

October 1, 2012

Marlene H. Dortch
Office of the Secretary
Federal Communications Commission
445 12th Street, SW, Room TW-A306
Washington, DC 20554

Re: Certification of Support for Rural and Non-Rural High-Cost Carriers Pursuant to 47 C.F.R. Sections 54.313-314, CC Docket Nos., CC Docket No. 96-45.

Dear Ms. Dortch:

I represent the Public Utilities Commission of Ohio (“Ohio Commission”) in this proceeding and I am writing to you in that capacity.

Accompanying this letter is a copy of a Finding & Order issued by the Ohio Commission on September 12, 2012 (Attachment 1). By this Finding & Order, the Ohio Commission certifies that all universal service high cost and Connect America Funds flowing to carriers in this state will be used “only for the provision, maintenance, and upgrading of facilities and services for which the support is intended” in a manner consistent with section 254 (e) of the Communications Act of 1934, as amended.

As you can see from the attached Order, the Ohio carriers previously identified by the Universal Service Administrative Company (USAC) as eligible to receive federal USF support have filed sworn affidavits with the Ohio Commission demonstrating their intent to use funding in a manner consistent with Section § 254(e) of the Communications Act of 1934, as amended.

Also accompanying this letter is a copy of an Entry issued by the Ohio Commission on September 19, 2012 (Attachment 2). By this Entry, the Ohio Commission directed these same carriers 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. This certification was requested pursuant to new section 54.314 of the FCC's rules (47 C.F.R. §54.314).

Finally, Attachment 3 is a list of carriers certified by the Ohio PUC pursuant to sections 54.313 and 54.314 of the FCC’s rules (47 C.F.R. § § 54.313, 54.314), which requires states to establish an annual certification process for carriers receiving federal high cost support. As requested by the Universal Service Administrative Company, listed beside each carrier is its unique assigned 6-digit NECA study area code (SAC), if known.

Accordingly, the Ohio Commission certifies that all of the above-referenced carriers have indicated in writing that all such funding during the previous year was used, and that all such funding in the upcoming year will be used, only for the provision, maintenance, and upgrading of facilities and services for which the support is intended, consistent with § 254(e) of the Communications Act of 1934, as amended.

Please acknowledge timely receipt of this letter. Otherwise, if you should have any questions or comments regarding this submittal, please contact me at the number below or Jennifer Reed, Utilities Specialist 1 with the PUCO, at (614) 644-8000.

Respectfully submitted,

Werner L. Margard III
Public Utilities Section
180 E. Broad Street, 6th Floor
Columbus, OH 43215
(614) 466-4396
Fax: (614) 644-8764

Enclosures

cc: Karen Majcher, USAC

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Annual Filing)
Requirements for 2012 Pertaining to the) Case No. 12-1115-TP-COI
Provisioning of High Cost Universal)
Service.)

FINDING AND ORDER

The Commission finds:

- (1) On May 7, 1997, the Federal Communications Commission (FCC) issued a Report and Order in CC Docket 96-45 (96-45) (*In the Matter of 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. The states were further 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, 2001, the FCC released its Fourteenth Report and Order and Twenty-Second Order on Reconsideration in CC Docket No. 96-45, and determined that 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 of facilities and services for which the support is intended." Accordingly, the FCC stated that it would require the 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 in that 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 certification.

- (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 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 new section 54.314 of the FCC's rules (47 C.F.R. §54.314) is due by October 1 of each year, commencing on October 1, 2012, 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, on August 15, 2012, the Commission released an entry in the instant docket calling for notarized affidavits from those carriers receiving federal universal service high cost funding and Connect America Fund support in Ohio, attesting that they will utilize such support consistent with 47 U.S.C. 254(e). All affected carriers were required to use a template affidavit form provided by the Commission (as Attachment A in the August 15, 2012 entry), and were directed to file such affidavits by August 31, 2012. Accordingly, properly filed affidavits were received from the following carriers:

Arcadia Telephone Company dba TDS Telecom
The Arthur Mutual Telephone Company
Ayersville Telephone Company
Bascom Mutual Telephone Company
Benton Ridge Telephone Company
Buckland Telephone Company
CenturyTel of Ohio, Inc. dba CenturyLink
Champaign Telephone Company
The Chillicothe Telephone Company
Columbus Grove Telephone Company dba
Fairpoint Communications
The Conneaut Telephone Company
Continental Telephone Company dba TDS Telecom
Doylestown Telephone Company
Farmers Mutual Telephone Company
Fort Jennings Telephone Company
Frontier North Inc.

Frontier Telecommunications of Michigan, Inc.
Germantown Independent Telephone Company dba
Fairpoint Communications
Glandorf Telephone Company, Inc.
Kalida Telephone Company, Inc.
Little Miami Communications Corporation dba TDS
Telecom
The McClure Telephone Company
Middle Point Home Telephone Company
Minford Telephone Company
New Knoxville Telephone Company
Nova Telephone Company
Oakwood Telephone Company dba TDS Telecom
Orwell Telephone Company dba Fairpoint
Communications
The Ottoville Mutual Telephone Company
Pattersonville Telephone Company
The Ridgeville Telephone Company
Sherwood Mutual Telephone Association, Inc.
Sycamore Telephone Company
Telephone Service Company
United Telephone Company of Ohio dba CenturyLink
The Vanlue Telephone Company dba TDS Telecom
Vaughnsville Telephone Company
Wabash Telephone Company
Windstream Ohio, Inc.
Windstream Western Reserve, Inc.

- (5) The Commission has reviewed the affidavits submitted by the aforementioned companies and has concluded that the affidavits satisfy the FCC's requirements for certification to receive high cost funding consistent with 47 U.S.C. 254(e). The Commission finds, therefore, that certification of the aforementioned carriers to receive federal high cost and Connect American Fund support should be granted.

It is, therefore,

ORDERED, That all carriers identified in finding (4) above are hereby certified to the FCC and USAC as being eligible to receive federal high cost and Connect America Fund support as such carriers have demonstrated their intent to utilize such funding in a manner consistent with 47 U.S.C. 254(e). It is, further,

ORDERED, That nothing contained in this finding and order 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,

ORDERED, That a copy of this finding and order be served upon the Ohio Telecom Association, Frontier North Inc. and The Chillicothe Telephone Company.

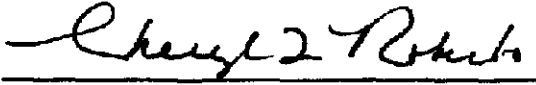
THE PUBLIC UTILITIES COMMISSION OF OHIO

Todd A. Snitchler, Chairman

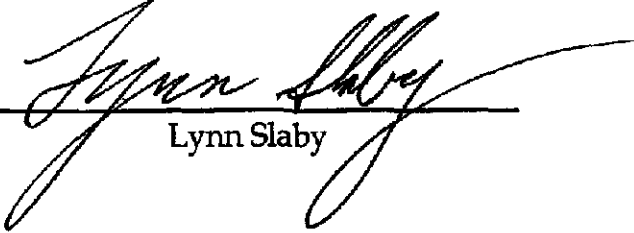


Steven D. Lesser

Andre T. Porter



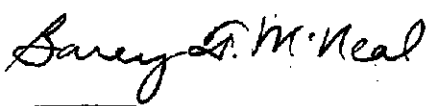
Cheryl L. Roberto



Lynn Slaby

JRJ/vrm

Entered in the Journal
SEP 12 2012



Barcy F. McNeal
Secretary

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Annual Filing)
Requirements for 2012 Pertaining to the) Case No. 12-1115-TP-COI
Provisioning of High-Cost Universal)
Service.)

ENTRY

The Commission finds:

- (1) On November 18, 2011, the Federal Communications Commission (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 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 new section 54.314 of the FCC's rules (47 C.F.R. §54.314) is due by October 1 of each year, commencing on October 1, 2012, for carriers to be eligible to receive support in each quarter of the succeeding year.
- (2) In order to comply with the FCC's certification requirements and consistent with Rule 4901:1-6-09(C), Ohio Administrative Code, an entry was issued on August 15, 2012, directing those carriers presently receiving federal universal service high-cost funding in Ohio to attest that such high-cost funding is being utilized consistent with 47 U.S.C. 254(e).
- (3) It has come to the Commission's attention that the affidavit attached to the August 15, 2012, entry did not require carriers to certify that federal high cost funding had been utilized in the proceeding year in accordance with newly revised FCC rule 47 C.F.R. 54.314. Thus, all eligible carriers seeking federal universal service high cost and Connect America Fund support for 2013 should immediately execute and submit the revised affidavit attached to this entry to the Commission. Such affidavits are due at the Commission no later than September 28, 2012.

It is, therefore,

ORDERED, That, consistent with Finding (3), each Ohio high-cost ETC that wishes to be eligible for support from any of the high-cost and/or Connect America Fund support mechanisms shall file with the Commission a completed and notarized copy of the attached affidavit form, certifying that federal high-cost support has been and is being used consistent with 47 U.S.C. 254(e), no later than September 28, 2012. It is, further,

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,

ORDERED, That a copy of this entry be served upon the Ohio Telecom Association, Frontier North Inc. and The Chillicothe Telephone Company.

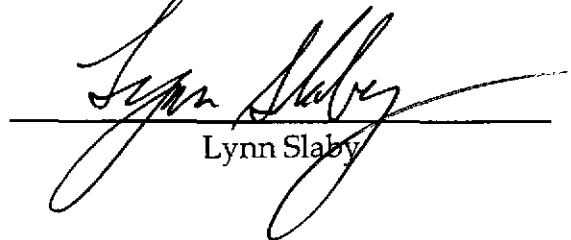
THE PUBLIC UTILITIES COMMISSION OF OHIO


Todd A. Snitchler, Chairman


Steven D. Lesser

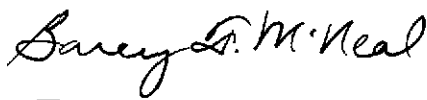

Andre T. Porter


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Lynn Slaby

JRJ/vrm

Entered in the Journal
SEP 19 2012



Barcy F. McNeal
Secretary

Attachment A
254(e) Affidavit for Eligible Telecommunications 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 during the preceding calendar year and/or any such funds that may be received will be used only for the provision, maintenance, and upgrading of facilities and services for which the support is intended pursuant to 47 U.S.C. §254(e) and 47 C.F.R. §54.314.

Signature	Type or Print Name	Date

Subscriber and Sworn to before me this _____ day of September, A.D. 2012.

NOTARY Public

Commission Expires _____

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

10/2/2012 7:45:31 AM

in

Case No(s). 93-4000-TP-FAD

Summary: Letter of Notification to Secretary of the Federal Communications Commission on October 1, 2012, from Assistant Attorney General Werner Margard III on behalf of the Public Utilities Commission of Ohio certifying that all of the carriers referenced in the attachment to the letter have

indicated in writing that, during the past year, all universal service high cost and Connect America Funds flowing to carriers in Ohio have been used "only for the provision, maintenance, and upgrading of facilities and services for which the support is intended," in a manner consistent with Section 254(e) of the Communications Act of 1934, as amended, and that all such

funding in the upcoming year will be used, only for the provision, maintenance, and upgrading of

facilities and services for which the support is intended, consistent with § 254(e) of the Communications Act of 1934, as amended. electronically filed by Kimberly L Keeton on behalf of Public Utilities Commission of Ohio