

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA**

IN THE MATTER OF THE REQUEST OF WWC)	ORDER GRANTING
LICENSE LLC FOR CERTIFICATION)	CERTIFICATION
REGARDING ITS USE OF FEDERAL UNIVERSAL)	
SERVICE SUPPORT)	TC10-067

On May 23, 2001, the Federal Communications Commission (FCC) released an Order concerning the federal universal service support mechanism for rural carriers.¹ This Order (hereafter referenced as the "Fourteenth Report and Order"), in part, codifies at 47 § C.F.R. 54.314, a requirement for States to provide a certification regarding federal universal service support that is received by rural incumbent local exchange carriers and/or eligible telecommunications carriers providing service in rural service areas. Pursuant to such rule, a state that desires rural carriers within its jurisdiction to receive future federal universal service support must file an annual certification with the FCC and the Universal Service Administrative Company (USAC) stating that federal high cost support provided to such carriers within that State will be used only for the provision, maintenance, and upgrading of facilities and services for which the support is intended. This certification requirement applies to various categories of federal universal service support, including support provided pursuant to 47 C.F.R. §§ 54.301, 54.305, and/or 54.307, and/or 47 C.F.R. Part 36, Subpart F (high-cost loop support, local switching support, safety net additive support, and safety valve support). Support provided under these FCC rule provisions will only be made available in the future if the State Commission files the requisite certification pursuant to § 54.314. In addition, pursuant to 47 C.F.R. § 54.313, a state that desires a non-rural carrier within its jurisdiction to receive future federal universal service support must file an annual certification with the FCC and USAC.

The certification required for carriers to receive federal universal support for all four quarters during calendar year 2011 is currently due to be filed with the FCC and USAC on or before October 1, 2010. The certification may be presented to these entities in the form of a letter from the State Commission. The letter must identify which carriers in the state are eligible to receive federal support during the 12-month period and must certify that the carriers listed will only use the support for the provision, maintenance, and upgrading of facilities and services for which the support is intended.

On May 28, 2010, the South Dakota Public Utilities Commission (Commission) received a filing from WWC License LLC (WWC) regarding its request for certification regarding its use of federal universal service support. The purpose of this filing was to provide information constituting WWC's plan for the use of its federal universal service support and to otherwise verify that WWC will use all federal universal service support received in a manner that is consistent with the federal universal service provisions of 47 U.S.C. § 254. One of these requirements regards WWC's service quality improvement plan. This plan must include an explanation of how much universal service support was received and how it was used to improve service quality, signal quality, coverage, or capacity.

On June 03, 2010, the Commission electronically transmitted notice of the filing and the intervention deadline of June 16, 2010, to interested individuals and entities. No parties sought intervention.

On September 15, 2010, Cellco Partnership d/b/a Verizon Wireless (Verizon Wireless) filed a supplemental filing and responses to staff data requests. Verizon Wireless stated that

¹CC Docket No. 96-45, CC Docket No. 00-256, Fourteenth Report and Order, Twenty Second Order on Reconsideration, and Further Notice of Proposed Rulemaking in CC Docket No. 96-45, and Report and Order in CC Docket No. 00-256, FCC 01-157, Released May 23, 2001.

"the fact that WWC's customers and assets were transferred to AT&T Mobility, LLC ("AT&T Mobility") on June 22, 2010, does not inhibit the Commission in any way from certifying WWC as eligible to receive federal high-cost universal service support in 2011. WWC continues to exist and, through its affiliation with Cellco Partnership d/b/a Verizon Wireless ("Cellco") and its subsidiaries and affiliates operating in South Dakota (collectively, "Verizon Wireless"), will continue to satisfy all of the applicable ETC obligations." Verizon Wireless further stated that "by taking action to certify WWC on or before October 1, 2010, the Commission will preserve WWC's ability to receive federal high-cost universal service support in 2011 while the Commission considers Verizon Wireless' request for *pro forma* amendment and consolidation of the separate WWC and RCC Minnesota, Inc. ("RCC") ETC designations."

At its regularly scheduled meeting of September 28, 2010, the Commission considered this matter. Verizon Wireless stated that since WWC currently has no customers in South Dakota it would not be eligible for universal service support unless Verizon's petition in Docket TC10-090 is granted. In Docket TC10-090, Verizon Wireless is requesting the amendment and consolidation of ETC designations currently held separately in the name of WWC License, LLC and RCC Minnesota, Inc. "to reflect Cellco and its affiliated legal entities as the designated entity." Verizon Wireless also stated that it does not intend to move assets to WWC in order to receive ETC funding.

The Commission has jurisdiction over this matter pursuant to SDCL Chapters 1-26, 49-31, and 47 U.S.C. § 254. The Commission found that WWC is eligible to receive federal support as it states it will only use the support for the provision, maintenance, and upgrading of facilities and services for which the support is intended. The Commission unanimously voted to approve WWC's Request for Certification Regarding Its Use of Federal Universal Service Support. It is therefore

ORDERED, that WWC is eligible to receive federal support as it states it will only use the support for the provision, maintenance, and upgrading of facilities and services for which the support is intended. It is further

ORDERED, that the Commission approves WWC's Request for Certification Regarding Its Use of Federal Universal Service Support.

Dated at Pierre, South Dakota, this 29th day of September, 2010.

CERTIFICATE OF SERVICE
The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, electronically.
By: <u>[Signature]</u>
Date: <u>09/29/10</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

[Signature]

DUSTIN M. JOHNSON, Chairman

[Signature]

STEVE KOLBECK, Commissioner

[Signature]

GARY HANSON, Commissioner