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## STATE OF FLORIDA PUBLIC SERVICE COMMISSION

MIDWESTERN TELECOMMUNICATIONS INC.	)		AISSIC ERK
	)	Docket No.	2
Application for Designation as an Eligible	)	_	
Telecommunications Carrier for the Purposes Of	)		
Receiving Federal Universal Service Support Pursuant	)		
To Section 214(e) (2) of the Telecommunications Act	)		
Of 1996	)		

# MIDWESTERN TELECOMMUNICATIONS INC. APPLICATION FOR DESIGNATION AS AN ELIGIBLE TELECOMMUNICTIONS CARRIER

Midwestern Telecommunications Inc. (MTI) and pursuant to the telecommunications Act of 1996, 47 U.S.C. 214(e)(2) (the "Act") and the rules of the Federal Communications Commission ("FCC") 47 C.F.R. 54.201, hereby requests that the Florida Public Service Commission ("Commission") designate MTI as a telecommunications carrier eligible under the provisions of Section 54.201(d) to receive federal universal service support.

### **Background**

- 1. MTI is a telecommunications carrier certified to do business as a facilities-based carrier in the state of Florida. MTI received its certification in docket # 020922-TX on February 14, 2003.
- 2. MTI's street address and principal place of business is 65 E 16<sup>th</sup> St. Chicago Heights, IL 60411. MTI's telephone number is 708.679-5051 or 800.684.1816 ext 5051.

3. All correspondence, communications, pleadings, notices, orders and decisions relating to the Application should be addressed to:

Ikechuku (EK) Chinwah Secretary Midwestern Telecommunications Inc. 65 E 16<sup>th</sup> St Chicago Heights, IL 60411 800.684.1816 or 708.679.5051 ext 5051 Fax 708.756.7731 ek@mymti.com

# Midwestern Telecommunications Inc. Provides the Core Services Required to Qualify for Universal Service Support

- 4. Pursuant to section 54.101(a) of the FCC's Rules, the following core services and functions are to be offered by an ETC and should be supported by federal universal support mechanisms:
  - Voice Grade Access to the public switched network. 'Voice Grade Access' is defined as a functionality that enables a user of telecommunications services to transmit voice communications, including signaling the network that the caller wishes to place a call, and to receive voice communications, including receiving a signal indicating there is an incoming call. For the purposes of this part, bandwidth for voice grade access should be, at a minimum, 300 to 3000 hertz;
  - Local Usage. "Local Usage" means an amount of minutes of use of exchange service, prescribed by the FCC, provided free of charge to end users;
  - **Dual Tone Multi-Frequency signaling or its functional equivalent.** "Dual Tone Multi-Frequency" (DTMF) is a method of signaling that facilitates the transportation of signaling through the network, shortening call set-up time;
  - Single Party Service or its functional equivalent. "Single Party service is telecommunications service that permits users to have exclusive use of a wireline subscriber loop or access line for each call placed, or, in the case of wireless telecommunications carriers, which use spectrum shared among users to provide service, a dedicated message path for the length of a transmission.

- Access to Emergency Services. "Access to Emergency services" includes access to services, such as 911 and enhanced 911, provided by local governments or other public safety organizations. 911 is defined as a service that permits a telecommunications user, by dialing the three-digit code "911" to call emergency services through a Public Service Access Point (PSAP) operated by the local government. "Enhanced 911" is defined as 911 service that includes the ability to provide automatic numbering information (ANI), which enables the PSAP to call back if the call is disconnected, and automatic location information (AH), which permits emergency service providers to identify the geographic location of the calling party. "Access to emergency services" includes access to 911 and enhanced 911 services to the extent the local government in an eligible carrier's service area has implemented 911 or enhanced 911 systems;
- Access to Operator Services. "Access to Operator Services" is defined as access to any automatic or live assistance to a consumer to arrange for billing or completion, or both, of a telephone call;
- Access to Interexchange Service. "Access to Interexchange Service" is defined as use of the loop, as well as that portion of the switch that is paid for by the end user, or the functional equivalent of these network elements in the case of a wireless carrier, necessary to access an interexchange carrier's network:
- Access to Directory Assistance. "Access to Directory Assistance" is defined as access to a service that includes, but is not limited to, making available to customers, upon request, information contained in directory listings;
- Toll Limitation for Qualifying Low-Income Consumers.
- 5. Midwestern Telecommunications Inc. offers all of the supported services enumerated under Section 254(c) using facilities obtained as UNE's from Bell South. According to FCC Rules, facilities obtained as UNE's satisfy the requirement that an ETC provide the supported services using either its own facilities or a combination of its own facilities and resale of another carriers services. Accordingly, MTI satisfies the requirement set forth in Section 214(e)(1)(A).

### MTI Will Comply with Advertising Rules and Requirements

6. MTI's advertising will conform to rules adopted by this Commission. MTI will advertise the general availability of, and charges for, the supported services listed

above to all telecommunications customers in the specified geographic area on a quarterly basis. We will place those advertisements in a media of general distribution that targets the residential customer. In addition, if the commission so requests, MTI will provide proof of its advertising practices to the Commission. With regard to the availability of low-income services, MTI will also advertise in accordance with the Commission's rules. In addition, MTI is willing to provide written notification of universal service programs to the directors of municipal, State and Federal governmental agencies within MTI's service territory whose clientele is likely to benefit from the program.

# Midwestern Telecommunications Inc Proposed ETC Service Area

7. MTI is not a "rural telephone company" as that term is defined by 153(37) of the Act. Under Section 54.207(a) of the FCC's Rules a "service area" is a "geographic area" established by a state commission for the purpose of determining universal service obligations and support mechanisms. For non-rural service areas, there are no restrictions on how a state commission defines the "service area" for purposes of designating a competitive ETC. Therefore, the Commission may designate MTI as an ETC in all of the non-rural wire centers of Bell South in the state of Florida. MTI does not request ETC designation in any rural area at this time.

## ETC Designation for MTI Will Greatly Enhance Lifeline and Link-Up Services Available in Florida

- 8. MTI acknowledges that Section 54.405 of the FCC's Rules requires all ETC's to make Lifeline services (as defined in Section 54.401 of the FCC's Rules) available to qualifying low-income consumers. Lifeline services are available to qualifying low-income consumers in its service areas. Indeed, designation of MTI as an ETC would also allow Lifeline and Link-up service to be available to MTI' customers thereby offering telecommunications to a market that is often limited in services and selection.
- 9. The MTI Application is before this Commission under an established set of rules and statutory requirements.

- 10. MTI does not have any pending action or unsatisfied judgments or decisions against it from any state agency or court which involve customer service or rates, which action, judgments or decision has occurred within (5) years of the date of this application
- 11. MTI is in good standing with Universal Service Fund and does not have any annual reports or assessment fees that are overdue.

#### Conclusion

WHEREFORE, on the basis of the foregoing, MTI respectfully requests that the Commission: (1) designate MTI as a telecommunications carrier eligible under the provisions of Section 54.201(d) of the FCC's Rules to receive federal universal service support; and (2) respectfully request that the Florida Public Service Commission either by order or minute action without a hearing within ninety (90) days from the date of this Application; (3) Request that the Executive Secretary to send appropriate notice of this order to the Federal Communication Commission; and,(4) issue such other orders as deemed necessary or convenient in this matter.

DATED this 11th day of May 2006.

Respectfully submitted,

Ikechuku Chinwah

Secretary

MTI

65 E 16<sup>th</sup> St Suite 300

Chicago Heights, IL 60411

708.679.5051

ek@mymti.com

#### Exhibit A- Certification

- I, Ikechuku Chinwah, certify as follows:
  - 1. I am the Secretary of Midwestern Telecommunications Inc. (MTI), a licensed Competitive Local Exchange Carrier (CLEC) in the state of Florida.
  - 2. I provide this certification in support of MTI's Application for Designation as an Eligible Telecommunications Carrier in Florida, docket # 020922-TX.
  - 3. MTI is committed to and has the ability to provide service to all requesting customers in our designated service area.
  - 4. MTI, believes that it satisfies the multi-year USF support spending plan requirement by stating the following:
    - a. All "low income" USF funding received would be used to support subsidized rates for Lifeline and LinkUp customers;
    - b. That MTI would timely notify the Commission (within 2 weeks) of any future change that would render MTI eligible to receive USF "high cost" support;
    - c. That in the event of any such future change; MTI would timely file (within 6 weeks) a revised 5 year spending plan to account for appropriate use of all 'High Cost" USF support received.
  - 5. Since MTI is a UNE provider it will meet the following reporting requirements:
    - a. Any outage lasting at least 30 minutes, for any service area in which MTI is designated an ETC that potentially affects at least ten percent of our end users, Specifically the report will include: (1) the time and date of the onset of the outage; (2) a brief description of the outage and its resolution; (3) the particular services affected; (4) the geographic areas affected by the outage; (5) steps taken to prevent a similar situation in the future; and (6) the number of customers affected;
    - b. The number of requests for service from potential customers within our service areas that were unfulfilled for the past year. MTI will also detail how it attempted to provide service to those potential customers;

- c. The number of complaints per 1000 handsets or lines
- d. Certify that MTI is complying with applicable service quality standards and consumer protection rules, also MTI will abide by all the rules set forth by the Commission;
- e. Certify that MTI is able to function in emergency situations;
- f. Certify that MTI is offering a local usage plan comparable to that offered by the incumbent LEC (Bell South);
- g. Certify that MTI acknowledges that the Commission may require MTI to provide equal access to long distance carriers in the event that no other ETC is providing equal access within the service area
- 6. MTI's advertising will conform to rules adopted by the Commission. In addition if the Commission so request, MTI will provide proof of its advertising practices to the Commission. With regard to the availability of "Low Income LinkUp" services MTI will also advertise in accordance with Commission rules. MTI is willing to provide written notification of USF programs to the Directors of Municipal and State governmental agencies within MTI's service area whose clientele is likely to benefit from the program.
- 7. With regard to the "public interest" test for ETC status, MTI feels that it is unique position to serve the "public interest" when it comes to providing USF assistance. MTI is often the carrier of last resort for many of our customers. About 85% of MTI's customers have been disconnected by the incumbent carrier for lack of payment. Of those 85% who were disconnected 90% of those qualify for USF assistance. Those end-users who have been disconnected by the incumbent often times have no where to go for phone service, these are the very people that the USF was meant to assist. It is MTI's belief that if it is granted ETC status, it will be able to assist a large percentage of the very population that the fund was created to help.

I have examined and formulated the foregoing request, and to the best of my knowledge, information and belief, all statements of fact contained in said request are correct statements of the business and affairs of the requesting carrier with respect to each and every matter set forth.

Ikechuku Chinwah, Secretary

MTI 65 E 16<sup>th</sup> St Chicago Heights, IL 60411 708.679.5051 ek@mymti.com

Dated may 11, 2006

Subscribed and sworn to before me, a Notary Public in and for the State of Illinois above named this \_\_\_\_\_\_\_, 2006.

(Notary Public)

"OFFICIAL SEAL"
ANYA M. FARRIOLS
otary, Public, State of Illinois

My Commission Expires: