	rmccann@pacwest.com	marg@tobiaslo.com
fernb@valleyyellowpages.com	steve.bowen@bowenlawgroup.com	abqccvsrelations@t-mobile.com
patricia.delgado@usmc.mil	grs@calcable.org	abriggs@globalconnectioninc.com
gerald.varcak@bankofamerica.com	smalllecs@cwclaw.com	aeconomou@mettel.net
pcasciato@sbcglobal.net	douglas.garrett@cox.com	ahanson@o1.com
gina.gomez@verizonbusiness.com	janewhang@dwt.com	alex_valencia@phonesforall.com
PUCUpdates@BlueCasa.com	lbiddle@ferrisbritton.com	amaimon@mediacomcc.com
gina.wybel@netwolves.com	kevin.saville@frontiercorp.com	amy.bellerose@paetec.com
regulatory@surewest.com	mday@goodinmacbride.com	andre@broadvox.net
hope.christman@verizon.com	ens@loens.com	andrea@emctelecom.com
rejones@ccmi.com	eperez@atty.ci.la.ca.us	andy.hammons@cbeyond.net
info@tobiaslo.com	phanschen@mofo.com	arasura@tcastcom.com
rglostein@orrick.com	mmattes@nossaman.com	ari@phonepower.com
jchicoi@czn.com	peter.hayes@att.com	azabit@ndw.com
rlongview@telecom611.com	stephen.h.kukta@sprint.com	beck.gipson@excel.com
john_gutierrez@cable.comcast.com	thaliag@greenlining.org	betty.sanders@chartercom.com
rmonto@neutraltandem.com		

DRAFT

bgantner@paxio.com	edorm@cot.net	jhirschy@rurahwest.com
brobinson@cambaygroup.com	egwolfe@ducortelco.com	jhoward@alomagroup.com
bryan@telcentris.com	eleal@fones4all.com	jhoward@palomagroup.com
bwilde@creatint.com	esther.northrup@cox.com	jkline@cocoinc.net
Cal_EscalationTeam@cable.comcast.com	fabiola@allo.com	jlapenta@cocoinc.net
camurray@eschelon.com	fahearn@mcgrawcom.net	jlapenta@conterra.com
camurray@integratelecom.com	fkirby@cypresscom.net	jmhancock@comcast.net
carl.billek@corp.idt.net	fred.ramer@peakcomm.com	jmills@utilitytelephone.com
carol.klein@spectrotel.com	g.gierczak@surewest.com	joan.m.engler@verizon.com
carriermanagement@bhnis.com	gail.long@tdstelecom.com	joe.schoenstein@mybrihthous.com
caseyw@costplus.us	george.granger@cingular.com	john_gutierrez@cable.comcast.com
cat@airespring.com	ghaymaker@firstwc.com	johnbarnicle@yahoo.com
caustin@norcast.net	ghogan@interainc.com	johnk@datavo.com
cbryden@sbcglobal.net	gibanks@att.com	johnlister2005@yahoo.com
ccie4140@gmail.com	globaltelecom.technologytcom1@carlylennon.com	joleen@cot.net
cfilak@calltower.com	gmcglynn@inti.us	jpena@rgts.com
cforst@360.net	gmeyer@ygnition.com	jponton@c1-sl0.com
chantel.mosby@centurytel.com	grant.spellmeyer@uscellular.com	jrhirschy@ruralwest.com
charlie.born@frontiercorp.com	greg.m@socaltelephone.com	jriley@telecompliance.net
cherber@qwest.com	greg.m@wholesaleairtime.com	jtlowers@sisqtel.net
compliance@bluecasa.com	greg.rogers@level3.com	judy.messenger@paetec.com
corp@nextgnetworks.net	gregl@goait.com	julia.strow@cbeyond.net
DAguirre@telscape.net	hongwong@apexglobalnet.com	julie.laine@twcable.com
dand@ponderosatel.com	info@cogentco.com	julie.patterson@twcable.com
dane@sonic.net	info@currentgroup.com	jvenable@edgewireless.com
danielm@lacuracao.com	info@intermetro.net	jvillanueva@cleartel.com
dave@dmrcom.net	info@pointtopointinc.com	jwilcox@jwecorp.com
david.lafrance@xo.com	isaacs@isg-telecom.com	jwilcox@ncorp.com
david.pierce@americantower.com	james.mertz@hypercube-llc.com	katinka.howell@texlink.com
david.robinson@syniverse.com	jarrett@jaroth-pts.com	kbradley@gvcwinstar.net
dchanse@ielement.com	jason.brown@accesspointinc.com	kimm.partridge@ucn.net
dclark@kermantelephone.com	jbrown@vcomsolutions.com	kipc@broadweave.com">kipc@broadweave.com
ddickson@telecomsys.com	jbuckingham@callamericacom.com	kitm@accutel.net
dennis.moffit@suddenlink.com	jdaniels@tsigrp.net	kkuder@acninc.com
devins@psc1.net	jdaniels@ustelecom.com	kmudge@covad.com
dhankin@wavebroadband.com	jdemasi@gvn.com	kris@lokt.net
diane.peters@globalcrossing.com	jeff.wirtzfeld@qwest.com	kris@twomey.com
dj.huston@mail.sprint.com	jeff@telequality.com	kris@twoney.com
dmoritz@tmccom.com	jeffs@jaroth-PTS.com	ksample@yipes.com
earlb@volcanotel.com	jenny.wong@verizon.com	latwood@its-omni.com
ebender@wilcon.com	jh@qtelephone.com	laurabsheman@yahoo.com

DRAFT

lauri.william@pretrol.com	ngiggs@innercite.com	sdandley@dscicorp.com
lauri.willman@metro1.com	nlubamersky@telepacific.com	sf@ca/cat.com
lcondray@bandwidth.com	ntaylor@telepacific.com	sfenker1@earthlink.net
ldellaero@trinsic.com	pbewick@newedenetworks.com	sfetzer@cctonline.net
ldeme@bbcom.c.com	pbradshow@sunesys.cm	sflatt@sagetelecom.net
lderne@bbcominc.com	peter.russo@ymaxcorp.com	sgnepp@tncii.com
legal@callglobalcom.com	pmcnamee@wavebroadband.com	shobbs@dsl.net
legal@teamgtc.com	ppuerling@primustel.com	shobbs@megapath.com
Lgrajiola@cricketcommunications.com	preferred@aol.com	simsph@dpiteleconnect.com
linda.fogg@verizon.com	pvicencio@metropcs.com	sirusz@planetonline.com
linda.hunt@lightyear.net	r.engehausen@gmail.com	stran@verosity.com
linda.peng@chinamotion.com	raul@corp.race.com	support@surewest.net
lindab@stcg.net	regtss@att.com	susan.leclair@pinetreetworks.com
lindac@gvni.net	RegulatoryAffairs@cavtel.com	susan.lipper@t-mobile.com
litkin@leapwireless.com	regulatory.reporting@cbeyond.net	sweissert@czn.com
lmartin@pacwest.com	regulatory@cleartel.com	taxelton@c1-slo.com
louie.decarlo@mci.com	regulatory@granitenet.com	tchilders@01.com
lyndall.nipps@twtelecom.com	regulatory@hablacom.com	teichler@fones4all.com
lynnf@stcg.net	regulatory@intrado.com	telgovtescalations@chartercom.com
magli@comtech21.com	regulatory@networkip.net	tfredeen@norcast.net
marc@ttcmail.com	regulatorygrievances@xo.com	tgietzen@vycera.com
margo.ormiston@verizon.com	rex.knowles@xo.com	thomas.haluskey@ecntel.com
markl@totalcallusa.com	rh2514@att.com	thomas.k.braun@sce.com
mcegelski@firstcomm.com	rhondaa@kermantel.net	tkimura@nobelglobe.com
mdurkin@rawbw.com	rich@mkcom.com	tliano@interainc.com
mel@varnet.net	rkoslowski@bullseyetelecom.com	todd@ncccom.com
mhaverkate@championbroadband.com	rkotz@pngmail.com	tolson@oacys.com
mhring@cavtel.com	rmejia@lacuracao.com	tray@clearlinxnetwork.com
michael.hubner@ftgx.com	rmocas@eastontelecom.com	tx2942@msg.pacbell.com
michael@broadbandassoc.com	rmacchio@bcntele.com	tvaitkus@infohighway.com
michelle.salisbury@crowncastle.com	ronda.s.roman@verizon.com	vanessa.leon@spectrotel.com
mike.avis@gt-t.net	rosepinn@garlic.com	vic@interconnectionservices.com
mike@navtel.com	rperea@nos.com	vilaire@comcast.net
mike@willitsonline.com	rsanchez@bluecasa.com	waihun@cot.net
mikek@newpathnetworks.net	russop@magicjack.com	west.consumer.relations@frontiercorp.com
miket@ittltd.net	ryan.meas@wwireless.com	west.region.oopsac@cingular.com
mmitchell@accessoneinc.com	sarahb@lightyearcom.com	whaas@mcleodusa.com
mollyv@budgetprepay.com	sbogdan@broadviewnet.com	william.kuchler@verizonwireless.com
monica.canaday@integratelecom.com	scott.smyth@trillion.net	
mpowers@egreenfield.com		

Attachment #2

DRAFT**PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

**Telecommunications Division
Public Programs Branch**

**RESOLUTION T- 17002
May 25, 2006**

R E S O L U T I O N

**Resolution T-17002. Adopting Comprehensive Procedures and
Guidelines for Eligible Telecommunications Carrier Designation and
Requirements for Eligible Telecommunications Carriers**

Summary

In February 2006 the Federal Communications Commission issued Report and Order (FCC 05-46) in the Matter of Federal-State Joint Board on Universal Service (CC Docket No. 96-45) encouraging states to adopt additional requirements for eligible telecommunication carrier (ETC) designations and strengthen reporting requirements for ETCs “in order to ensure that high-cost universal service support continues to be used for its intended purposes.” This resolution amends the procedures and guidelines for ETCs designation set forth by the Commission in Resolution T-16086. Likewise, this resolution revises the reporting requirements for ETCs eligible to receive federal high-cost support adopted in Resolution T-16830 dated May 6, 2004. Resolutions T-16086 and T-16830 are superseded by this Resolution as of July 1, 2006. The Comprehensive Procedures and Guidelines for ETC Designation, attached as Appendix A, and the Comprehensive Reporting Requirements for ETCs Eligible to Receive Federal High-Cost Support, attached as Appendix B, are adopted and shall take effect on July 1, 2006.

Background

Resolution T-16086 established procedures and guidelines for designating ETCs pursuant to FCC 97-157. Resolution T-16830 established the reporting requirements for ETCs eligible to receive federal universal high-cost support pursuant to FCC 03-249.

DRAFT

In FCC 05-46 dated February 25, 2005, the FCC adopted additional mandatory requirements for ETC designation and ETC reporting requirements for federal universal high-cost support.⁵ In the same order, the FCC encouraged states that exercise jurisdiction over ETC designations pursuant to section (214 (e) (2) of the Communications Act, to adopt these requirements.⁶

Discussion

The CPUC has asserted jurisdiction over ETC designations in California. CPUC finds that additional mandatory requirements for ETC designation and ETC eligibility reasonable as it provides a means to monitor and ensure that any funds given to California ETCs are used to achieve the goals of universal service.⁷

Therefore, we revise our existing rules and adopt:

- Comprehensive Procedures and Guidelines for ETC Designation, attached as Appendix A; and
- Comprehensive Reporting Requirements for ETCs Eligible to Receive Federal High-Cost Support, attached as Appendix B

The Comprehensive Procedures and Guidelines for ETC Designation, attached as Appendix A and the Comprehensive Reporting Requirements for ETCs Eligible to Receive Federal High-Cost Support, attached as Appendix B, shall take effect on July 1, 2006.

This resolution supersedes Resolutions T-16086 and T-16830 as of July 1, 2006.

⁵ Section 214 (e) (6) directs the FCC to designate carriers when those carriers are not subject to the jurisdiction of a state commission.

⁶ Section 214 (e) (2) provides state commissions with the primary responsibility for designating ETCs.

⁷ In the FCC Report and Order, the FCC did not adopt the Joint Board's recommendation that an ETC applicant demonstrate that it has the financial resources and ability to provide quality services throughout the designated service area. Similarly, CPUC does not adopt this criterion in evaluating ETC applications since CPUC already applies this criterion in evaluating applications for Certificate of Public Convenience and Necessity (CPCN). CPUC, in granting a **CPCN**, requires the carrier applicant to submit an application, submitting among others, the carrier's financial statement (Rule 17 of the CPUC Rules of Practice and Procedure). Likewise, under Appendix A, 4.B.1. of Decision 95-07-054, all new applicants seeking CPCNs are required to demonstrate that they have adequate financial resources - \$100,000 for facilities based CLCs and \$25,000 for non-facilities based CLCs.

DRAFT**I. Procedures and Guidelines for Eligible Telecommunications Carrier Designation**

In Resolution T-16086, the Commission established procedures and guidelines for designating ETCs pursuant to FCC 97-157. FCC 05-46 expanded the FCC ETC designation requirements to include submissions relating to:

- Commitment to provide service;
- Five-Year Service Quality Improvement Plan;
- Ability to Remain Functional;
- Consumer Protection;
- Local Usage; and
- Equal Access.

The Comprehensive Procedures and Guidelines for ETC Designation, attached as Appendix A, include existing procedures and guidelines for designating ETCs set forth in Resolution T-16086, and additional submissions based on FCC 05-46.

II. Reporting Requirements for Eligible Telecommunications Carriers Eligible to Receive Federal High-Cost Support

In Resolution T-16830, the Commission adopted reporting requirements for rural and non-rural Incumbent Local Exchange Carriers (ILECS) and competitive ETCs providing basic exchange access lines in the service areas of the rural and non-rural ILECS eligible for federal high-cost support pursuant to FCC 03-249. FCC 05-46 expanded the reporting requirement to include:

- A progress update on the Five-Year Service Quality Improvement Plan;
- Detailed information on outages in the ETC's network services; and
- Number of unfulfilled requests for service from potential customers for the past year and the number of complaints per 1,000 handsets or lines.

The Comprehensive Reporting Requirements for ETCs Eligible to Receive Federal High-Cost Support, attached as Appendix B, include existing requirements set forth in Resolution T-16830 and additional requirements based on FCC 05-46.

Existing ETCs, who have been designated prior to the effective date of this resolution, are required to comply with the new reporting requirements listed in Appendix A, Section II, when these carriers file advice letters certifying to their eligibility to receive federal high-cost support seeking federal universal high-cost support on or before

DRAFT

September 15, 2006. This filing shall serve as baseline data for future advice letter filings made by these ETCs. Annually, thereafter, these ETCs are to comply with the reporting requirements as listed in Appendix B, Section II, of this resolution.

III. Minor Procedural Change**A. Procedures**

For simplicity, uniformity and ease of implementation, all ETCs, whether, rural or non-rural, are required to include in their annual advice letter filing the current basic residential service rates, excluding Extended Area Service, in the areas they serve as well as attach the required reports enumerated above as shown in the Appendix B, Section III.

It is stressed that carriers' books are subject to Commission audit and inspection at any time to ensure that the funds are used as certified. If a carrier eligible to receive federal universal service high-cost support fails to file the advice letter in a timely manner, the Commission is not responsible for any loss of support due to the Commission's filing of the certification with the FCC and the USAC at a later date.

B. CMRS

The requirement for CMRS carriers to indicate in their self-certification letters how Lifeline and Link Up rate reductions will be passed on through to qualifying low-income customers (Ordering Paragraph 3(f) of Resolution T-16086) is deleted from this new procedure. Pursuant to Section 54.401 of Title 47 of the Code of Federal Regulations, ETCs requesting for FCC support under Tier 2 (\$1.75 per customer per month) have to certify to the Universal Service Fund (USF) administrator that it will pass through this entire amount to the qualifying low-income customer.

Comments

In compliance with PU Code § 311 (g), a notice letters was e-mailed on March 14, 2006 to all telecommunications carriers, the California High Cost Fund A – Administrative Committee, and the parties of record in R.01-08-002 and A.99-09-044 informing these parties that this draft resolution is available at the Commission's website <http://www.cpuc.ca.gov/static/documents/index.htm> and is available for public comments. In addition, the Telecommunications Division (TD) informed these parties of the availability of the conformed resolution at the same website.

Their comments are as follows:

1. The Commission is not required to adopt the FCC's Standards without change

DRAFT

In the FCC report and Order, states are not bound to follow the principles outlined in the Report and Order. While the small LECs support much of what FCC accomplished in the Report and Order, the small LECs do not believe that ignoring the historical differences between incumbent local exchange carriers and competitive ETCs (usually wireless carriers), is the most efficient way to handle designation of ETCs. Applying the FCC standards without regard to historical differences only serves to drive up regulatory compliance costs with no attendant benefit to subscribers.

2. The Commission should not apply the Five Year Service Quality Improvement Plan to the small LECs

The submission of a plan is not necessary to ensure that the federal support received by the small LECs is used for its intended purpose. Since the Commission has designated the small LECs also as Carriers of Last Resort (COLRs), they are required to offer all the elements of basic service and to offer basic service to any customer requesting service in their service areas. Furthermore, the small LECs are subject to the service quality reporting requirements specified in General Order 133-B.

3. Additional reports regarding outage information and unfilled requests are not necessary. These two reporting requirements should be addressed to ETCs which are not subject to General Order 133-B. The small LECs already submit these reports in compliance with General Order 133-B, specifically, Customer Trouble Reports and Held Primary Service Orders.
4. The Commission should not require "coverage" maps from the small LECs.

The small LECs have maps on their service areas on file with the Commission, which are adequate for understanding the coverage the small LECs provide in their service areas.

We agree with comment 1. Although states are only encouraged to adopt the new FCC standards, CPUC finds the new standards based on the FCC standards to be reasonable and in keeping with CPUC's thrust to ensure that all public support received, whether from the federal or state government, is used for the purpose for which the support is given. We have modified the Comprehensive Procedures and Guidelines for ETC Designation and the Comprehensive Reporting Requirements for ETCs Eligible to Receive Federal High-Cost Support to reduce the amount of information required and avoid duplication with other CPUC reporting requirements. The goal is to require information from each ETC sufficient for the CPUC to determine if it should certify to the FCC that the ETC uses federal high-cost support only for the intended purposes under law, and to determine how the funds benefit customers in California. We

DRAFT

determined that we could make such a determination with less information on many topics than the FCC requires of companies it certifies.

We do not agree with comment 2. G.O. 133-B requires carriers to submit various reports summarizing past activities but not a forward- looking improvement plan. Therefore, we will require the submission of a two-year service quality improvement plan by all designated ETCs. These filings shall serve as baseline data for future advice letter filings made by these ETCs. The two-year plan is a projection of the remainder of the current year and the upcoming year, which is not covered by G. O. 133-B. However, if a designated ETC submitted a five-year plan in a General Rate Case⁸ (GRC) application that has been approved by the Commission and is still in effect, the carrier may refer to its GRC filing and submit a progress report on the plan covered by the GRC.

We recognize that the majority of the federal universal service support received by ETCs is based on the ETC's investment and expenses. Thus, the report must provide a description of investments made and expenses paid with support from the federal high-cost fund.

In addition, the two-year service quality improvement plan will include: the ETC's projected operating expense requirements for the current and following year; a certification that the investments made and expenses paid will be incurred to maintain and provide telecommunication services to any customer requesting service in ETC's service area; a description of any capital improvements planned including whether the funds for the improvements are from operating expenses, grants, or loaned funds from the Rural Utilities Service or some other government or private institution; and a description of the benefits to consumers that resulted from the investments and expenses reported pursuant to this requirement.

We agree with comment 3 in that the ETCs should not submit reports that they have submitted during the year. However, the small LECs reference to Customer Trouble Report as required under G. O. 133-B does not satisfy the outage report requirement. The outage report is equivalent to the Major Service Interruptions Report required by CPUC for submission in accordance with a memorandum issued by CPUC on October 5, 1977. Therefore, we revise Appendix B, Section II, B and C of the reporting requirement as follows:

⁸ The filing of a General Rate Case is in accordance with guidelines adopted in D.88-07-022, as modified in D.91-09-072, Appendix of D.91-09-042 – Implementation of the California Intrastate High Cost Fund.

DRAFT

- B. Detailed information on outages in the ETC's network caused by emergencies, including the date and time of onset of the outage, a brief description of the outage and its resolution, the particular services affected by the outage, the geographic areas affected by the outage, and steps taken to prevent a similar outage situation in the future. If an ETC has submitted a Major Service Interruptions Report in accordance with CPUC Memorandum dated October 5, 1977 (attached as Appendix B, Section IV), the ETC need not submit the same report. However, in their self-certification letter, the ETC should cite the date(s) of submission of the report; and
- C. Information on the number of unfulfilled requests for service from potential customers for the past year and the number of complaints per 1,000 handsets or lines. If an ETC has submitted the Held Primary Service Order and Customer Trouble Reports in accordance with Sections 3.1 and 3.3 of G. O. 133-B, the ETC need not submit the same reports. However, in their self-certification letter, the ETC should cite the date(s) of submission of the reports.

We disagree with comment 4. For designated ETCs the map required is not a coverage map but a map detailing progress towards meeting the ETCs plan targets, an explanation of how much universal service support was received and how the support was used to improve signal quality, coverage, or capacity; and an explanation regarding any network improvement targets that have not been fulfilled. Since this requirement is already covered in Section II-A of Appendix B, Section II. D of Appendix B of the draft resolution is deleted. Likewise, for the same reason, Section II.E of Appendix B of the draft resolution is deleted. Further, an ETC that does not plan changes in its service area does not need to refile its existing service area map, but should cite the date(s) of submission of the maps.

Pacific Bell d/b/a AT & T California, filed comments on March 29, 2006, supporting the proposed procedures and guidelines for designating ETCs as they incorporate the new requirements identified in FCC Report and Order 05-46. However, AT & T recommends that the Commission include a determination that the ETC designation is consistent with the public interest, convenience and necessity. We agree with Pacific Bell's comments. We, therefore, require all ETC applicants requesting ETC designation in areas below the study area level of rural incumbent LECs to show that there is no creamskimming.⁹ ETC applicants are required to include in their advice letter a public interest determination demonstrating: how the designation will increase consumer choices, the advantages and disadvantages of the ETC applicant's service offering and absence of creamskimming. Thus, we have included Public Interest Determination in the Comprehensive Procedures

⁹ FCC Order 05-46, Paragraph 49, in the matter of Federal-State Joint Board on Universal Service (CC Docket No. 96-45).

DRAFT

and Guidelines for Eligible Telecommunications Carrier Designation (Section II. G of Appendix A).

DRAFT**Findings**

1. The Commission is responsible for designating Eligible Telecommunications Carriers (ETCs) in California.
2. Carriers should satisfy the criteria established by Section 214(e) of the Act and set forth in the Federal Communications Commission (FCC) rules in order to be designated as ETC.
3. The FCC has adopted additional eligibility and reporting requirements for carriers seeking ETC designation and carriers already designated as ETCs in Federal Report and Order FCC 05-46 adopted on February 25, 2006.
4. The Commission should adopt the additional eligibility and reporting requirements by consolidating the previous eligibility and reporting requirements prescribed in Resolutions T-16086 and 16830 in a new Resolution, which will supersede Resolutions T-16086 and 16830.
5. The new comprehensive procedures and guidelines for ETC Designation, attached as Appendix A, and the new Comprehensive Reporting Requirements for ETCs to receive Federal High-Cost Support, attached as Appendix B, should be adopted and should take effect on July 1, 2006.
6. A notice letter was e-mailed on March 14, 2006 to all telecommunications carriers, the California High Cost Fund-A Administrative Committee, and the parties of record in R.01-08-002 and A.99-09-044 informing these parties that this draft resolution is available at the Commission's website <http://www.cpuc.ca.gov/static/documents/index.htm> and is available for public comments. In addition, the Telecommunications Division (TD) informed these parties of the availability of the conformed resolution at the same website.
7. On March 29, 2005, Calaveras, Cal-Ore, Ducor, Foresthill, Global Valley, Happy Valley, Hornitos, Kerman, Pinnacles, Ponderosa, Sierra, Siskiyou, Volcano and Winterhaven filed joint comments and SureWest filed comments recommending changes to the reporting requirements. Their comments are as follows:
 - a) The Commission is not required to adopt the FCC's Standards without change
 - b) The Commission should not apply the Five Year Service Quality Improvement Plan to the small LECs
 - c) Additional reports regarding outage information and unfilled requests are not necessary

DRAFT

- d) The Commission should not require "coverage" maps from the small LECs.
- 8. Pacific Bell d/b/a/ AT & T California , filed comments on March 29, 2006, supporting the proposed procedures and guidelines for designating ETCs as they incorporate the new requirements identified in FCC Report and Order 05-46. However, AT & T recommends that the Commission include a determination that the ETC designation is consistent with the public interest, convenience and necessity.
- 9. CPUC agrees with the comments of the small LECs and SureWest as far as reporting unfilled requests and has made the necessary revision in this resolution.
- 10. CPUC agrees with Pacific Bell's comments and has included Public Interest Determination as a required submission for ETC applicants.

THEREFORE, IT IS ORDERED that:

- 1. Effective July 1, 2006, carriers seeking Eligible Telecommunications Carrier (ETC) designation must comply with the comprehensive procedures and guidelines for ETC Designation, attached as Appendix A, and the Comprehensive Reporting Requirements for ETCs to receive Federal High-Cost Support, attached as Appendix B.
- 2. Existing ETCs, who have been designated prior to the effective date of this resolution, are required to comply with the new reporting requirements listed in Appendix A, Section II, when these carriers file advice letters certifying to their eligibility to receive federal high-cost support seeking federal universal high-cost support on or before September 15, 2006. The two - year service quality improvement plan to be submitted by existing carriers shall serve as baseline data for future advice letter filings. Annually, thereafter, these ETCs are to comply with the reporting requirements as listed in Appendix B, Section II, of this resolution. However, if a designated ETC submitted a five-year plan in a GRC application that has been approved by the Commission and is still in effect, the carrier may refer to its GRC filing and submit a progress report on the plan covered by the GRC.

DRAFT

This Resolution is effective today.

I hereby certify that this Resolution was adopted by the Public Utilities Commission at its regular meeting on May 25, 2006. The following Commissioners approved it:

/s/ STEVE LARSON

STEVE LARSON
Executive Director

MICHAEL R. PEEVEY
President
GEOFFREY F. BROWN
DIAN M. GRUENEICH
JOHN A. BOHN
RACHELLE B. CHONG
Commissioners

Appendix A

DRAFT

Comprehensive Procedures and Guidelines For Eligible Telecommunications Carrier Designation

Each telecommunications carrier seeking eligible telecommunications carrier designation must file an advice letter with the Commission with the following information:

Section I – Compliance with FCC 97-157

- A) The service areas for which the carrier is requesting ETC designation including a List of Geographic Service Areas and a map in .shp format showing the proposed service area. For wireless petitioners, the map should identify the location of cell sites and shade the area where the carrier provides commercial mobile radio service or similar service.
- B) An itemized list of the designated services to be provided, i.e.
 - ✓ Single party service;
 - ✓ Voice grade access to the public switched network;
 - ✓ Local usage;
 - ✓ Dual tone multi-frequency signaling or its functional equivalent;
 - ✓ Access to emergency services;
 - ✓ Access to operator services;
 - ✓ Access to interexchange services;
 - ✓ Access to directory assistance; and
 - ✓ Toll limitation for qualifying low-income consumers.
- C) A list of any services which the carrier proposes not to provide and for which the carrier is seeking an extension of time.
- D) An indication of whether the carrier plans to apply for a waiver of the requirement that an ETC not disconnect lifeline for non-payment of toll.
- E) A description of the carrier's advertising plan, indicating the advertising media to be used, and an explanation of how its plan meets the advertising requirement in section 214(e) of the Telecommunications Act.
- F) If necessary, implement tariff changes via the advice letter filing process. This provision would not apply to carriers that are not required to maintain tariffs.
- G) If applicable, request additional time to perform network upgrades to provide single-party service, access to E911 service, and/or toll limitation to low income customers.

DRAFT**Section II – Compliance with FCC 05-46****A) Commitment to Provide Service**

An ETC applicant must demonstrate that it has the commitment and ability to provide supported services throughout the designated area by providing services to all requesting customers within its designated service area. Each applicant shall certify that it will:

1. provide service on a timely basis to requesting customers within the applicant's service area where the applicant's network already passes the potential customer's premises; and
2. provide service within a reasonable period of time, if the potential customer is within the applicant's licensed service area but outside its existing network coverage, if service can be provided at reasonable cost by:
 - a. modifying or replacing the requesting customer's equipment;
 - b. deploying a roof-mounted antenna or other equipment;
 - c. adjusting the nearest cell tower;
 - d. adjusting network or customer facilities;
 - e. reselling services from another carrier's facilities to provide service; or
 - f. employing, leasing or constructing an additional cell site, cell extender, repeater, or other similar equipment.

If the carrier determines that it cannot serve the customer using one or more of these methods, then the carrier must report the unfulfilled request within 30 days after making such determination.

B) Submission of Two-Year Service Quality Improvement Plan

In submitting a formal plan detailing how it will use universal service support to improve service within the service areas for which it seeks designation, an ETC must submit a two-year plan describing its proposed improvements or upgrades to the ETC's network on a wire center-by-wire center basis throughout its designated service area. The two-year plan must demonstrate in detail how high-cost support will be used for service improvements that would not otherwise be made without such support. This must include:

- 1) a description of any plan for investment to be made or expenses to be incurred which will improve or permit the offering of services that are the subject of reporting requirements in FCC Form 477 (the form and instructions may be accessed at: <http://www.fcc.gov/formpage.html#477>);

DRAFT

- 2) a description of investments made and expenses paid with support from the high-cost fund;
- 3) the projected start date and projected completion date for each improvement and the estimated amount of investment for each project;
- 4) the specific geographic areas where the improvements will be made;
- 5) the ETC's projected operating expense requirements for the current and following year;
- 6) a certification that the investments made and expenses paid will be incurred to maintain and provide telecommunication services to any customer requesting service in ETC's service area;
- 7) a description of any capital improvements planned including whether the funds for the improvements are from operating expenses, grants, or loaned funds from the Rural Utilities Service or some other government or private institution; and
- 8) a description of the benefits to consumers that resulted from the investments and expenses reported pursuant to this requirement.

Carriers should provide this information for each wire center in each service area for which they expect to receive universal service support. Service quality improvements in the two-year plan do not necessarily require additional construction of network facilities.

C) Ability to Remain Functional

In order to be designated as an ETC, the carrier must demonstrate that it has 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.

D) Consumer Protection

The carrier seeking ETC designation should demonstrate its commitment to meet consumer protection and service quality standards in its application. Thus, an ETC applicant should report information on consumer complaints per 1,000 handsets or lines on an annual basis. Likewise, a carrier should commit to serve the entire service area and provide two-year network improvement plans addressing each wire center for which it expects to receive support.

E) Local Usage

The carrier should be able to demonstrate that it offers a local usage plan comparable to the one offered by the incumbent LEC in the service areas for which the carrier seeks designation.

DRAFT**F) Equal Access**

The carrier should be able to provide equal access if all other ETCs in the service area relinquish their designations pursuant to section 214 (e) (4) of the Act.

G) Public Interest Determination

The carrier should be able to show that the carrier's designation as an ETC is consistent with the public interest, convenience and necessity. Therefore, the ETC applicant should demonstrate: that the designation will increase consumer choices, the advantages and disadvantages of its service offerings, and the absence of creamskimming.

APPENDIX B

DRAFT

**Comprehensive Reporting Requirements
For
Eligible Telecommunications Carriers
Eligible for Federal High-Cost Support**

Each telecommunications carrier eligible for federal universal service high-cost support must file an advice letter with the Commission with the following information:

Section I – Compliance with FCC 03-249

A. Carrier Information:

1. Name of the carrier;
2. The carrier's Study Area Code;
3. Carrier type as designated by the FCC such as rural ILEC, non-rural ILEC, competitive ETC serving lines in the rural and/or non-rural service areas;
4. The applicable Code of Federal Regulations (CFR) section(s) for which the federal universal service high-cost support is provided;
5. The current basic residential rate excluding Extended Area Service in the area they serve; and
6. A statement, under oath, that the federal universal service high-cost support provided to the carrier will be used only for the provision, maintenance, and upgrading of facilities and services for which the support is intended.

B. Basic Residential Service Rate:

All ETCs, whether, rural or non-rural, are required to include in their current basic residential service rates excluding Extended Area Service (EAS) in the areas they serve.

C. Filing Dates:

1. On or before September 15 if eligible for the federal universal service high-cost support for the first, second, third and fourth quarters of succeeding year.
2. On or before December 15 if eligible for the federal universal service high-cost support for the second, third and fourth quarters of the succeeding year.
3. On or before March 15 if eligible for the federal universal service high-cost support for the third and fourth quarters of that year.
4. On or before June 15 if eligible for the federal universal service support for the fourth quarter of that year.

DRAFT

Section II – Compliance with FCC 05-46

- A. A two-year service quality improvement plan, including, as appropriate, maps detailing progress towards meeting its prior two-year improvement plan, explanations of how much universal service support was received and how the support was used to improve service quality in each wire center for which designation was obtained, and an explanation of why network improvement targets, if any, have not been met. If a designated ETC has submitted a five-year plan in a GRC application that has been approved by the Commission and is still in effect, the carrier may refer to its GRC filing and submit a progress report on the plan covered by the GRC.
- B. Detailed information on outages in the ETC's network caused by emergencies, including the date and time of onset of the outage, a brief description of the outage, the particular services affected by the outage, the geographic areas affected by the outage, and steps taken to prevent a similar outage situation in the future. If an ETC has submitted a Major Service Interruptions report in accordance with CPUC Memorandum dated October 5, 1977, the ETC need not submit the same report. However, in their self-certification letter, the ETC should cite the date(s) of submission of the report; and
- C. Information on the number of unfulfilled requests for service from potential customers for the past year and the number of complaints per 1,000 handsets or lines. If an ETC has submitted the Held Primary Service Order and Customer Trouble Reports in accordance with Sections 3.1 and 3.3 of G. O. 133-B, the ETC need not submit the same reports. However, in their self-certification letter, the ETC should cite the date(s) of submission of the reports.

DRAFT**Section III - Sample Advice Letter**

Date

Company

Advice Letter No.

Director, Telecommunications Division
California Public Utilities Commission
505 Van Ness Ave.
San Francisco, CA 94102

Re: Self-Certification of Eligibility to Receive Federal Universal Service Support in Compliance with Resolution T-17002

Dear Sir:

This advice letter is a compliance filing in accordance with Resolution T-17002. The purpose of this letter is to provide the California Public Utilities Commission with the following sworn statement:

[Name of Company], [Study Area Code] is a [carrier type designated by the Federal Communications Commission] eligible to receive federal universal service high-cost support pursuant to [applicable Code of Federal Regulations citation].

The current basic residential rate(s) excluding Extended Area Service (EAS) in [Name of Company]'s service area is/are [amount].

On behalf of [Name of Company], the undersigned declares under penalty of perjury under the laws of the State of California that federal high-cost support received by [Name of Company] will be used only for the provision, maintenance, and upgrading of facilities and services for which the support is intended.

Print Name of Signatory

Title

Phone:

Email:

DRAFT

- Attachments:
1. Two -Year Service Quality Improvement Plan (to be submitted by existing ETCs in accordance with Section I.C. of Appendix B and Ordering Paragraph 2 of Resolution 17002)
 2. Detailed Information on Outages (Major Service Interruptions) in the ETC's Network Services
 3. Number of Unfulfilled Requests for Service from Potential Customers for the Past Year and the Number of Complaints per 1,000 Handsets or Lines (Customer Trouble Reports and Held Primary Service Report)

DRAFT

Section IV- Major Service Interruptions Memo

DRAFTReporting Procedures

Written reports are normally satisfactory. In cases where large number of customers are affected or that are otherwise of great severity, a telephone report should be made promptly.

Initial reports shall be submitted to the Commission Division of Ratepayer Advocates (DRA) staff as promptly as possible after first knowledge of interruption or expected interruption.

Interim reports shall be made as necessary to keep the DRA staff informed of current service conditions.

Final reports shall be made confirming that service has been restored. Depending upon circumstances, one report may suffice for all.

Written reports shall be sent to:

California Public Utilities Commission*
505 Van Ness Avenue, Room 4003
San Francisco, CA 94102

Attention: Division of Ratepayer Advocates
Telecommunications

Telephone Number (415) 703-1801
Fax Number (415) 703-4405

