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BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

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In the Matter of the Application of Nexus)
Communications Inc. for Designation as an Eligible)
Telecommunications Carrier in the State of Ohio for)
the Limited Purpose of Offering Lifeline and Link-)
Up Service to Qualifying Households.)

Case No. 10-432-TP-UNC

UPDATE TO THE SUPPLEMENTAL INFORMATION
FILED OCTOBER 22, 2010 IN SUPPORT OF
NEXUS COMMUNICATIONS INC. APPLICATION

On April 2, 2010, Nexus Communications, Inc. ("Nexus") filed an Application for Designation as an Eligible Telecommunications Carrier ("ETC"). On October 22, 2010 Nexus filed Supplemental Information in support of its Application along with a Motion for Protective Order to keep confidential certain information. The purpose of this Update is to make public Nexus' response to Staff's First Set of Data Request No. 5 that was previously redacted and is now deemed to be outside the scope of the Motion for Protective Order and appropriate for disclosure on the public record.

5. Does Nexus own or lease any cell towers in Ohio? If so, please advise the location(s).

As stated on page one of the company's application, Nexus has been granted a CMRS license by the FCC and pursuant to the requirements of 47 C.F.R. § 54.201(D)(1) offers the services that are supported by federal universal support mechanisms through a combination of the Company's own facilities and the interconnected facilities and services of the underlying carrier identified in the response to No. 3 preceding. This is fully consistent with the three types

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of carriers envisioned in the federal Telecommunications Act of 1996, which are 1) pure facilities-based carriers that would need interconnection only; 2) pure resellers that would simply resell the services of another carrier; and 3) “combination” or “mixed-mode” carriers that would be neither purely facilities-based nor purely resale. Under the “mixed-mode” model, the telecom entrant uses resale but also has its “own facilities” such as a switching platform or “network elements” in order to compete. Consistent with FCC requirements Nexus, as a “combination” or “mixed-mode” carrier, directly meets the FCC’s requirements for ETC designation as it 1) offers the “services that are supported by federal universal support mechanisms...either using its own facilities or a combination of its own facilities and resale of another carrier’s service”¹ and 2) advertises “the availability of such services and the charges thereof using media of general distribution”²

As such, there exists no requirement that Nexus directly own or lease any cell towers in the State of Ohio nor is ownership and/or lease arrangements a requirement for designation as an ETC. Instead, Nexus, uses a combination of its own facilities and the facilities of its underlying carrier, which is clearly allowed when an ETC utilizes the “combination” or “mixed-mode” standard and thereby utilizes, at least in part, the facilities and services of another carrier in the provision of the supported services. When a carrier is relying on the “combination” or “mixed-mode” standard, a state commission, such as this Commission, is directed to grant ETC designation “irrespective of the technology”³ used by the applicant and cannot require the

¹ See 47 C.F.R. § 54.201(d)(1) (emphasis added).

² See 47 C.F.R. § 54.201(d)(2).

³ See 47 C.F.R. § 54.201(h).

facilities to be in the "relevant service area" as long as the facilities are used "to provide services designated for support...within the service area".⁴

Respectfully submitted on behalf of
NEXUS COMMUNICATIONS INC. DBA TSI




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⁴ See 47 C.F.R. § 54.201(g).

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Updated Supplemental Information was served upon the following parties of record, by electronic mail, this 16th day of May 2011.



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