

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE ANNUAL FILING
REQUIREMENTS FOR 2019 PERTAINING
TO THE PROVISIONING OF HIGH COST
UNIVERSAL SERVICE.

CASE NO. 19-1115-TP-COI

ENTRY

Entered in the Journal on August 2, 2019

{¶ 1} On May 7, 1997, the Federal Communications Commission (FCC) issued a Report and Order in CC Docket 96-45 (96-45) (*In re Federal-State Board on Universal Service*) adopting rules to promote universal service consistent with the requirements of the Telecommunications Act of 1996 (1996 Act). In its 96-45 decision, the FCC, among other things, set forth parameters for the states to determine those carriers eligible to receive federal universal service support. Furthermore, the states were to determine those carriers that should be classified as rural carriers or non-rural carriers for the purpose of federal universal service support consistent with the Communications Act of 1934, as amended.

{¶ 2} On May 23, 2002, the FCC released its Fourteenth Report and Order and Twenty-Second Order on Reconsideration in CC Docket No. 96-45, and determined that the states should be responsible for deciding whether rural carriers are using their universal service high-cost support consistent with 47 U.S.C. 254(e). Under 47 U.S.C. 254(e), carriers must use universal service support “only for the provision, maintenance, and upgrading facilities and services for which the support is intended.” Accordingly, the FCC required those states that wish to receive federal universal service high-cost funding support for rural carriers within their boundaries to file a certification with the FCC and the Universal Service Administrative Company (USAC) stating that all federal high-cost funds flowing to those carriers within each respective state will be used in a manner consistent with 47 U.S.C. 254(e). Absent such certification, carriers will not receive such support. Moreover, in the event that a state determines that a carrier has not complied with 47 U.S.C. 254(e), the state shall have the authority to revoke a carrier’s designation.

{¶ 3} On November 18, 2011, the FCC released a Report and Order in WC Docket No. 10-90, *et al*, which, among other things, comprehensively reformed the federal universal service support program. In its Report and Order, the FCC required the states to certify that all federal high-cost and Connect America Fund support was used in the preceding year and will be used in the coming calendar year for the provision, maintenance, and upgrading of facilities and service for which the support is intended, regardless of the rule under which that support is provided. The certification required by 47 C.F.R. 54.314 is due by October 1 of each year, for carriers to be eligible to receive support in each quarter of the succeeding year.

{¶ 4} In order to comply with the FCC's certification requirements and consistent with Ohio Adm. Code 4901:1-6-09(C), those carriers presently receiving federal universal service high-cost funding in Ohio shall be required to attest that such high-cost funding is being utilized consistent with 47 U.S.C. 254(e). Each Ohio high-cost eligible telecommunications carrier (ETC) that anticipates funding for calendar year 2020 from any high-cost support mechanism must complete and file with the Commission in this proceeding a notarized copy of the affidavit form accompanying this Entry (Attachment A) on or before August 30, 2019. Without such certification, the FCC will not permit carriers to continue to receive federal universal service support.

{¶ 5} Upon receipt and review of the required affidavits, the Commission will issue an order in this proceeding certifying those attestations that have been properly completed and timely filed. Finally, after issuing its order, the Commission shall send a certification letter to USAC and the FCC no later than the FCC's deadline of October 1, 2019, for filing such certifications.

{¶ 6} It is, therefore,

{¶ 7} ORDERED, That, consistent with Paragraph 4, each Ohio high-cost ETC that wishes to be eligible for support from any of the high-cost support mechanisms shall file with the Commission a completed and notarized copy of the attached affidavit form,

certifying that federal high-cost support is being used consistent with 47 U.S.C. 254(e), no later than August 30, 2019. It is, further,

{¶ 8} ORDERED, That nothing contained in this Entry shall be deemed binding upon this Commission in any subsequent investigation or proceeding involving the justness or reasonableness of any rate, charge, rule, or regulation. It is, further,

{¶ 9} ORDERED, That this Entry be sent to the Telephone-Industry list-serve. It is, further,

{¶ 10} ORDERED, That a copy of this Entry be served upon all incumbent local exchange carriers and the Ohio Telecom Association.

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/ Jay S. Agranoff

By: Jay S. Agranoff
Attorney Examiner

JRJ/mef

Attachment A
254(e) Affidavit of Eligible Telecommunication Carriers

Affidavit:

As an authorized corporate officer of _____ (Company Name), I, under penalty of perjury, hereby affirm familiarity with and understanding of the requirements of the Communications Act of 1934 as amended by the Telecommunications Act of 1996 with respect to the receipt of Universal Service funds and affirm that any such funds that were received in the preceding calendar year (2018) were used and will be used in the coming calendar year (2020) only for the provision, maintenance, and upgrading of facilities and service for which the support is intended pursuant to 47 U.S.C. 254(e) and 47 C.F.R. 54.314.

Study Area Code(s)

Signature	Type or Print Name	Date

Subscribed and Sworn to before me this _____ day of _____ A.D. 20 ____.

NOTARY Public: _____

Commission Expires: _____

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in

Case No(s). 19-1115-TP-COI

Summary: Attorney Examiner Entry ordering each high-cost eligible telecommunications carrier to file the attached affidavit form if they wish to receive Universal Service funds pursuant to 47 U.S.C. 254(e) and 47 C.F.R. 54.314 electronically filed by Ms. Mary E Fischer on behalf of Jay S. Agranoff, Attorney Examiner, Public Utilities Commission of Ohio