

State of Florida



## Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD  
TALLAHASSEE, FLORIDA 32399-0850

### -M-E-M-O-R-A-N-D-U-M-

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**DATE:** July 17, 2008

**TO:** Office of Commission Clerk (Cole)

**FROM:** Division of Regulatory Compliance (Polk, Casey)  
Office of the General Counsel (Teitzman)

**RE:** Docket No. 010977-TL – State certification of rural telecommunications carriers pursuant to 47 C.F.R. 54.314.

**AGENDA:** 07/29/2008 – Regular Agenda – Interested Persons May Participate

**COMMISSIONERS ASSIGNED:** All Commissioners

**PREHEARING OFFICER:** Administrative

**CRITICAL DATES:** None

**SPECIAL INSTRUCTIONS:** None

**FILE NAME AND LOCATION:** S:\PSC\CMP\WP\010977 July 17-2008.DOC

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#### Case Background

Section 254(e) of the Telecommunications Act of 1996 provides that a carrier that receives universal service support "...shall use that support only for the provision, maintenance, and upgrading of facilities and services for which the support is intended." In its Fourteenth Report and Order, Twenty-Second Order on Reconsideration, and Further Notice of Proposed Rulemaking in CC Docket No. 00-256 (the Rural Task Force Order; hereafter, the RTF Order), the Federal Communications Commission (FCC) modified its rules pertaining to the provision of high-cost support for rural telephone companies. The FCC adopted a rule requiring that states who wish for rural carriers within their jurisdiction to receive federal high-cost support must file a certification annually with the FCC and with the Universal Service Administrative Company (USAC). This certification is to affirm that the federal high-cost funds flowing to rural carriers in the state, or to any competitive eligible telecommunications carriers seeking support for

serving customers within a rural carrier's service area, will be used in a manner that comports with Section 254(e). 47 C.F.R. §54.314 provides the following:

State certification of support for rural carriers.

- (a) *State certification.* States that desire rural incumbent local exchange carriers and/or eligible telecommunications carriers serving lines in the service area of a rural incumbent local exchange carrier within their jurisdiction to receive support pursuant to §§54.30 (local switching support), 54.305 (sale or transfer of exchanges), and/or 54.307 (support to competitive ETC) of this part and/or part 36, subpart F of this chapter must file an annual certification with the Administrator and the Commission stating that all 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...
  
- (c) *Certification format.* A certification pursuant to this section may be filed in the form of a letter from the appropriate regulatory authority for the State, and shall be filed with both the Office of the Secretary of the Commission clearly referencing CC Docket No. 96-45, and with the Administrator of the high-cost universal service support mechanism, on or before the deadlines set forth below in subsection (d). . . .

The FCC requires that certifications for the next calendar funding year must be submitted by the preceding October 1; thus, in order for a rural carrier to be eligible for high-cost universal service support for all of calendar year 2009, certification must be submitted by October 1, 2008.

On March 17, 2005, the FCC released Order No. FCC 05-46 establishing new annual certification and reporting requirements to comply with the conditions of Eligible Telecommunication Carrier (ETC) designation and to ensure universal service funds are used for their intended purposes. In making its decision, the FCC believed that the new reporting requirements were reasonable and consistent with the public interest and the Act, and will further the FCC's goal of ensuring that ETCs satisfy their obligation under section 214(e) of the Act to provide supported services throughout their designated service areas. The FCC also believed that the administrative burden placed on carriers would be outweighed by strengthening the requirements and certification guidelines to help ensure that high-cost support is used in the manner that it was intended, and would help prevent carriers from seeking ETC status for purposes unrelated to providing rural and high-cost consumers with the access to affordable telecommunications and information services.

By Order No. PSC-05-0824-FOF-TL, issued August 15, 2005, and Order No. PSC-05-0824A-FOF-TL, issued August 17, 2005, the Commission approved the establishment of the new annual certification and reporting requirements.

Docket No. 010977-TL  
July 17, 2008

Each of the rural carriers which are seeking state certification for 2009 have complied with the Commission's new reporting requirements.

This recommendation pertains to the Commission's certification of Florida's rural LECs for 2009.

### **Discussion of Issues**

**Issue 1:** Should the Florida Public Service Commission (FPSC or Commission) certify to the FCC and to the USAC that for the year 2009 Windstream Florida, Inc., Frontier Communications of the South, LLC, GTC, Inc. d/b/a FairPoint Communications, ITS Telecommunications Systems, Inc., Northeast Florida Telephone Company d/b/a NEFCOM, Quincy Telephone Company d/b/a TDS Telecom/Quincy Telephone, and Smart City Telecommunications, LLC d/b/a Smart City Telecom will only use the federal high-cost support they receive for the provision, maintenance and upgrading of facilities and services for which the support is intended?

**Recommendation:** Yes. (Polk, Casey)

**Staff Analysis:** Unless the Commission submits certifications to the FCC and to the USAC by October 1, 2008, Florida's rural carriers will receive no interstate high-cost universal service funds during the first quarter of 2009, and would forego all federal support for that quarter. Certifications filed after October 1, 2008 would cause rural carriers to be eligible for high-cost funds for only partial quarters of 2009. For example, certifications filed by January 1, 2009, would allow rural carriers to be eligible for high-cost funds in the second, third, and fourth quarters of 2009. Certifications filed by April 1, 2009, would only allow rural carriers to be eligible for high-cost funds in the third and fourth quarters of 2009. Other than Frontier, these rural ETCs are under intrastate price-cap regulation. However, the FCC anticipated that certain state commissions may have limited economic regulatory authority:

In the case of non-rural carriers, we concluded that states nonetheless may certify to the FCC that a non-rural carrier in the state had accounted to the state commission for its receipt of federal support, and that such support will be "used only for the provision, maintenance and upgrading of facilities and services for which the support is intended." We determined that, in states in which the state commission has limited jurisdiction over such carriers, the state need not initiate the certification process itself. . . . We conclude that this approach is equally appropriate here with regard to rural carriers and competitive eligible telecommunications carriers serving lines in the service area of a rural local exchange carrier. (RTF Order, ¶188)

Staff notes that on February 27, 2004, the Federal-State Joint Board on Universal Service (Joint Board) recommended that the FCC encourage states to use the annual ETC certification process to ensure that federal universal service support is used to provide the supported services and for associated infrastructure costs.<sup>1</sup> Annual review affords states the opportunity for a periodic review of ETC fund use.<sup>2</sup> The Joint Board asserted that states should examine

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<sup>1</sup> See *Federal-State Joint Board on Universal Service*, Recommended Decision, CC Docket No. 96-45, FCC 04J-1, pars. 46-48 (2004).

<sup>2</sup> See *Federal-State Joint Board on Universal Service*, Ninth Report and Order and Eighteenth Order on Reconsideration, CC Docket No. 96-45, FCC 99-306, par. 95 (1999) (*Ninth Report and Order*) (stating that accountability for the use of federal funds in the state ratemaking process is an appropriate mechanism to ensure that non-rural carriers use high-cost support for the provision, maintenance and upgrading of facilities and services for

compliance with any build-out plans. Where an ETC fails to comply with the requirements in section 214(e) and any additional requirements proposed by the state commission, the Joint Board noted that the state commission may decline to grant an annual certification or may rescind a certification granted previously.<sup>3</sup>

The FCC has noted that it may institute an inquiry on its own motion for companies for which it, rather than state commissions, has granted ETC status.<sup>4</sup> Such an inquiry could include an examination of the ETC's records and documentation to ensure that the high-cost support it receives is being used "only for the provision, maintenance, and upgrading of facilities and services." The FCC stated that failure to fulfill the requirements of the statute, its rules, and the terms of its designation order could result in the loss of the carrier's ETC designation.

To date, there have been no indications that the rural ETCs are in violation of any of the provisions of Section 214(e). Both the FPSC and the USAC have conducted audits of Florida rural ETCs during the past year to ensure compliance with the universal service funding requirements.

As has been done in prior years, each of the seven Florida rural ETCs has provided the Commission with an affidavit (see Attachments A through G) in which they have certified that their use of interstate high-cost universal service support received during 2009 will comport with Section 254(e) of the Act and applicable FCC rules. Given these ETCs' certifications, staff again recommends that the Commission certify to the FCC and to the USAC that for the year 2009 Windstream Florida, Inc., Frontier Communications of the South, LLC, GTC, Inc. d/b/a FairPoint Communications, ITS Telecommunications Systems, Inc., Northeast Florida Telephone Company d/b/a NEFCOM, Quincy Telephone Company d/b/a TDS Telecom/Quincy Telephone, and Smart City Telecommunications, LLC, d/b/a Smart City Telecom will only use the federal high-cost support they receive for the provision, maintenance and upgrading of facilities and services for which the support is intended.

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which the support is intended); *see also Rural Task Force Order*, CC Docket 96-45, FCC 01-157, par. 187 (2001) (anticipating that states would take the appropriate steps to account for the receipt of high-cost support and ensure that federal support is being applied in a manner consistent with section 254).

<sup>3</sup> *Federal-State Joint Board on Universal Service*; Western Wireless Corporation Petition for Preemption of an Order of the South Dakota Public Utilities Commission, Declaratory Ruling, CC Docket No. 96-45, (2000), recon. pending (Section 214(e) Declaratory Ruling), par. 15.

<sup>4</sup> *See Federal-State Joint Board on Universal Service*, Memorandum Opinion and Order, CC Docket No. 96-45, FCC 04-37, par. 43, (2004).

**Issue 2:** Should this docket be closed?

**Recommendation:** Yes. This docket should be closed and subsequent annual certifications of rural telephone companies should be addressed in a new docket. **(Teitzman)**

**Staff Analysis:** Under 47 C.F.R. §54.314, state commission certification that its rural LECs will use interstate high-cost universal service support in a manner that comports with Section 254(e) will need to be addressed once a year. We anticipate that in subsequent years, Florida's rural LECs that continue to desire to receive interstate high-cost universal service support will again submit affidavits to this Commission; such affidavits would need to be received on a schedule that allows for an order to be issued and forwarded with a letter to the FCC and the USAC prior to October 1. Accordingly, staff believes it is appropriate for a new docket to be assigned to handle future annual certifications.

**frontier**  
COMMUNICATIONS SOLUTIONS

180 S. Clinton Ave., 5th Floor, Rochester, NY 14646

00 MAR 31 11:09:51

March 28, 2008

Blanca S. Bayo, Director  
Commission Clerk and Administrative Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

RECEIVED-FPSC  
08 MAR 31 PM 3:20  
COMMISSION  
CLERK

Re: Frontier Communications of the South, LLC  
Study Area Code: 210318  
47 USC 254(e); 47 CFR § 54.314  
Docket No. 010977-TL

Dear Ms. Bayo:

This letter is to request that the Florida Public Service Commission notify the Federal Universal Fund Administrator and the Federal Communications Commission that Frontier Communications of the South, LLC ("Frontier") is eligible to receive federal high-cost support in accordance with the above-referenced statute, federal rule and docket.

The amount of federal high-cost support Frontier will receive in 2009 will continue to be used for the services and functionalities outlined in 47 C.F.R. §54.101(a) and, as the attached affidavit shows, Frontier certifies that it will only use the federal high-cost support it receives for the provision, maintenance and upgrading of facilities and service for which such support is intended.

This state certification for federal support will be an annual process. In order to receive federal support beginning January 1 of each year, the Florida Public Service Commission must file its annual certification on or before October 1 of the year before.

Frontier respectfully requests that the Commission notify the FCC prior to October 1 of this year that Frontier is eligible to receive federal high-cost support for 2009.

Sincerely,



Deborah Fasciano  
Sr. Analyst - Regulatory Compliance

CC: Beth Salak  
Director, Competitive Markets & Enforcement  
Florida Public Service Commission

Enclosure

DOCUMENT NUMBER-DATE  
02446 MAR 31 8  
FPSC-COMMISSION CLERK

AFFIDAVIT

STATE OF NEW YORK  
COUNTY OF MONROE

BEFORE ME, the undersigned authority, appeared Gregg C. Sayre, who deposed and said:

1. My name is Gregg Sayre. I am Assistant Secretary of Frontier Communications of the South, LLC ("Frontier" or the "Company"). As an officer of the Company, I am authorized to give this affidavit on behalf of the Company. This affidavit is being given to support the Florida Public Service Commission's certification as contemplated in 47 C.F.R. §54.314. Please refer to Docket No. 010977-TL.
2. Frontier hereby certifies that it will only use the federal high-cost support it receives during 2009 for the provision, maintenance and upgrading of facilities and service for which such support is intended.
3. Frontier Communications of The South currently holds ETC status and is an ILEC offering a ubiquitous network throughout the service area. The FCC has clarified that, for the ETCs that it designates, the "service quality improvements in the five-year plan do not necessarily require additional construction of network facilities." *FCC 05-46*, ¶ 23. In such situations, the FCC has stated that the ETC Applicant may provide "an explanation of why service improvements in a particular wire center are not needed and how funding will otherwise be used to further the provision of supported services in that area." *FCC 05-46*, ¶ 23.

Because Frontier Communications of The South has coverage throughout the service area, the company will continue to use USF support to maintain its existing network, rather than to construct additional facilities to expand the coverage area. The company will replace and upgrade facilities and equipment on an "as needed" basis and for this reason, providing projected start and completion dates for projects, and specific geographic locations of such projects, is very difficult.

Frontier has submitted via annual NECA filings, the supporting documentation on network improvements and expenditures in support of our universal service filing and refer to this in lieu of formal network plans.

DOCUMENT NUMBER-DATE

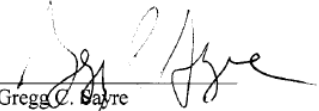
02446 MAR 31 8

FPSC-COMMISSION CLERK



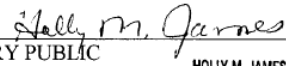
4. Frontier experienced three outages that lasted more than 30 minutes and affected more than ten percent of the end users in its service area.
    - a. Date and Time of Outage – August 11, 2007 at 5:19 pm CT to 7:32 pm CT (2:13 hrs)
    - b. Cause – Storms caused problem with power cards
    - c. Services Affected – loss of dial tone
    - d. Site – Molino Central Office
    - e. Steps Taken – both power supplies were rest
    - f. Customers affected – 282
  - a. Date and Time of Outage – August 23, 2007 at 7:09 pm CT to 8:30pm CT (1:21hrs)
  - b. Cause – Severe lightning storms caused host to remote spans to go out of service
  - c. Services Affected – loss of dial tone
  - d. Site – Molino Central Office
  - e. Steps Taken – Line switch controllers were reloaded
  - f. Customers affected - 282
  - a. Date and Time of Outage – August 23, 2007 at 7:39 pm CT to 8:57pm CT (1:18hrs)
  - b. Cause – Lightning caused switch equipment to fail
  - c. Services Affected – loss of dial tone
  - d. Site – Molino Central Office
  - e. Steps Taken – all devices were manually reloaded in the frame
  - f. Customers affected - 536
5. Frontier did not have any requests for service that were unfulfilled in 2007.
  6. Frontier certifies that during 2007 Frontier did not receive any complaints. The rate of troubles per 1,000 access lines was zero.
  7. Frontier certifies that the company is complying with applicable service quality standards and consumer protection rules.
  8. Frontier hereby certifies that it is able to function in emergency situations.
  9. Frontier is the incumbent LEC in the relevant exchange area and offers a tariffed local flat rate plan and provides equal access to long distance carriers.

FURTHER AFFIANT SAYETH NOT.

  
\_\_\_\_\_  
Gregg C. Sayre  
Assistant Secretary  
Frontier Communications of the South, LLC

STATE OF NEW YORK  
COUNTY OF MONROE

Acknowledged before me this 28th day of March, 2008 by Gregg C. Sayre, as Assistant Secretary for Frontier Communications of the South, LLC, who is personally known to me or produced identification and who did take an oath.

  
\_\_\_\_\_  
NOTARY PUBLIC  
HOLLY M. JAMES  
Notary Public, State of New York  
Qualified in Monroe County  
My Commission Expires Nov. 30, 2010  
\_\_\_\_\_  
Printed Name of Notary

Personally Known  \_\_\_\_\_  
Produced Identification \_\_\_\_\_  
Type of Identification Produced \_\_\_\_\_



April 25, 2008

**SENT VIA FEDERAL EXPRESS**

Ms. Ann Cole  
Commission Clerk  
Office of Commission Clerk  
Florida Public Service Commission  
Capital Circle Office Center  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

Re: Docket No. 010977-TL  
State Certification of Rural Telecommunications  
Carriers Pursuant to 47 C.F.R. §54.314

Dear Ms. Cole:

Enclosed for filing in the above referenced Docket, is an original and fifteen (15) copies of the signed Affidavit of James T. Schumacher on behalf of Smart City Telecommunications LLC d/b/a Smart City Telecom.

Should you have any questions, please contact me at (407) 828-6730.

Sincerely,

Lynn B. Hall  
Director – Contracts and Support Services

Enclosures

cc: Robert J. Casey, FPSC  
Jim Polk, FPSC

www.smartcity.com  
RECEIVED-FPSC  
08 APR 28 AM 9:42  
COMMISSION  
CLERK

CMP 14  
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SCR \_\_\_\_\_  
SGA \_\_\_\_\_  
SEC \_\_\_\_\_  
OTH \_\_\_\_\_

DOCUMENT NUMBER-DATE

03408 APR 28 8

Post Office Box 22555 Lake Buena Vista, FL 32830-2555 phone (407) 827-2000 fax (407) 828-6651

FPSC-COMMISSION CLERK

Florida Public Service Commission  
Docket No. 010977-TL

**AFFIDAVIT**

BEFORE ME, the undersigned authority, appeared **James T. Schumacher**, who deposed  
and said:

1. My name is James T. Schumacher. I am employed by Smart City Telecommunications LLC d/b/a Smart City Telecom ("Smart City Telecom" or the "Company") as its Vice President – Finance and Administration. I am an officer of the Company and am authorized to give this affidavit on behalf of the Company. This affidavit is being given to support the Florida Public Service Commission's certification as contemplated in 47 C.F.R. §54.314.

2. Smart City Telecom hereby certifies that it will only use the federal high-cost support it receives during 2009 for the provision, maintenance and upgrading of facilities and service for which such support is intended.

3. Smart City Telecom hereby certifies that it has submitted via annual NECA filings, the supporting documentation on network improvements and expenditures in support of its universal service filing and refers to this in lieu of formal network plans. USF disbursement received by the Company and other rural incumbent local exchange companies is divided into four categories: Interstate Common Line Support ("ICLS"), Local Switching Support ("LSS"); High Cost Loop Support ("HCLS"); and Safety Net Additive Support ("SNAS"). Each of these mechanisms has been created by the FCC in conjunction with the Federal-State Joint Board on Universal Service. This means that representatives from State Commissions have also been involved in the development of these mechanisms through their representation in the Joint Board process.

ICLS is a universal service mechanism which is based upon each companies embedded, interstate loop costs and allows rate-of-return companies to offset interstate common line access charges and recover its interstate common line revenue requirement and still allow SLCs to remain affordable to customers. ICLS is reimbursing incumbent local exchange carriers ("ILECs") for investments and expenses already incurred. The ICLS calculation uses the interstate cost structure of a rural ILEC based upon annual interstate cost studies that are submitted and certified by the companies and received by NECA. The difference between the interstate common line revenue requirement, again as set forth in the company's annual interstate cost study and the SLC revenue collected from end users, makes up the ICLS.

LSS rules established by the FCC use the embedded costs of the rural ILECs associated with switching investments, depreciation, maintenance, expenses, taxes and an FCC established rate of return. Therefore, LSS is reimbursing ILECs for investments and expenses already incurred. This amount is used to offset the rural ILECs' interstate switching revenue requirement. The difference between the interstate switching revenue requirement, again as set forth in the

DOCUMENT NUMBER-DATE

03408 APR 28 8

FPSC-COMMISSION CLERK

company's annual interstate cost study and LSS, makes up the switching rate which is charged to interexchange carriers.

The HCLS for rural ILECs is based upon each company's embedded, unseparated loop costs. These costs are calculated using a set of complex algorithms approved by the FCC, the inputs for which are scrutinized by NECA. Therefore, HCLS is reimbursing ILECs for investments and expenses already incurred.

Pursuant to the FCC Order, SNAS is support above the HCL cap for carriers that make significant investment in rural infrastructure in years in which HCL is capped. To receive SNAS, a rural carrier must show that growth in telecommunications plant in service (TPIS) per line is at least 14 percent greater than the study area's TPIS in the prior year. Therefore, SNAS is reimbursing ILECs for investments and expenses already incurred. Carriers seeking to qualify for safety net additive support must provide written notice to USAC that a study area meets the 14 percent TPIS trigger.

All of these programs are administered through the USAC. USAC, as a private, not-for-profit corporation, is responsible for providing every state and territory of the United States with access to affordable telecommunications service through the federal USF. USAC has contracted with NECA to assist in data collection necessary for the remittance of universal service funds. What this means is that each company submits, no less frequently than annually, detailed information requested by NECA in the USF data collection process.

Rural ILECs must attest to the information submitted. Further, NECA and its auditors must attest to the validity and integrity of NECA's process. In other words, the ILEC cost studies and responses to data collection requests are subject to audit. The information provided in response to all of the universal service fund mechanisms utilizes FCC accounts for regulated costs and must be in compliance with FCC rules in Parts 32, 36, 54 and 64.

All cost studies submitted by rural ILECs and all USF funding submitted by rural ILECs must be based upon financial statements. NECA also performs focus reviews of cost studies as well as the USF filings for the cost companies involved in the NECA process. In addition, an officer of the rural ILEC must certify the accuracy and validity of the filed information.

HCLS data used in the HCLS calculations by NECA must also be filed with the FCC in October of each year. This data contains the regulated financial inputs into the algorithm as well as the number of loops that will receive universal service support.

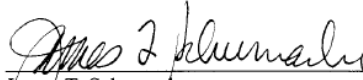
4. SCT hereby certifies that it follows appropriate procedures for network outage reporting as per the Federal Outage Reporting Order and State Outage Reporting Requirements. For the period between March 1, 2007 and March 1, 2008, SCT did not have any Federal FCC reportable outages or Florida Public Service Commission reportable outages.

5. SCT hereby certifies that it did fulfill all requests for service from potential customers.

6. SCT hereby certifies that for the period from March 1, 2007 and March 1, 2008 no FCC or Florida Public Service Commission complaints were received.

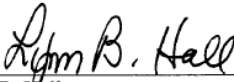
7. SCT hereby certifies that it is able to function in emergency situations, offers a tariffed local usage plan and provides equal access to long distance carriers.

FURTHER AFFIANT SAYETH NOT.

  
\_\_\_\_\_  
James T. Schumacher  
Vice President – Finance and Administration

STATE OF FLORIDA  
COUNTY OF ORANGE

Acknowledged before me this 25<sup>th</sup> the day of April, 2008, by James T. Schumacher, as Vice President – Finance and Administration of Smart City Telecommunications LLC d/b/a Smart City Telecom, who is personally known to me or produced identification and who did take an oath.

  
\_\_\_\_\_  
Lynn B. Hall  
Notary Public – State of Florida

Personally Known X  
Produced Identification \_\_\_\_\_  
Type of Identification Produced \_\_\_\_\_





**TOWNES TELECOMMUNICATIONS SERVICES CORPORATION**

April 29, 2008

Florida Public Service Commission  
Ann Cole, Commission Clerk  
Office of Commission Clerk  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

RECEIVED-FPSCC  
08 MAY - 2 PM 12:49  
COMMISSION CLERK

Re: FPSC Docket No. 010977-TL  
Northeast Florida Telephone Company  
State Certification of Rural Telecommunications Carriers Pursuant to  
47 C.F.R. §54.314

Dear Ms. Cole:

Enclosed herewith for filing in the above referenced docket, is the signed affidavit of Northeast Florida Telephone Company, Inc. d/b/a/ NEFCOM ("NEFCOM") certifying that all federal high-cost support received by NEFCOM in 2009 will only be used for the provision, maintenance and upgrading of facilities and services for which such support is intended. In addition, NEFCOM has certified to the new ETC reporting requirements established by Order No. PSC-05-0824-FOF-TL, issued August 15, 2005 in the above referenced docket.

Please contact me at (904) 688-0029 should you have any questions regarding this filing.

Sincerely,

Deborah Nobles  
Vice President of Regulatory Affairs

DOCUMENT NUMBER-DATE  
03638 MAY-28  
FPSC-COMMISSION CLERK

DN:

Enclosure

Cc: Robert J. Casey, FPSC Public Utilities Supervisor, Div of Competitive Markets & Enforcement  
Mike Griffis, NEFCOM General Manager

DOCKET NO. 010977-TL

**AFFIDAVIT**

STATE OF FLORIDA  
COUNTY OF CLAY

BEFORE ME, the undersigned authority, appeared Deborah Nobles who deposed and said:

1. My name is Deborah Nobles. I am employed by Northeast Florida Telephone Company, Inc. d/b/a NEFCOM ("NEFCOM" or the "Company") as its Vice President of Regulatory Affairs. I am an officer of the Company and am authorized to give this affidavit on behalf of the Company. This affidavit is being given to support the Florida Public Service Commission's certification as contemplated in 47 C.F.R. §54.314.

2. NEFCOM hereby certifies that it will only use the federal high-cost support it receives during 2009 for the provision, maintenance and upgrading of facilities and service for which such support is intended.

3. NEFCOM hereby certifies that it has submitted via annual NECA filings, the supporting documentation on network improvements and expenditures in support of our universal service filing and refers to this in lieu of formal network plans. USF disbursement received by the Company and other rural incumbent local exchange companies is divided into four categories: Interstate Common Line Support ("ICLS"), Local Switching Support ("LSS"); High Cost Loop Support ("HCLS"); and Safety Net Additive Support ("SNAS"). The FCC in conjunction with the Federal-State Joint Board on Universal Service has created each of these mechanisms. This means that representatives from State Commissions have also been involved in the development of these mechanisms through their representation in the Joint Board process.

ICLS is a universal service mechanism which is based upon each companies embedded, interstate loop costs and allows rate-of-return companies to offset interstate common line access charges and recover its interstate common line revenue requirement and still allow SLCs to remain affordable to customers. ICLS is reimbursing ILECs for investments and expenses already incurred. The ICLS calculation uses the interstate cost structure of a rural incumbent local exchange carrier ("ILEC") based upon annual interstate cost studies that are submitted and certified by the companies and received by NECA. The difference between the interstate common line revenue requirement, again as set forth in the company's annual interstate cost study and the SLC revenue collected from end users, makes up the ICLS.

LSS rules established by the FCC use the embedded costs of the rural ILECs associated with switching investments, depreciation, maintenance, expenses, taxes and an FCC established rate of return. Therefore, LSS is reimbursing ILECs for investments and expenses already incurred. This amount is used to offset the rural ILECs' interstate switching revenue requirement. The difference between the interstate switching revenue requirement, again as set forth in the

DOCUMENT NUMBER-DATE

03638 MAY-28

FPSC-COMMISSION CLERK



company's annual interstate cost study and LSS, makes up the switching rate which is charged to interexchange carriers.

The HCLS for rural ILECs is based upon each company's embedded, unseparated loop costs. These costs are calculated using a set of complex algorithms approved by the FCC, the inputs for which are scrutinized by NECA. Therefore, HCLS is reimbursing ILECs for investments and expenses already incurred.

Pursuant to the FCC Order, SNAS is support above the HCL cap for carriers that make significant investment in rural infrastructure in years in which HCL is capped. To receive SNAS, a rural carrier must show that growth in telecommunications plant in service (TPIS) per line is at least 14 percent greater than the study area's TPIS in the prior year. Therefore, SNAS is reimbursing ILECs for investments and expenses already incurred. Carriers seeking to qualify for safety net additive support must provide written notice to USAC that a study area meets the 14 percent TPIS trigger.

All of these programs are administered through the USAC. USAC, as a private, not-for-profit corporation, is responsible for providing every state and territory of the United States with access to affordable telecommunications service through the federal USF. USAC has contracted with NECA to assist in data collection necessary for the remittance of universal service funds. What this means is that each company submits, no less frequently than annually, detailed information requested by NECA in the USF data collection process.

Rural ILECs must attest to the information submitted. Further, NECA and its auditors must attest to the validity and integrity of NECA's process. In other words, the ILEC cost studies and responses to data collection requests are subject to audit. The information provided in response to all of the universal service fund mechanisms utilizes FCC accounts for regulated costs and must be in compliance with FCC rules in Parts 32, 36, 54 and 64.

All cost studies submitted by rural ILECs and all USF funding submitted by rural ILECs must be based upon financial statements. In addition, NECA performs focus reviews of cost studies as well as the USF filings for the cost companies involved in the NECA process. In addition, an officer of the rural ILEC must certify the accuracy and validity of the filed information.

HCLS data used in the HCLS calculations by NECA must also be filed with the FCC in October of each year. This data contains the regulated financial inputs into the algorithm as well as the number of loops that will receive universal service support.

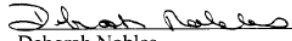
4. NEFCOM hereby certifies that it follows appropriate procedures for network outage reporting as per the Federal Outage Reporting Order and State Outage Reporting Requirements. For the period between March 1, 2007 and March 1, 2008, NEFCOM did not have any Federal FCC reportable outages or State PSC reportable outages.

5. NEFCOM hereby certifies that it did fulfill all requests for service from potential customers.

6. NEFCOM hereby certifies that for the period from March 1, 2007 and March 1, 2008, zero FCC complaints were received and zero state PSC service complaints were received.

7. NEFCOM hereby certifies that it complies with the applicable state PSC quality of service standards, federal and state consumer protection rules, is able to function in emergency situations, offers a tariffed local usage plan and provides equal access to long distance carriers.

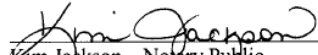
FURTHER AFFIANT SAYETH NOT.

  
Deborah Nobles  
Vice President of Regulatory Affairs

STATE OF FLORIDA  
COUNTY OF CLAY

Acknowledged before me this 29th day of April 2008, by Deborah Nobles, as Vice President of Regulatory Affairs of Northeast Florida Telephone Company, Inc. d/b/a NEFCOM, who is personally known to me or produced identification and who did take an oath.



  
Kim Jackson - Notary Public

Personally Known   
Produced Identification \_\_\_\_\_  
Type of Identification Produced \_\_\_\_\_

DOCUMENT NUMBER-DATE

03638 MAY-28

FPSC-COMMISSION CLERK

Windstream Communications, Inc.  
4001 Rodney Parham Road  
1170 - BIF03-53A  
Little Rock, AR 72212

Betty J. Willis  
Vice President - State Government Affairs

(p) 501.748.5692  
(f) 501.748.7996  
(m) 501.690.5451



RECEIVED-FPSC  
08 MAY -9 PM 1:16  
COMMISSION  
CLERK

May 8, 2008

Ms. Ann Cole, Director  
Division of the Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 323399-0870

Re: Docket No. 010977-TL

Dear Ms. Cole:

Enclosed for filing in the above docket are the original and fifteen (15) copies of the signed Affidavit of Michael D. Rhoda on behalf of Windstream Florida, Inc.

Please acknowledge receipt and filing of the above by stamping the duplicate copy of this letter and returning the same to this writer.

Thank you for your assistance in this matter.

Sincerely,

*Betty Willis*  
Betty Willis by Jean Wood

- CMP
- COM
- CTR      Enclosure
- ECR      cc:    James White (Windstream)
- GCL
- DPC
- RCA
- SCR
- SGA
- SEC
- OTH

RECEIVED-FPSC  
08 MAY -9 PM 0:52

DOCUMENT NUMBER-DATE

03885 MAY-9 8

FPSC-COMMISSION CLERK

**AFFIDAVIT**

BEFORE ME, the undersigned authority appeared Michael D. Rhoda who deposed and said:

1. My name is Michael D. Rhoda. I am Windstream Florida, Inc.'s, ("Windstream" or the "Company") Senior Vice President, Governmental Affairs. I am an officer of the Company and am authorized to give this affidavit on behalf of the Company. This affidavit is being given to support the Florida Public Service Commission's certification as contemplated in 47 C.F.R. §54.314.

2. Windstream hereby certifies that it will only use the federal high-cost support it receives during 2009 for the provision, maintenance and upgrading of facilities and service for which such support is intended.

3. Windstream hereby certifies that it has submitted via annual NECA filings, expenditures in support of its universal service filing and refers to these filings in lieu of providing formal network plans. USF disbursements received by the Company and other rural incumbent local exchange companies are divided into four categories: Interstate Common Line Support ("ICLS"), Local Switching Support ("LSS"); High Cost Loop Support ("HCLS"); and Safety Net Additive Support ("SNAS"). The FCC in conjunction with the Federal-State Joint Board on Universal Service has created each of these mechanisms, except ICLS. This means that representatives from State Commissions have also been involved in the development of these mechanisms through their representation in the Joint Board process.

ICLS is a universal service mechanism which is based on the embedded, interstate loop costs of rate-of-return companies and allows these companies to recover from the fund the difference between their interstate common line costs and the subscriber line charge ("SLC") revenues collected from their customers. ICLS provides support to rate-of-return ILECs for investments and expenses already incurred. The ICLS calculation uses the interstate cost studies submitted and certified by the companies and received by NECA.

LSS rules established by the FCC use the embedded costs of the rural ILECs associated with switching investments, depreciation, maintenance, expenses, taxes and an FCC prescribed rate of return. Therefore, LSS provides support to rural ILECs for investments and expenses already incurred. This amount is used to offset the rural ILECs' interstate switching revenue requirement. Therefore, the difference between the interstate switching revenue requirement again as set forth in the company's annual interstate cost study, and LSS is used to calculate the local switching rate charged to interexchange carriers.

Rural ILECs are eligible for HCLS based upon their embedded, unseparated loop costs. These costs are calculated using a set of complex algorithms approved by the FCC, the inputs for which

DOCUMENT NUMBER-DATE

03885 MAY-9 8

FPSC-COMMISSION CLERK

are scrutinized by NECA. Therefore, HCLS provides support to rural ILECs for investments and expenses already incurred.

Pursuant to FCC Orders, SNAS is support above the HCL cap for carriers that make significant investments in rural infrastructure. To receive SNAS, a rural carrier must show that growth in telecommunications plant in service (TPIS) per line is at least 14 percent greater than the study area's TPIS in the prior year. Therefore, SNAS is providing support to rural ILECs for investments and expenses already incurred. Carriers seeking to qualify for safety net additive support must provide written notice to USAC that a study area meets the 14 percent TPIS trigger.

All of these programs are administered through USAC, a private, not-for-profit corporation. USAC assist NECA in data collection necessary for the remittance of universal service funds. What this means is that each company submits, no less frequently than annually, detailed information requested by NECA in the USF data collection process necessary for the remittance of universal service funds.

Rural ILECs must attest to the information submitted. Further, NECA and its auditors must attest to the validity and integrity of NECA's process. In other words, the ILEC cost studies and responses to data collection requests are subject to audit. The information provided in response to all of the universal service fund mechanisms utilizes FCC accounts for regulated costs and must be in compliance with FCC rules in Parts 32, 36, 54 and 64.

All cost studies submitted by rural ILECs and all USF funding received by rural ILECs must be based upon financial statements. In addition, NECA performs focus reviews of cost studies as well as the USF filings for the cost companies involved in the NECA process. In addition, an officer of the rural ILEC must certify the accuracy and validity of the filed information.

HCLS data used in the HCLS calculations by NECA must also be filed with the FCC in October of each year. This data contains the regulated financial inputs into the algorithm as well as the number of loops that will receive universal service support.

Windstream is eligible for and receives ICLS.

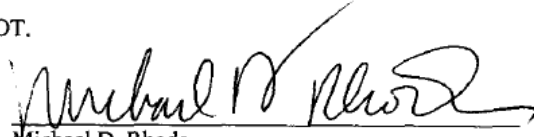
4. Windstream hereby certifies that it follows appropriate procedures for network outage reporting in accordance with the Federal Outage Reporting Order and State Outage Reporting Requirements. For the period between March 1, 2007 and March 1, 2008, Windstream had 3 FCC reportable outages. Windstream had 4 PSC reportable outages.

5. Windstream hereby certifies that it did fulfill all requests for service from potential customers.

6. Windstream hereby certifies that for the period from March 1, 2007 through March 1, 2008 4 FCC complaints and 31 state PSC complaints were received.

7. Windstream hereby certifies that it is able to function in emergency situations, offers a tariffed local usage plan and provides equal access to long distance carriers.

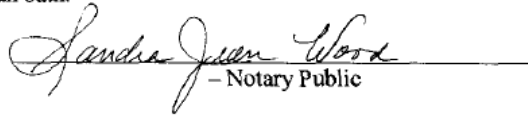
FURTHER AFFIANT SAYETH NOT.



Michael D. Rhoda  
Senior Vice President, Governmental Affairs

STATE OF ARKANSAS  
COUNTY OF PULASKI

Acknowledged before me this 8th day of May 2008, by Michael D. Rhoda, as Senior Vice President, Governmental Affairs of Windstream Florida, Inc. who is personally known to me or produced identification and who did take an oath.

  
- Notary Public

Personally Known   
Produced Identification \_\_\_\_\_  
Type of Identification Produced \_\_\_\_\_

DOCUMENT NUMBER-DATE

03885 MAY-9 8

FPSC-COMMISSION CLERK



RECEIVED-FPSC  
08 MAY 20 AM 10:29  
COMMISSION  
CLERK

May 19, 2008

Blanca Bayo, Director Commission Clerk & Administrative Services  
Division of Communications Services  
Florida Public Service Commission  
1540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

Re: Docket No. 010977-TL  
Quincy Telephone Company d/b/a TDS Telecom

Dear Ms. Blanca Bayo;

This letter is to request that the Florida Public Service Commission notify the Universal Service Administrative Company (USAC) and the Federal Communications Commission (FCC) that Quincy Telephone Company d/b/a TDS Telecom/Quincy Telephone ("Quincy") is eligible to receive federal high-cost support in accordance with the above-referenced statute and federal rule.

The amount of federal high-cost support that Quincy will receive in 2009 will continue to be used for the services and functionalities outlined in 47 C.F.R. §54.101(a) and as the attached affidavit shows Quincy certifies that it will only use the federal high-cost support it receives for the provision, maintenance and upgrading of facilities and service for which such support is intended.

This state certification for federal support is an annual process. In order to receive federal support beginning January 1 of each year, the Florida Public Service Commission must file its annual certification on or before October 1 of the year before.

Quincy respectfully requests that the Commission notify the FCC prior to October 1 of this year that Quincy is eligible to receive federal high-cost support for 2009. If there any questions, please contact Tom McCabe at 850-875-5207.

- CMP
- COM
- CTR
- ECR
- GCL
- OPC
- RCA
- SCR
- SGA
- SEC
- OTH

Sincerely,

*Kristine M. Haskin*

Kristine M. Haskin  
Manager – Federal Affairs

Attachment

cc: Beth Salak  
Tom McCabe (TDS Telecom)  
5 copies

DOCUMENT NUMBER-DATE  
04156 MAY 20 08  
FPSC-COMMISSION CLERK

525 JUNCTION RD  
MADISON, WI 53717

WWW.TDSTELECOM.COM

DOCKET NO. 010977-TL

**AFFIDAVIT**

BEFORE ME, the undersigned authority appeared Kevin G. Hess who deposed and said:

My name is Kevin G. Hess. I am employed by TDS Telecommunications Corporation, the parent company of Quincy Telephone Company d/b/a TDS Telecom/Quincy ("TDS" or the "Company") as its Senior Vice President, Government & Regulatory Affairs. I am an officer of the Company and am authorized to give this affidavit on behalf of the Company. This affidavit is being given to support the Florida Public Service Commission's certification as contemplated in 47 C.F.R. §54.314.

TDS hereby certifies that it will only use the federal high-cost support it receives during 2009 for the provision, maintenance and upgrading of facilities and service for which such support is intended.

1. TDS hereby certifies that it has submitted via annual NECA filings, the supporting documentation on network improvements and expenditures in support of our universal service filing and refer to this in lieu of formal network plans. USF disbursement received by the Company and other rural incumbent local exchange companies is divided into four categories: Interstate Common Line Support ("ICLS"), Local Switching Support ("LSS"); High Cost Loop Support ("HCLS"); and Safety Net Additive Support ("SNAS"). Each of these mechanisms has been created by the FCC in conjunction with the Federal-State Joint Board on Universal Service. This means that representatives from State Commissions have also been involved in the development of these mechanisms through their representation in the Joint Board process.

ICLS is a universal service mechanism which is based upon each companies embedded, interstate loop costs and allows rate-of-return companies to offset interstate common line access charges and recover its interstate common line revenue requirement and still allow SLCs to remain affordable to customers.. ICLS is reimbursing ILECs for investments and expenses already incurred. The ICLS calculation uses the interstate cost structure of a rural incumbent local exchange carrier ("ILEC") based upon annual interstate cost studies that are submitted and certified by the companies and received by NECA. The difference between the interstate common line revenue requirement, again as set forth in the company's annual interstate cost study and the SLC revenue collected from end users, makes up the ICLS.

LSS rules established by the FCC use the embedded costs of the rural ILECs associated with switching investments, depreciation, maintenance, expenses, taxes and an FCC established rate of return. Therefore, LSS is reimbursing ILECs for investments and expenses already incurred. This amount is used to offset the rural ILECs' interstate switching revenue requirement. The difference between the interstate switching revenue requirement, again as set forth in the company's annual interstate cost study and LSS, makes up the switching rate which is charged to interexchange carriers.

DOCUMENT NUMBER-DATE

04156 MAY 20 08

FPSC-COMMISSION CLERK



DOCKET NO. 010977-TL  
Page 2 of 3

The HCLS for rural ILECs is based upon each company's embedded, unseparated loop costs. These costs are calculated using a set of complex algorithms approved by the FCC, the inputs for which are scrutinized by NECA. Therefore, HCLS is reimbursing ILECs for investments and expenses already incurred.

Pursuant to the FCC Order, SNAS is support above the HCL cap for carriers that make significant investment in rural infrastructure in years in which HCL is capped. To receive SNAS, a rural carrier must show that growth in telecommunications plant in service (TPIS) per line is at least 14 percent greater than the study area's TPIS in the prior year. Therefore, SNAS is reimbursing ILECs for investments and expenses already incurred. Carriers seeking to qualify for safety net additive support must provide written notice to USAC that a study area meets the 14 percent TPIS trigger.

All of these programs are administered through the USAC. USAC, as a private, not-for-profit corporation, is responsible for providing every state and territory of the United States with access to affordable telecommunications service through the federal USF. USAC has contracted with NECA to assist in data collection necessary for the remittance of universal service funds. What this means is that each company submits, no less frequently than annually, detailed information requested by NECA in the USF data collection process.

Rural ILECs must attest to the information submitted. Further, NECA and its auditors must attest to the validity and integrity of NECA's process. In other words, the ILEC cost studies and responses to data collection requests are subject to audit. The information provided in response to all of the universal service fund mechanisms utilizes FCC accounts for regulated costs and must be in compliance with FCC rules in Parts 32, 36, 54 and 64.

All cost studies submitted by rural ILECs and all USF funding submitted by rural ILECs must be based upon financial statements. In addition, NECA performs focus reviews of cost studies as well as the USF filings for the cost companies involved in the NECA process. In addition, an officer of the rural ILEC must certify the accuracy and validity of the filed information.

HCLS data used in the HCLS calculations by NECA must also be filed with the FCC in October of each year. This data contains the regulated financial inputs into the algorithm as well as the number of loops that will receive universal service support.

2 & 3. TDS hereby certifies that it follows appropriate procedures for network outage reporting as per the Federal Outage Reporting Order and State Outage Reporting Requirements. For the period between March 1, 2007 and March 1, 2008, TDS did not have any Federal FCC reportable outages or State PSC reportable outages.

4. TDS hereby certifies that it did fulfill all requests for service from potential customers.

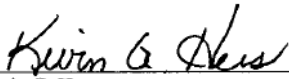
5. TDS hereby certifies that for the period from March 1, 2007 and March 1, 2008 zero FCC complaints were received and eight state PSC complaints were received.

6. TDS hereby certifies that it is complying with applicable service quality standards and consumer protection rules, in accordance with Florida Statutes and the Florida Administrative Code.

DOCKET NO. 010977-TL  
Page 3 of 3

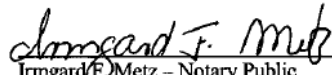
- 7. TDS hereby certifies that it is able to function in emergency situations,
- 8. TDS already provides equal access to long distance carriers.

FURTHER AFFIANT SAYETH NOT.

  
\_\_\_\_\_  
Kevin G. Hess  
Senior Vice President  
Government & Regulatory Affairs

STATE OF WISCONSIN  
COUNTY OF DANE

Acknowledged before me this 19<sup>th</sup> day of May, 2008, by Kevin G. Hess, as Senior Vice President, Government & Regulatory Affairs of TDS Telecommunications Corporation d/b/a TDS TELECOM/Quincy Telephone, who is personally known to me or produced identification and who did take an oath.

  
\_\_\_\_\_  
Irmgard F. Metz - Notary Public  
My Commission expires: May 8, 2011

Personally Known X  
Produced Identification \_\_\_\_\_  
Type of Identification Produced \_\_\_\_\_

**RUTLEDGE, ECENIA, PURNELL & HOFFMAN**

PROFESSIONAL ASSOCIATION  
ATTORNEYS AND COUNSELORS AT LAW

STEPHEN A. ECENIA  
RICHARD M. ELLIS  
KENNETH A. HOFFMAN  
JOHN M. LOCKWOOD  
MARTIN P. McDONNELL  
J. STEPHEN MENTON

POST OFFICE BOX 551, 32302-0551  
215 SOUTH MONROE STREET, SUITE 420  
TALLAHASSEE, FLORIDA 32301-1841

TELEPHONE (850) 681-6788  
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R. DAVID PRESCOTT  
HAROLD F. X. PURNELL  
MARSHA E. RULE  
GARY R. RUTLEDGE  
MAGGIE M. SCHULTZ

GOVERNMENTAL CONSULTANTS  
JONATHAN M. COSTELLO  
MARGARET A. MENDUNI

May 20, 2008

VIA HAND DELIVERY

Ms. Ann Cole, Director  
Commission Clerk and Administrative Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Betty Easley Conference Center, Room 110  
Tallahassee, Florida 32399-0850

RECEIVED-FPSC  
08 MAY 20 PM 1:01  
COMMISSION  
CLERK

Re: Docket No. 010977-TL

Dear Ms. Cole:

Enclosed for filing on behalf of GTC, Inc. d/b/a FairPoint Communications are the original and fifteen copies of the Affidavit of R. Mark Ellmer. Mr. Ellmer's Affidavit is filed in compliance with Order No. PSC-05-0824-FOF-TL issued August 15, 2005, as amended by Ammendatory Order No. PSC-05-0824A-FOF-TL issued August 17, 2005, in the above-referenced docket.

If you have any questions, please do not hesitate to contact me. Thank you for your assistance with this filing.

Sincerely,

Martin P. McDonnell

- MPM
- JOM
- JTR
- JCR
- JCL MPM/vp
- JFC Enclosures
- JCA cc: Mr. R. Mark Ellmer, with enclosure
- JCR Mr. James Polk, with enclosure
- JGA FAUSERS\Marty\colemay20\trreellmer.wpd
- JEC
- JOT

DOCUMENT NUMBER-DATE

04182 MAY 20 8

FPSC-COMMISSION CLERK

DOCKET NO. 010977-TL

**AFFIDAVIT**

BEFORE ME, the undersigned authority appeared R. Mark Ellmer who deposed and said:

1. My name is R. Mark Ellmer. I am employed by GTC, Inc. d/b/a FairPoint Communications (the "Company") as its Director Support Revenues. I am authorized to give this affidavit on behalf of the Company. This affidavit is being given to support the Florida Public Service Commission's certification as contemplated in 47 C.F.R. §54.314.

2. GTC, Inc. d/b/a FairPoint Communications hereby certifies that it will only use the federal high-cost support it receives during 2009 for the provision, maintenance and upgrading of facilities and service for which such support is intended.

3. GTC, Inc. d/b/a FairPoint Communications hereby certifies that it has submitted via annual NECA filings, the supporting documentation on network improvements and expenditures in support of our universal service filing and refer to this in lieu of formal network plans. USF disbursement received by the Company and other rural incumbent local exchange companies is divided into four categories: Interstate Common Line Support ("ICLS"), Local Switching Support ("LSS"), High Cost Loop Support ("HCLS") and Safety Net Additive Support ("SNAS"). Each of these mechanisms has been created by the FCC in conjunction with the Federal-State Joint Board on Universal Service. This means that representatives from State Commissions have also been involved in the development of these mechanisms through their representation in the Joint Board process.

ICLS is a universal service mechanism which is based upon each company's embedded, interstate loop costs and allows rate-of-return companies to offset interstate common line access charges and recover its interstate common line revenue requirement and still allow SLCs to remain affordable to customers. ICLS is reimbursing ILECs for investments and expenses already incurred. The ICLS calculation uses the interstate cost structure of a rural incumbent local exchange carrier ("ILEC") based upon annual interstate cost studies that are submitted and certified by the companies and received by NECA. The difference between the interstate common line revenue requirement, again as set forth in the company's annual interstate cost study and the SLC revenue collected from end users, makes up the ICLS.

LSS rules established by the FCC use the embedded costs of the rural ILECs associated with switching investments, depreciation, maintenance, expenses, taxes and an FCC established rate of return. Therefore, LSS is reimbursing ILECs for investments and expenses already incurred. This amount is used to offset the rural ILECs interstate switching revenue requirement. The difference between the interstate switching revenue requirement, again as set forth in the company's annual interstate cost study and LSS, makes up the switching rate which is charged to interexchange carriers.

DOCUMENT NUMBER-DATE

04182 MAY 20 08

FPSC-COMMISSION CLERK

The HCLS for rural ILECs is based upon each company's embedded, unseparated loop costs. These costs are calculated using a set of complex algorithms approved by the FCC, the inputs for which are scrutinized by NECA. Therefore, HCLS is reimbursing ILECs for investments and expenses already incurred.

Pursuant to the FCC Order, SNAS is support above the HCL cap for carriers that make significant investment in rural infrastructure in years in which HCL is capped. To receive SNAS, a rural carrier must show that growth in telecommunications plant in service (TPIS) per line is at least 14 percent greater than the study area's TPIS in the prior year. Therefore, SNAS is reimbursing ILECs for investments and expenses already incurred. Carriers seeking to qualify for safety net additive support must provide written notice to USAC that a study area meets the 14 percent TPIS trigger.

All of these programs are administered through the USAC. USAC, as a private, not-for-profit corporation, is responsible for providing every state and territory of the United States with access to affordable telecommunications service through the federal USF. USAC has contracted with NECA to assist in data collection necessary for the remittance of universal service funds. What this means is that each company submits, no less frequently than annually, detailed information requested by NECA in the USF data collection process.

Rural ILECs must attest to the information submitted. Further, NECA and its auditors must attest to the validity and integrity of NECA's process. In other words, the ILEC cost studies and responses to data collection requests are subject to audit. The information provided in response to all of the universal service fund mechanisms utilizes FCC accounts for regulated costs and must be in compliance with FCC rules in Parts 32, 36, 54 and 64.

All cost studies submitted by rural ILECs and all USF funding submitted by rural ILECs must be based upon financial statements. In addition, NECA performs focus reviews of cost studies as well as the USF filings for the cost companies involved in the NECA process. In addition, an officer of the rural ILEC must certify the accuracy and validity of the filed information.

HCLS data used in the HCLS calculations by NECA must also be filed with the FCC in October of each year. This data contains the regulated financial inputs into the algorithm as well as the number of loops that will receive universal service support.

4. On, January 11, 2008 the Company experienced a service outage of approximately 90 minutes that affected approximately 9,200 customers. The outage resulted from the Central Processor Host Switch in Port St. Joe losing communication with the Remote Switch in Blountstown resulting in loss of dial tone for the northern district (Blountstown, Altha, Bristol, Hosford & Chattahoochee exchanges).

5. GTC, Inc. d/b/a FairPoint Communications hereby certifies that it follows appropriate procedures for network outage reporting as per the Federal Outage Reporting Order and State Outage Reporting Requirements. For the period between March 1, 2007 and February 29, 2008, GTC, Inc. d/b/a FairPoint Communications did not have any Federal FCC reportable outages and had three State PSC reportable outages (3/3/07, 12/5/2007, & 1/11/2008).

6. GTC, Inc. d/b/a FairPoint Communications hereby certifies that it did fulfill all requests for service from potential customers.

7. GTC, Inc. d/b/a FairPoint Communications hereby certifies that for the period from March 1, 2007 and February 29, 2008 zero FCC complaints were received and twenty-five state PSC complaints were received, processed and resolved per PSC rules.

8. GTC, Inc. d/b/a FairPoint Communications hereby certifies that for the period ending February 29, 2008 the company had zero requests for service that were unfulfilled.

9. GTC, Inc. d/b/a FairPoint Communications hereby certifies that the company is complying with all applicable service quality standards and consumer protection rules in accordance with Florida Statutes and Florida Administrative Code.

10. GTC, Inc. d/b/a FairPoint Communications hereby certifies that it is able to function in emergency situations, offers a tariffed local usage plan and provides equal access to long distance carriers.

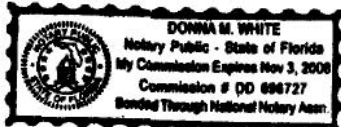
FURTHER AFFIANT SAYETH NOT.



R. Mark Ellmer  
Director Support Revenues

STATE OF FLORIDA  
COUNTY OF GULF

Acknowledged before me this 16<sup>th</sup> day of May, 2008, by R. Mark Ellmer, as Director Support Revenues, GTC, Inc. d/b/a FairPoint Communications, who is personally known to me or produced identification and who did take an oath.



Personally Known   ✓    
Produced Identification \_\_\_\_\_  
Type of Identification Produced \_\_\_\_\_

DOCUMENT NUMBER-DATE  
04182 MAY 20 8  
FPSC-COMMISSION CLERK



**ITS TELECOMMUNICATIONS SYSTEMS, INC.**

15925 SW Warfield Blvd. • P. O. Box 277  
Indiantown, Florida 34956  
772-597-2111

RECEIVED-FPSC  
08 JUN 23 PM 2:12  
COMMISSION  
CLERK

June 20, 2008

Ms. Ann Cole, Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

**RE: State Certification of Rural Telecommunication Carriers Pursuant to 47 C.F.R. §54.314**

Dear Ms. Cole:

Enclosed are three (3) copies of ITS Telecommunications Systems, Inc.'s Certification for 2009 as required.

Should you have any questions or need additional information, please contact our office at (772) 597-3129.

Sincerely,

ITS TELECOMMUNICATIONS SYSTEMS, INC.

*Mary Ann Holt*  
Mary Ann Holt  
Administrative Services Manager

- OMP  Enclosures
- COM \_\_\_\_\_
- GER \_\_\_\_\_
- SCR \_\_\_\_\_
- TEL
- OPC \_\_\_\_\_
- RCA \_\_\_\_\_
- SCR \_\_\_\_\_
- SBA \_\_\_\_\_
- SEC \_\_\_\_\_
- OTH \_\_\_\_\_

DOCUMENT NUMBER - DATE  
05371 JUN 23 08  
FPSC-COMMISSION CLERK

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FPSC DOCKET NO. 010977-TL  
State Certification of Rural Telecommunication Carriers Pursuant to  
47 C.F.R. §54.314

**AFFIDAVIT**

**STATE OF FLORIDA  
COUNTY OF MARTIN**

BEFORE ME, the undersigned authority, personally appeared **Jeffrey S. Leslie**, known to me to be a credible person and of lawful age, who deposed and said:

1. My name is Jeffrey S. Leslie. I am employed by **ITS Telecommunications Systems, Inc.** (ITS or the "Company") as President. I possess substantial knowledge of the Company's operations and am an officer authorized to give this affidavit on behalf of the Company. This affidavit is being given to support the certification of the Florida Public Service Commission ("Commission") as contemplated in 47 C.F.R. §54.314.
2. ITS hereby certifies that it will utilize all federal high-cost support it receives during 2009 only for the provision, maintenance and upgrading of facilities and services for which the support is intended, consistent with 47 U.S.C. § 254(e) of the Telecommunications Act of 1996.
3. In lieu of providing progress reports on a five-year service quality improvement plan, ITS submits that certain requirements, procedures and processes to which the Company adheres, and which are further explained in the following paragraphs, constitute the Company's progress report with respect to the receipt and utilization of federal universal service support. Under the existing rules and processes discussed the federal support funds received by the Company and other rural incumbent local exchange carriers ("ILECs") are, in fact, an integral part of the rural ILEC's recovery of expenditures incurred in the provision, maintenance and upgrading of its provision of universal service. Essentially, the Company receives federal universal service support ("USF") through various programs which are administered through the Universal Service Administrative Company ("USAC"). USAC has contracted with the National Exchange Carrier Association, Inc. ("NECA") to assist in data collection necessary for the remittance of USF. The company submits, not less frequently than annually, detailed information requested by NECA in the USF data collection process. USF data used in the USF calculations by NECA must also be filed with the FCC by November 1<sup>st</sup> of each year.

Rural ILECs must attest to the information submitted. Further, NECA and its auditors must attest to the validity and integrity of NECA's process. In other words, the ILEC cost studies and responses to data collection requests are subject

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to audit. The information provided in response to all of the universal service fund mechanisms utilizes FCC accounts for regulated costs and must be in compliance with FCC rules in Parts 32, 36, 54 and 64.

All cost studies submitted by rural ILECs and all USF funding submitted by rural ILECs must be based upon financial statements. In addition, NECA performs focus reviews of cost studies as well as the USF filings for the cost companies involved in the NECA process. In addition, an officer of the rural ILEC must certify the accuracy and validity of the filed information. This process ensures that the Company will not be deprived of the USF funding upon which the Company depends to provide rural telephone customers with affordable and quality telecommunications services.

The federal USF received by the Company and other rural ILECS is divided into four categories: High Cost Loop Support ("HCLS"); Local Switching Support ("LSS"); Interstate Common Line Support ("ICLS"); and Safety Net Additive Support ("SNAS"). Each of these mechanisms has been created by the FCC in conjunction with the Federal-State Joint Board on Universal Service. This means that representatives from State Commissions have also been involved in the development of these mechanisms through their representation in the Joint Board process.

HCLS for rural ILECs is based upon each company's embedded, unseparated loop cost. These costs are calculated using a set of complex algorithms approved by the FCC, the inputs for which are scrutinized by NECA. Therefore, HCLS is reimbursing ILECs for investments and expenses already incurred.

LSS rules established by the FCC use the embedded costs of the rural ILECs associated with switching investments, depreciation, maintenance, expenses, taxes and an FCC established rate of return. Therefore, LSS is reimbursing ILECs for investments and expenses already incurred. This amount is used to offset the rural ILECs interstate switching revenue requirement. The difference between the interstate switching revenue requirement, again as set forth in the company's annual interstate cost study and LSS, makes up the switching rate which is charged to interexchange carriers.

ICLS is a universal service mechanism which is based upon each company's embedded, interstate loop cost and allows rate-of-return companies to offset interstate common line access charges and recover its interstate common line revenue requirement and still allow SLCs to remain affordable to customers. ICLS is reimbursing ILECs for investments and expenses already incurred. The

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ICLS calculation uses the interstate cost structure of a rural incumbent local exchange carrier ("ILEC") based upon annual interstate cost studies that are submitted and certified by the companies and received by NECA. The difference between the interstate common line revenue requirement, again as set forth in the company's annual interstate cost study and the SLC revenue collected from end users, makes up the ICLS.

LSS rules established by the FCC use the embedded costs of the rural ILECs associated with switching investments, depreciation, maintenance, expenses, taxes and an FCC established rate of return. Therefore, LSS is reimbursing ILECs for investments and expenses already incurred. This amount is used to offset the rural ILECs interstate switching revenue requirement. The difference between the interstate switching revenue requirement, again as set forth in the company's annual interstate cost study and LSS, makes up the switching rate which is charged to interexchange carriers.

SNAS is support above the HCLS cap for carriers that make significant investment in rural infrastructure in years in which HCLS is capped. To receive this support, a rural ILEC must show that growth in telecommunications plant in service (TPIS) per line is at least 14 percent greater than the study area's TPIS in the prior year. Carriers seeking to qualify for SNAS must provide written notice to USAC that a study area meets the 14 percent TRIS trigger.

4. ITS hereby certifies that it follows appropriate procedures for network outage reporting as per the Federal Outage Reporting Order and State Outage Reporting Requirements. For the period between March 1, 2007 and March 1, 2008, ITS did not have any Federal FCC reportable outages.

ITS did not have any State PSC reportable outages during the same period.


5. ITS hereby certifies that it received zero FCC complaints during the period March 1, 2007 through March 1, 2008; and there were no complaints filed with the FPSC during the period March 1, 2007 to March 1, 2008.
  6. ITS hereby certifies that it did fulfill all requests for service from potential customers.
  7. ITS hereby certifies that it complies with the applicable state PSC quality of service standards, federal and state consumer protection rules, is able to function
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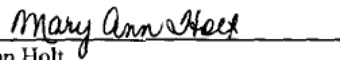
in emergency situations, offers a tariffed local usage plan and provides equal access to long distance carriers.

FURTHER AFFIANT SAYETH NOT.

  
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Jeffrey S. Leslie  
President  
ITS Telecommunications Systems, Inc.

STATE OF FLORIDA  
COUNTY OF MARTIN

Acknowledged before me this 18<sup>th</sup> day of June 2008 by Jeffrey S. Leslie, as President of ITS Telecommunications Systems, Inc., who is personally known to me and did not take an oath.

  
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Mary Ann Holt  
Notary Public

