

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

IN THE MATTER OF THE REQUEST OF WWC)	ORDER GRANTING
LICENSE LLC DBA VERIZON WIRELESS FOR)	CERTIFICATION
CERTIFICATION REGARDING ITS USE OF)	
FEDERAL UNIVERSAL SERVICE SUPPORT)	TC11-063

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. Pursuant to 47 C.F.R. § 54.313, certification is also required for non-rural carriers or eligible telecommunications carriers providing service in non-rural areas. 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, 54.307, 54.309, and/or 54.311, 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.

The certification required for carriers to receive federal universal support for all four quarters during calendar year 2012 is currently due to be filed with the FCC and USAC on or before October 1, 2011. 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 31, 2011, the South Dakota Public Utilities Commission (Commission) received a filing from WWC License LLC dba Verizon Wireless (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.

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.

On June 2, 2011, the Commission electronically transmitted notice of the filing and the intervention deadline of June 17, 2011, to interested individuals and entities. On June 17, 2011 the South Dakota Telecommunications Association filed a Petition to Intervene. The Commission considered and granted the Petition at its July 12, 2011 meeting.

On September 7, 2011, WWC filed a supplemental filing and responses to staff data requests. In its supplemental filing, WWC stated that in order to address concerns raised by Commission Staff, WWC "agreed to revise each of its previously-filed Form 525 line count reports to exclude the disputed Verizon Wireless Legacy Lines." WWC stated that it had "completed the revised line count filings on September 1, 2011, and amended its federal USF support estimates as described in Revised Confidential Exhibit B-4." In addition, WWC also "committed to excluding the disputed Verizon Wireless Legacy Lines from its quarterly Form 525 line count reports in the future." WWC further stated that, on September 1, 2011, WWC requested that USAC correct its records to identify "WWC License LLC" as the name associated with Study Area Code 399018 and that USAC has since confirmed that the records have been corrected.

On September 7, 2011, Staff filed a memorandum recommending the Commission grant certification with the following conditions:

A. WWC shall amend its line count filings (if it has not already done so) with USAC, to remove Celco customers that contracted for service with Verizon in the WWC study area on or before June 22, 2010.

B. WWC shall only include original WWC customers (approximately 5,000 retained as a result of divestiture by number block rather than by geography) and new Verizon customers (those that opened accounts following the divestiture/June 22, 2010) in its future line counts to USAC.

C. If, at any time in the future Verizon believes it must report Verizon customers in existence on or before June 22, 2010 ("legacy lines") in its line counts to USAC, it shall first notify this Commission of the same and the reason therefore.

At its regularly scheduled meeting of September 13, 2011, the Commission considered this matter.

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 subject to the conditions as recommended by Staff. 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 subject to the above-listed conditions.

Dated at Pierre, South Dakota, this 15 day of September, 2011.

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: Joy Chang

Date: Sept. 15, 2011

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Gary Hanson
GARY HANSON, Chairman

Chris Nelson
CHRIS NELSON, Vice Chairman

Kristie Fiegen
KRISTIE FIEGEN, Commissioner