

**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 26<sup>th</sup> day of September, 2001.

CASE NO. 01-1129-T-PC

**GENERAL INVESTIGATION REGARDING**

Certification of the disposition of federal universal service funding by incumbent local exchange telecommunications carriers and competitive eligible telecommunications carriers in West Virginia for calendar year 2002.

**COMMISSION ORDER**

On August 27, 2001 Commission Staff (Staff) filed a petition, pursuant to Rule 12.6 of the Commission's Rules of Practice and Procedure and W. Va. Code § 24-1-1(f)(2), to initiate a general investigation regarding certification of the disposition of federal universal service funding by incumbent local exchange telecommunications carriers (ILECs) and competitive eligible telecommunications carriers (ETCs) in West Virginia for calendar year 2002.

By order entered August 29, 2001, the Commission granted Commission Staff's petition to initiate a general investigation regarding certification of the disposition of federal universal service funding for calendar year 2002 by: (1) incumbent local exchange carriers (incumbent LECs or ILECs) and (2) competitive LECs that have been designated as eligible telecommunications carriers (ETCs) in West Virginia. [See FootNote <sup>1</sup>](#) In accordance with Staff's

recommendations, the Commission ordered that ILECs and competitive ETCs file verified statements demonstrating that they use federal universal service support "only for the provision, maintenance and upgrading of facilities and services for which the support is intended," consistent with Section 254(e) of the Telecommunications Act of 1996, by September 7, 2001. Commission Order to Initiate A General Investigation, Case No. 01- 1129-T-GI (Aug. 29, 2001), at 3.

In accordance with the Commission's order, a number of carriers filed statements verifying that federal universal service funding is used only for the provision, maintenance and upgrading of facilities and services for which the support is intended, consistent with Section 254(e) of the Telecommunications Act of 1934, as amended. These carriers were:

September 7, 2001

Verizon West Virginia Inc.  
Armstrong Telephone Company - West Virginia  
Armstrong Telephone Company - Northern Division  
Citizens Telecommunications Company of West Virginia

Hardy Telecommunications, Inc.  
Spruce Knob-Seneca Rocks Telephone, Inc.  
West Side Telephone Company, dba West Side Telecommunications

September 10, 2001

War Telephone Company. [See FootNote 2](#)

September 24, 2001

Gateway Telecom, LLC, d/b/a StratusWave Communications. [See FootNote 3](#)

On September 24, 2001, Staff filed a memorandum stating that it has reviewed the verified statements provided by the aforementioned carriers and recommended that the Commission enter an order finding that: (1) the carriers are using federal universal service support only for the provision, maintenance and upgrading of facilities and services for which the support is intended, consistent with Section 254(e) of the Communications Act of

1934, as amended; and (2) it is appropriate to certify to the FCC and USAC that the carriers are eligible to continue receiving federal universal service support, based on those verified statements.

The Commission finds that the above mentioned telecommunications carriers use federal universal service support only for the provision, maintenance and upgrading of facilities and services for which the support is intended, consistent with Section 254(e) of the Communications Act of 1934, as amended and should be certified to receive federal universal service support during January 1, 2002 to December 31, 2002. These carriers are either ILECs or have been previously designated as ETCs by the Commission.

### **ORDER**

\_\_\_IT IS THEREFORE ORDERED that the following carriers are using federal universal service support only for the provision, maintenance and upgrading of facilities and services for which the support is intended, consistent with Section 254(e) of the Communications Act of 1934, as amended: Verizon West Virginia Inc.; Armstrong Telephone Company - West Virginia; Armstrong Telephone Company - Northern Division; Citizens Telecommunications Company of West Virginia; Hardy Telecommunications, Inc.; Spruce Knob-Seneca Rocks Telephone, Inc.; West Side Telephone Company dba West Side Telecommunications; War Telephone Company; and Gateway Telecom, LLC, d/b/a StratusWave Communications

IT IS FURTHER ORDERED that it is appropriate to certify to the FCC and USAC that the above stated carriers are eligible to continue receiving federal universal service support for calendar year 2002, based on the verified statements submitted to the Commission.

IT IS FURTHER ORDERED that StratusWave's September 24, 2001 filing, requesting leave for late filing of the company's verification, is hereby granted.

\_\_\_IT IS FURTHER ORDERED that the Commission's Executive Secretary serve a copy of this order upon all parties of record by United States First Class Mail and upon Commission Staff by hand delivery.

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Footnote: 1 <sup>1</sup>

Staff's petition was filed on August 23, 2001. On the same day, letters were filed with the Commission by: Citizens Telecommunications Company of West Virginia; Armstrong Telephone Company - West Virginia; Armstrong Telephone Company - Northern Division; Spruce Knob-Seneca Rocks Telephone, Inc.; West Side Telephone Company; and Hardy Telecommunications, Inc. These letters explained how the carriers used federal universal service support and requested that the Commission provide certification to the Federal Communications Commission (FCC) and the Universal Service Administrative Company (USAC) that the respective carrier is eligible to continue receiving federal universal service support. These letters were made a part of the Commission's file in this proceeding.

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Footnote: 2 <sup>2</sup>War Telephone Company's September 10, 2001, filing was unverified. However, War filed an amendment to its filing on September 21, 2001, providing the requisite verification.

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Footnote: 3 <sup>3</sup>Included in StratusWave's filing was a request for leave to file the company's verification late. Staff recommends that the Commission grant such leave to StratusWave.