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I. Background: Congressional and FCC Requirements on ETC Certification

Section 214(e)(2) of the Communications Act of 1934, as amended by the Telecommunications Act of 1996, directs state commissions to take primary responsibility for certifying Eligible Telecommunications Carriers (ETCs) for the purpose of receiving federal Universal Service Fund (USF) support. Section 214(e)(1) and 214(e) (2) provide:

“A common carrier designated as an eligible telecommunications carrier ...shall be eligible to receive universal service support in accordance with section 254 of this title and shall, throughout the service area for which the designation is received...”¹

“A State commission shall upon its own motion or upon request designate a common carrier that meets the requirements of section 214(e)(1) as an eligible telecommunications carrier for a service area designated by the State commission. Upon request and consistent with the public interest, convenience, and necessity, the State commission may, in the case of an area served by a rural telephone company, and shall, in the case of all other areas, designate more than one common carrier as an eligible telecommunications carrier for a service area designated by the State commission, so long as each additional requesting carrier meets the requirements of section 214(e)(1).”²

Section 214(e)(1) also requires that state commissions, in reviewing ETC applications, ensure that the ETC applicant: (1) offer the services supported by the federal universal service mechanisms throughout the designated service area, using either its own facilities or a combination of its own facilities and resale of another carrier’s services; (2) advertise the supported services and the associated charges throughout the service area for which designation is received, using media of general distribution.³

The services that are supported by the federal universal service support mechanisms are: (1) voice grade access to the public switched network; (2) local usage; (3) Dual Tone Multi-frequency (DTMF) signaling or its functional equivalent; (4) single-party service or its functional equivalent; (5) access to emergency services, including 911 and enhanced 911; (6) access to operator services; (7) access to interexchange services; (8) access to directory assistance; and (9) toll limitation for qualifying low-income customers.⁴

¹ See 47 U.S.C. § 214(e)(1).

² See 47 U.S.C. §214(e)(2).

³ See 47 U.S.C. § 214(e)(1).

⁴ See 47 C.F.R. § 54.101.

In March 2005, the Federal Communications Commission (FCC) issued a *Report and Order on ETC Designation* (hereafter *FCC 05-46*) recommending additional mandatory requirements for ETCs designation (see Appendix A). *FCC 05-46* also provided an analytical framework to determine whether the public interest would be served by an applicant's designation as an ETC. To create a more rigorous designation process, *FCC 05-46* recommends adoption of two additional requirements for ETCs: a set of annual reporting requirements and a five-year quality improvement plan. Specifically, *FCC 05-46* requires ETC applicants to file annual reports before their state commission regarding outage information, unfulfilled service requests, consumer complaints, emergency capabilities, comparable usage plan, as well as statements on quality performance compliance and on the applicant's commitment to provide equal access to long distance carriers. To be eligible, an ETC applicant also must provide a five-year plan demonstrating how high-cost USF support will be used to improve the carrier's coverage, service quality or capacity in every wire center for which it seeks designation and expects to receive USF. Once certified, the eligible carrier is also required to report annually any progress made on its five-year service quality improvement plan. The adoption of these requirements, however, is not mandatory for state commissions.

As the FCC stated in *FCC 05-46*, its recommendation on additional requirements for ETC designation proceeding intends to "create a more rigorous ETC designation process ... [so as to] improve the long-term sustainability of the universal service fund."⁵ The federal universal service has been growing steadily over years.⁶ Without a proper certification process, demand for support from the federal USF will escalate even faster, making the current funding mechanism unsustainable. Moreover, the high-cost and low-income support mechanisms are provided to achieve the goal of extending universal service to high-cost areas and low-income customers, respectively. The ability of state commissions to monitor the appropriate use of USF support by ETCs is critical to avoid any anti-competitive practices, waste or abuse of the federal funds. Thus, state decisions on ETC certification processes have important effects on the future of the federal USF.

II. State Approaches to ETC Certification

To compare ETC regulations across states and assess the range of state regulatory approaches to ETC certification, NRRRI collected information on state requirements for ETC certification, especially on the adoption of FCC's recommendations on annual reporting and five-year quality improvement plans. State public utility commissions in all fifty one jurisdictions responded to our query. They also provided information on the detailed ETC certification rules in their states, if available.

⁵ Federal Communications Commission, *Report and Order in the Matter of Federal-State Joint Board on Universal Service*, CC Docket 96-45, March 17, 2005, available at: http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-05-46A1.pdf, p. 2.

⁶ According to the Federal-State Joint Board's *Universal Service Monitoring Report* of December 2006, the federal High-Cost Support and Low-Income Support for 2005 were approximately \$3.8 billion and \$0.8 billion, respectively, a total of \$4.6 billion (not including support for schools and libraries and for rural health care facilities). See http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-269251A1.pdf

A. State adoption of FCC recommendations

State adoption of FCC's recommendations on additional ETC certification requirement is not mandatory. As the FCC stated in *FCC 05-46*,

“...[S]ection 214(e)(2) demonstrates Congress's intent that state commissions evaluate local factual situations in ETC cases and exercise discretion in reaching their conclusions regarding the public interest, convenience and necessity, as long as such determinations are consistent with federal and other state law. States that exercise jurisdiction over ETCs should apply these requirements in a manner that is consistent with section 214(e)(2) of the Act. Furthermore, state commissions, as the entities most familiar with the service area for which ETC designation is sought, are particularly well-equipped to determine their own ETC eligibility requirements.”⁷

In response to *FCC 05-46*, state commissions have made rulemakings or open dockets to assess the need to adopt the two recommendations. Some commissions have adopted these recommendations in full, while some others did so with modifications based on their specific situations, or use them only as guidelines; some states decided not to adopt them. State decisions on this issue have depended in part on the commission's human and financial resources needed to implement a rigorous monitoring mechanism and on the number of ETC applicants in that state.

As presented in Tables 1 and 2 below, 30 of the 51 jurisdictions, or about 59 percent, have explicitly adopted FCC's recommendation on ETCs' additional reporting requirements for their annual certification. This number, however, may underestimate the level of state compliance with the recommendations of *FCC 05-46*, because although some states do not have specific rules on ETC certification, they still follow FCC's framework when reviewing ETC applications.

Also, 20 of the 51 jurisdictions, or 39 percent, adopted FCC's recommendation on the five-year service quality improvement plan. However, some states adopted this requirement with modifications. For example, California, Hawaii, Idaho, Iowa, Kansas, Minnesota, Missouri, New Mexico, and South Dakota require a two-year quality improvement plan, while Wyoming requires a three-year plan. Despite differences on the length of each plan requirement, for the purpose of this report we counted these states as having adopted this FCC recommendation.

⁷ Federal Communications Commission, Report and Order in the Matter of Federal-State Joint Board on Universal Service, CC Docket 96-45, March 17, 2005, available at: http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-05-46A1.pdf, p. 28.

Table 1
State Adoption of FCC Recommendations on
ETCs' Annual Reporting Requirements

Adopted Annual Reporting Requirements	AL, AR, CA, CO, FL, HI, IA, ID, IL, IN, KS, KY, MA, ¹ MI, MN, MO, MS, MT, NE, NV, OK, OR, PA ² , SC, UT, VA, VT, WA, WV, WY [30]
In the process of Rulemaking	ME, NM, ³ WI ⁴ [3]
Have Not Adopted Annual Reporting Requirements	AK, AZ, CT, DC, DE, GA, LA, MD, NC, ND, NH, NJ, NY, OH, RI, SD, TN, TX ⁵ [18]

Table 2
State Adoption of FCC Recommendations on
ETCs' Five-Year Improvement Plan Requirements

Adopted Quality Improvement Plan Requirement	AR, CA, FL, HI, IA, ID, IL, IN, KS, MA, ¹ MI, MN, MO, NE, OK, OR, PA, ² SD, WV, WY [20]
In the process of Rulemaking	AL, ME, NM, ³ WI ⁴ [4]
Have Not Adopted Quality Improvement Plan Requirement	AK, AZ, CO, CT, DC, DE, GA, KY, LA, MD, MS, MT, NC, ND, NH, NJ, NV, NY, OH, RI, SC, TN, TX, ⁵ UT, VA, VT, WA [27]

Notes:

1. The requirements are mandatory for ETCs under FCC jurisdiction and permissive for ETCs subject to state authority in Massachusetts.
2. Pennsylvania has statutes with provisions equivalent to the FCC recommendations on annual reporting and five-year quality improvement plan requirements.
3. New Mexico has proposed rules for annual ETC reporting but has not yet adopted them. The rules will be applicable to both federal and state ETC designation.
4. The Wisconsin Public Service Commission staff is currently drafting rules in Docket 1-AC-198 to update these ETC requirements in light of *FCC 05-46*.
5. The ETC requirements apply to Texas state ETC applicants, not to ETCs for federal funds.

B. Quality of service monitoring

FCC 05-46 recommended that the states require ETC applicants to file a compliance statement at annual certification affirming that they will comply with applicable service quality standards and consumer protection rules. A wireline ETC shall meet the general standards for retail telephone services in each state⁸ and/or other applicable standards specific to the carrier's category (e.g., rural or non-rural, size of the carrier) if it is under a deregulation plan. Meanwhile, wireless ETCs are required to comply with the *Consumer Code for Wireless Service* developed by the Cellular Telecommunications and Internet Association (CTIA) (see Appendix B). State commissions may deny or revoke a carrier's ETC status if it fails to meet minimum quality of service (QoS) standards.

In states that follow the FCC guidelines for ETC designation proceedings, ETCs are required to file reports on service quality indicators, both as part of their initial application and of subsequent annual renewal applications for their ETC status. These quality indicators include mainly service provision commitments, comparable local usage plans, consumer service arrangements, emergency capabilities, numbers of outages, unfulfilled service requests, and consumer complaints. Some states also require information on billing, contract change, and service termination terms.

State commissions use these mandatory reporting requirements as a monitoring mechanism to ensure that ETCs are fulfilling their universal service obligations and using federal USF support for the intended purposes. However, with the exception of Montana and Texas,⁹ state commissions have not established service quality thresholds for the indicators in the mandatory reporting requirements. This may be because such provisions are already included in states' general service quality standards for retail telephone services; therefore, no duplication is necessary. Moreover, states rarely specify penalties, such as monetary fines or thresholds for ETC status revocation, for carriers that fail to comply with applicable service quality and consumer protection standards.

Our inquiry of ETC certification requirements also sheds light on the status of wireless ETCs. In recent years, the contribution mechanism to the federal USF has become more technologically and competitively neutral,¹⁰ and the fund, which supported wireline carriers

⁸ For information on state telephone QoS standards, please refer to NRRI's report on State Quality of Service Standards for Retail Telephone Services, available at: <http://www.nrri.ohio-state.edu/dspace/bitstream/2068/247/1/03-16s.pdf>.

⁹ The Montana Public Service Commission specifies thresholds for service provisioning and outage rate. The Texas Public Utility Commission establishes standards for inspections, tests, and emergency capacity for state ETCs.

¹⁰ The contributions of wireless service providers to the federal USF have increased over time. This is due in part to an increase in wireless voice traffic and to a 2006 FCC Order (06-94) that raised the interim wireless safe harbor from 28.5 to 37.1 percent. Moreover, this Order also extended the requirement to contribute to the USF to providers of interconnected voice over

exclusively, has now become available to wireless carriers as well once they have been certified as eligible carriers.¹¹ Although our survey did not seek information on the number of states that have designated wireless ETCs, the analysis of ETC certification requirements shows that an increasing number of states have introduced rules allowing wireless service providers to apply for ETC status and some states have already certified wireless ETCs.

To the extent that wireless providers apply for ETC status, they face the same general ETC obligations as their wireline counterparts in terms of annual reporting requirements, service provision commitment, advertising of Lifeline and Linkup programs, as well as providing equal access to toll service providers. With regard to service quality, however, state commissions usually do not apply the same standards to wireless ETCs as they do to wireline carriers, because wireline and wireless communications networks have different features and consumers have different expectations of service. State commissions in 46 states and the District of Columbia require wireless ETC applicants only to comply with CTIA's *Consumer Code for Wireless Service*, as required by the FCC.¹²

Based on the responses to our query, only Illinois, Iowa, Kansas, and Vermont impose or plan to impose stricter requirements on their wireless ETCs than those specified in CTIA's Consumer Code. The Illinois Commerce Commission (ICC) has an open docket addressing additional requirements on wireless ETCs. ICC plans to impose more restrictions on wireless ETCs even though it may face objections from wireless service providers. The Iowa Utilities Board requires wireless ETCs to comply with its complaint procedures and a specified set of minimum consumer protection standards. Meanwhile, Kansas Corporation Commission requires their wireless ETCs to offer reasonably priced calling plans without a termination fee. Finally, the Vermont Public Service Board established customer protection and ETC obligation requirements on RCC Atlantic, Inc., the wireless carrier designated in 2005 as an ETC to serve the entire state. Some of the additional requirements on RCC include the provision of "Preferred Usage Location" and service extending measures; discounts to speech or hearing impaired customers; protection from disconnection of local service for nonpayment of toll charges, as well as, emergency services, blocked calls, and ratepayer deposit requirements. RCC was also required to submit monthly call blocking reports.

Internet Protocol (VoIP) service. See *Order and Notice of Proposed Rulemaking FCC 06-94*, http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-06-94A1.pdf

¹¹ Competitive ETCs, many of which are wireless carriers, receive the same per-line support as rural ILECs under the current USF calculation method, which is based on ILECs' network costs. However, this "identical support rule" is currently being debated. See, for example, Petition of Cingular Wireless, LLC for designation as an ETC in the state of Georgia in CC Docket No.96-45.

¹² See FCC's *Virginia Cellular ETC Designation Order*, 19 FCC Rcd at 1576-77, para. 30 and *Highland Cellular ETC Designation Order*, FCC Rcd at 6433, para. 24.

III. State Requirements for ETC Certification

In most states, ETC certification rules are consistent with—and in a few cases are identical to—the language in *FCC 05-46*. Eligibility requirements for ETC applicants cover multiple aspects of reporting obligations and service provision commitments. For the purpose of this report, we have organized these requirements into the following sixteen categories:

- *Annual Reporting*: This category lists the different types of information each new and existing ETC applicant must file with the state commission in order to be eligible for ETC status for the next year. Some states impose a different set of requirements for initial filing and subsequent annual reporting.
- *Quality Improvement Plan*: This category refers to the five-year quality improvement plan¹³ an ETC applicant must submit to describe how it intends to use federal USF support for maintaining, upgrading, and improving its network. For annual reporting, existing ETCs must describe network improvements made in the previous year, which in some cases include maps detailing their progress. This information is usually required at a wire center level or for specific service areas.
- *Description of Designated Area and Maps*: Lists the applicant's requirements regarding the service areas for which it is requesting ETC designation. In most states, wireless ETC applicants are required to submit maps showing the location of cellular towers and the coverage areas of these towers.¹⁴
- *General Standards*: Refers to the requirement for an ETC applicant to certify that it will comply with all the applicable consumer protection and service quality standards.
- *Standards for Wireless Carriers*: Wireless ETCs are generally required to comply with the *CTIA Consumer Code for Wireless Service*. This category includes the additional QoS requirements imposed by Illinois, Iowa, Kansas, and Vermont on their wireless ETCs.
- *Public Interest*: This category refers to the requirement on ETC applicants to demonstrate that their designation as ETCs is consistent with the public interest, convenience and necessity. *FCC 05-46* suggests that state commissions should adopt the recommended analytical framework to determine whether the public interest would be served by an applicant's designation as an ETC. A cream skimming examination shall be conducted in cases where an ETC applicant seeks designation below the study area level of a rural incumbent local exchange carrier (ILEC).
- *Service Provision Commitment*: Refers to an ETC applicant requirement to certify its commitment to provide services supported by the federal USF in a timely manner throughout the designated service areas for which it is seeking ETC designation.

¹³ Some states request a three-year or two-year plan instead.

¹⁴ In Iowa, wireless ETC applicants are required to provide signal coverage maps that depict signal strength of cellular towers.

- *Comparable Usage Plan*: Refers to an ETC applicant's requirement to certify that it offers a local usage plan comparable to the one offered by the ILEC in the relevant service areas. Some states require information to determine rate comparability. Others specify the minimum hours of battery reserve and the installation of mobile or permanent auxiliary power units.
- *Emergency Capability*: Lists the ETC requirement to demonstrate that it has adequate back-up power to be able to function in emergency situations.
- *Outage*: For annual reporting, an ETC applicant must provide detailed information on outages (typically, any outage lasting at least 30 minutes that potentially affects at least ten percent of the end users in a designated service area, or that could affect access to 9-1-1) in the previous year, including the date and time and a brief description of the outage, services, geographic areas and number of customers affected by the outage, resolution to the outage and steps taken to prevent a similar outage in the future.
- *Unfilled Service Request*: For annual reporting, an ETC applicant must report the number of unfulfilled service requests from potential customers within its designated area for the previous year as well as the carrier's attempt to provide service to those potential customers.
- *Consumer Complaints*: For annual reporting, an ETC applicant must report the number of consumer complaints per 1,000 handsets or access lines (or the number of consumer complaints along with the number of handsets or access lines for small carriers) in the previous year.
- *Use of USF*: For annual reporting, an ETC must describe how much universal service support was received and how it was spent in the previous year. It must demonstrate that the received federal USF was used only for the intended purposes. When applicable, the ETC shall explain why any network improvement targets have not been fulfilled.
- *Advertising of USF*: Refers to the requirement on an ETC applicant to certify it will advertise the availability of the universal services, such as Lifeline and Linkup programs, and their rates throughout the designated service areas, using proper media of general distribution. For annual reporting, the ETC is required to report the advertising activities in the previous year.
- *Equal Access*: Refers to the ETC requirement to certify the provision of equal access to long distance carriers if all other ETCs in the service area relinquish their designations. Wireless ETCs are not required to do so in Kansas.
- *Others*: This category lists specific conditions for *Customer Service, Contract Change, Termination, Billing Information, Inspections and Tests* set in states, such as Missouri, New Mexico, Missouri, Montana and Texas.

Table 3 below presents the comments of state commissions in response to our inquiry regarding state requirements for ETC certification. It compares the rules and regulations for ETC certification of all 51 jurisdictions. It should be emphasized that not all states apply a uniform set of rules to all their ETC applicants; some review each ETC application individually. Whereas the former approach emphasizes uniformity of rules across carriers, the latter allows case-by-case flexibility.

Appendix C provides a detailed summary of ETC designation rules included in administrative codes or state commission orders for the twenty one states that have imposed comprehensive requirements on their eligible carriers. Although our list of state requirements on ETC certification is by no means exhaustive, it provides a basis for comparison across states.

Table 3
State Requirements for ETC Certification

State	Adopted Annual Reporting Requirements	Adopted Five-Year Quality Improvement Plan	Comments on Quality of Service and Adoption of FCC Recommendations
AK	No	No	The Regulatory Commission of Alaska (RCA) has no QoS standards specific to ETCs, but it is evaluating its ETC policies. Some ETCs, by virtue of being certificated, must comply with general quality of service standards that apply to certificated carriers. The RCA does not directly regulate cellular/wireless services, unless the carrier has been granted an Eligible Telecommunications Carrier (ETC) status. Currently, Alaska has four wireless ETCs. An ETC applicant must: (a) demonstrate that it owns at least some facilities; (b) demonstrate its capability and commitment to provide the nine basic services required by FCC regulation, including Lifeline/Link Up as described in 47 C.F.R. § 54.411(a) and 47 C.F.R. § 54.401(a); (c) reasonably show that granting designation as an ETC is in the public interest; and (d) show that upon obtaining ETC status, it will be able to offer and will advertise the availability of the services supported by the federal USF. The RCA has been keeping track of the number of cellular/wireless complaints to determine whether the RCA has cause to revoke the carrier's ETC status. Specific consumer complaints are handled on a case by case basis. (Refer to <i>Alaska Telecommunications Regulations Policy</i> 3 AAC 53.010 - 3 AAC 53.900 at http://www.state.ak.us/rca/Regulations/).
AL	Yes	Pending	The Alabama Public Service Commission has an open docket addressing whether it will adopt the five-year quality improvement plan as recommended by the FCC. ETC applicants have to adhere to the FCC standards set out in <i>FCC 05-46</i> (Refer to <i>Order on Certification of Carriers Receiving Federal USF for 2007</i> , under Docket 25980 at http://www.psc.state.al.us/orders2/2006/06sep/25980sept06.html).
AR	Yes	Yes	Arkansas does not have specific requirements for ETCs other than the normal quality of service standards.

Table 3
State Requirements for ETC Certification

State	Adopted Annual Reporting Requirements	Adopted Five-Year Quality Improvement Plan	Comments on Quality of Service and Adoption of FCC Recommendations
AZ	No	No	Arizona does not have any service quality reporting requirements associated with the annual ETC certification process. In regards to future ETC designations, staff would recommend service quality reporting consistent with the FCC's March 17, 2005 Report and Order.
CA	Yes	Yes (2-year)	In Resolution T-17002, the California Public Utilities Commission (CPUC) adopted comprehensive procedures and guidelines for ETC designation as well as reporting requirements for ETCs to receive federal high-cost support. The adoption of new procedures, guidelines and requirements took effect on July 1, 2006. The CPUC requires the ETCs to file a two-year quality improvement plan (Refer to <i>Resolution T-17002</i> at http://www.cpuc.ca.gov/word_pdf/FINAL_RESOLUTION/56844.doc).
CO	No	No	In Colorado, ETCs are required to follow the Colorado Public Utilities Commission's (Colorado PUC) QoS standards and consumer protection rules. Wireless carriers must follow the CTIA Consumer Code. For certification purposes, the Colorado PUC reviews customer complaints, number of held orders and outages lasting longer than 30 minutes. The PUC adopted the annual reporting requirements for its wireless ETCs.
CT	No	No	The Connecticut Department of Public Utility Control requires all carriers to be subject to the same service quality standards.
DC	No	No	In the District of Columbia, there are no service quality requirements specifically for ETCs. The only ETC in the District is only incumbent local exchange carrier (ILEC), Verizon.
DE	No	No	Delaware does not have service quality standards for ETCs, per se. All certificated telecommunications companies are subject to Regulation No. 20 Telephone Rules which includes a section on "Quality of Service." There are no separate rules for ETCs.

Table 3
State Requirements for ETC Certification

State	Adopted Annual Reporting Requirements	Adopted Five-Year Quality Improvement Plan	Comments on Quality of Service and Adoption of FCC Recommendations
FL	Yes	Yes	The Florida Public Service Commission (FPSC) established a requirement of carriers seeking high-cost support to file a QoS plan in FPSC order number PSC-05-0824-FOF-TL (Refer to http://www.floridapsc.com/library/filings/05/07898-05/05-0824.ord.doc). The Order states that those carriers seeking high-cost support must, on an annual basis starting October 1, 2006, file with the FPSC progress reports on the ETC's five-year service quality improvement plan. This would include maps detailing progress towards meeting its plan targets, an explanation of how much universal service support was received, and how the support was used to improve signal quality, coverage, or capacity. The report should include an explanation regarding any network improvement targets that have not been fulfilled.
GA	No	No	The only ETCs that the Georgia Public Service Commission (Georgia PSC) has approved are the ILECs. General QoS standards apply to them. The Georgia PSC does not have ETC certification rules. It requires the requesting companies to file an affidavit stating that they will use the money as spelled out in the FCC Orders. The Georgia PSC also sends out data requests to requesting companies.
HI	Yes	Yes (2-year)	The Hawaii Public Utilities Commission (Hawaii PUC) established annual certification requirements in 2006 for ETCs to receive federal USF support, including a requirement to file a service quality improvement plan. The Hawaii PUC requires ETCs to file a two-year plan based on service area instead of a five-year plan based on a wire center basis.

Table 3
State Requirements for ETC Certification

State	Adopted Annual Reporting Requirements	Adopted Five-Year Quality Improvement Plan	Comments on Quality of Service and Adoption of FCC Recommendations
IA	Yes	Yes (2-year)	On May 19, 2006, the Iowa Utilities Board has proposed the rulemakings on ETC certification requirements, including annual reporting and network improvement plans requirements. An order will be drafted adopting the ETC related rules. Each ETC is required to file a two-year plan on its proposed improvements, upgrades and/or maintenance to its network for its proposed designated service area. They are also required to submit a rolling one-year extension or update to their initial network improvement and maintenance plan and progress reports on their network improvement and maintenance plan for the prior calendar year's activities.
ID	Yes	Yes (2-year)	In the State of Idaho, an ETC applicant must demonstrate a commitment to consumer protection and service. Service quality would also be considered in the public interest requirement, although the Idaho Public Utilities Commission (Idaho PUC) does not quantify service quality. For ETC certification, companies must provide an annual report that among other items, lists specifically the company's outages, unfulfilled service requests, and customer complaints. These requirements are outlined in the Commission Order 29851. Idaho PUC requires ETCs to file a two-year quality improvement plan.
IL	Yes	Yes (modified)	The Illinois Commerce Commission has not officially ruled to adopt the service quality guidelines prescribed by the FCC but has often used the FCC guidelines in ETC orders. Regarding wireless ETC cases, the ICC has surpassed the FCC guidelines. Rulings by the ICC regarding wireless ETC can be found in Dockets 04-0454, 04-0455, 04-0456 and Docket 04-0653. The ongoing Docket 06-0468 addresses the service quality rulemaking in the two wireless ETC cases.

Table 3
State Requirements for ETC Certification

State	Adopted Annual Reporting Requirements	Adopted Five-Year Quality Improvement Plan	Comments on Quality of Service and Adoption of FCC Recommendations
IN	Yes	Yes	The Indiana Utility Regulatory Commission does not have specific or standard service quality standards that it imposes on ETCs, but it follows the FCC's guidelines.
KS	Yes	Yes (2-year for Competitive ETCs)	The Kansas Corporation Commission (KCC) does not have specific quality of service requirements for ETCs; however, if an ETC is also a facilities-based CLEC, the KCC's QoS requirements are applicable. The KCC has adopted many of the FCC's requirements, such as the requirement to follow the CTIA code of conduct. Competitive ETCs are required to file two-year service quality improvement plans.
KY	Yes	No	The Kentucky Public Service Commission does annual certification as required by the FCC but has not adopted the five year improvement plan.
LA	No	No	LPSC amended Regulations for Competition in the Local Telecommunications Market on Oct 26, 2005. Section 701 deals with reporting requirements for ETCs. Service quality regulations are specified in the Consumer Price Protection Plan for ILECs with more than 100,000 access lines.
MA	Yes	Yes	The Massachusetts Department of Telecommunications and Energy does not impose specific service quality requirements on ETCs but does seek information on service quality and other issues as part of an ETC's annual high-cost support certification.
MD	No	No	Maryland does not have any special QoS requirements imposed on ETCs. Verizon and Armstrong are the only ETCs in the state. Each of them is required to attest that they meet the FCC requirements.

Table 3
State Requirements for ETC Certification

State	Adopted Annual Reporting Requirements	Adopted Five-Year Quality Improvement Plan	Comments on Quality of Service and Adoption of FCC Recommendations
ME	Pending	Pending	Maine Public Utilities Commission (Maine PUC) certified ILECs and two wireless service providers for ETC status. The Maine PUC does not have special QoS requirements for ETCs but has build-out requirements. On October 11, 2006, the Maine PUC opened an inquiry (Docket 2006-573) into whether to adopt the FCC's proposed standards for designating carriers as ETC qualified to receive federal USF support. The deadline for comments was November 30 th . The Maine PUC is now in the process of reviewing the comments to decide whether to open a rulemaking to adopt the FCC standards.
MI	Yes	Yes	The Michigan Public Service Commission (Michigan PSC) does not impose service quality requirements on ETC candidates, per se. However, many ILECs are ETCs and are required to comply with Rule 46 of the Michigan Administrative Code, R 484.546. The Michigan PSC accepted delegated authority from the FCC and exercises jurisdiction over ETCs, mirroring all federal requirements for ETCs contained in 47 USC 214(e)(2). Further, the Michigan PSC mirrors all additional reporting requirements put forth in FCC Report and Order dated March 17, 2005, <i>FCC 05-46</i> , which requires ETCs to report information regarding service outages (date and time, duration, resolution, specific services and geographical areas affected). The Michigan PSC requires ETCs to report this information as part of its re-certification process for 2007. However, the FCC did not mandate specific levels of emergency preparedness necessary to meet or maintain ETC certification. The Michigan PSC chose to mirror FCC requirements, not enhance or extend jurisdiction beyond them. So, while Michigan ETCs must report service interruptions, unless they are ILECs, there is no threshold set for ETC purposes. (Refer to the initial Commission Order at http://efile.mpesc.cis.state.mi.us/efile/docs/14530/0014.pdf and the follow-up order giving guidance as to required materials to be submitted as part of the report at http://efile.mpesc.cis.state.mi.us/efile/docs/14530/0015.pdf).

Table 3
State Requirements for ETC Certification

State	Adopted Annual Reporting Requirements	Adopted Five-Year Quality Improvement Plan	Comments on Quality of Service and Adoption of FCC Recommendations
MN	Yes	Yes (2-year)	In its Order dated July 21, 2005 in Docket P999/M-05-741, the Minnesota Public Utilities Commission (Minnesota PUC) decided to adopt, with modifications, the FCC's requirements for annual certifications. The modifications deemed by the Minnesota PUC to more accurately reflect the needs of Minnesota carriers are: (1) carriers may choose to file their annual progress reports on two-year service quality improvement plans, instead of five-year plans; and (2) carriers may choose to file information on a service-area basis, instead of a wire-center basis.
MO	Yes	Yes (2-year)	ETCs in Missouri are required to file a two-year network improvement plan. (Refer to the Missouri ETC certification rule, 4 CSR 240-3.570 "Requirements for Carrier Designation as Eligible Telecommunications Carriers" at http://sos.mo.gov/adrules/csr/current/4csr/4c240-3.pdf).
MS	Yes	No	The Mississippi Public Service Commission (Mississippi PSC) has an open docket addressing additional requirements other than annual certification requirements and quarterly reports on the status of universal service fund expenditures and projects. The Mississippi PSC has not adopted the FCC's five-year service quality improvement plan. Mississippi currently has in place a requirement that each ETC file its plan for utilization of Federal USF High Cost Support on June 1 of each year for the Mississippi PSC's use in certifying to the FCC and Universal Service Administrative Company (USAC) that the ETC will be using the monies it receives during the following calendar year in a manner consistent with Section 254. Mississippi PSC staff works with each ETC to ensure that its proposed plan meets the federal requirements and requires each ETC to file quarterly reports providing the status of universal service fund expenditures and projects. These requirements have been in place since 2000.

Table 3
State Requirements for ETC Certification

State	Adopted Annual Reporting Requirements	Adopted Five-Year Quality Improvement Plan	Comments on Quality of Service and Adoption of FCC Recommendations
MT	Yes	No	The Montana Public Service Commission has specific quality of service, especially service provision commitment, and reporting requirements for ETCs.
NC	No	No	The North Carolina Utilities Commission (NCUC) does not impose quality of service reporting on service providers which are ETC certified. Wireline ETCs must comply with NCUC's general service quality standards. There are two wireless service providers which have been designated as ETCs in North Carolina but are not subject to these regulations. Each regulated local exchange telephone company, to include any company with ETC status, is subject North Carolina stature R9-8 Service Objectives for Local Exchange Telephone Companies (Refer to http://www.ncuc.commerce.state.nc.us/ncrules/chap9.htm). R9-8 addresses QoS objectives for all retail service providers certificated by the NCUC. There are no QoS rules specific to ETCs.
ND	No	No	<p>North Dakota Public Service Commission (NDPSC) has not imposed service quality requirements on carriers requesting ETC status. The NDPSC has no formal rules or orders concerning ETC annual reporting, service quality monitoring or open access obligations. The existing rules concerning ETCs can be viewed at: http://www.legis.nd.gov/information/acdata/pdf/69-09-05.pdf</p> <p>A telecommunications company that desires designation as an ETC as that term is defined in the Telecommunications Act of 1996 shall make application for such designation with the NDPSC. An application for designation as an ETC must specifically identify: the applicant's service area; how the applicant meets the requirements for designation as an eligible carrier; whether the applicant requires a waiver of any eligible carrier requirement; and if a waiver is required, the specific reasons for the waiver and the length of time for which the waiver is required. An ETC is required to advertise the availability of universal service in media of general circulation.</p>

Table 3
State Requirements for ETC Certification

State	Adopted Annual Reporting Requirements	Adopted Five-Year Quality Improvement Plan	Comments on Quality of Service and Adoption of FCC Recommendations
NE	Yes	Yes	Nebraska statute (86-324) requires ETCs to comply with any service quality regulations the Nebraska Public Service Commission (Nebraska PSC) may establish for ETCs. The Nebraska PSC has extended service quality rules and regulations to ETCs to the extent that they would be applicable. The Nebraska PSC's service quality rules can be found in Section 002 of the Telecommunications Rules and Regulations. The Nebraska PSC also mirrors the FCC's standards for designation of federal ETCs and compliance filings, as in Section 009 of the Telecommunications Rules and Regulations.
NH	No	No	The New Hampshire Public Utilities Commission currently does not impose additional service quality requirements on carriers requesting ETC status. It has not officially adopted the FCC rules on ETCs, because historically it has found that it lacks jurisdiction to designate ETCs in the State of New Hampshire.
NJ	No	No	New Jersey Board of Public Utilities has no service quality requirements associated with either becoming an ETC or maintaining ETC status.
NM	Pending	Yes (2-year)	In New Mexico, general QoS rules do not apply to rural wireline carriers and wireless carriers. The current general QoS rules don't apply to the two largest wireline carriers (Valor and Qwest) directly, either. Valor and Qwest have either separate rules or Alternative Form of Regulation (AFOR) contracts with QoS rules that are very similar to the general rules. Right now, the Qwest AFOR is being negotiated. QoS rules for the mid-size carrier rule that governs Valor are available at: http://www.nmcpr.state.nm.us/nmac/parts/title17/17.011.0024.htm . In New Mexico, ETCs are self-certified with the New Mexico Public Regulation Commission's review. ETCs are required to include a service quality improvement plan for the current year and a progress report on the carrier's plan for January 1 through December 31 of the previous year in the narrative description of their use of Federal USF.

Table 3
State Requirements for ETC Certification

State	Adopted Annual Reporting Requirements	Adopted Five-Year Quality Improvement Plan	Comments on Quality of Service and Adoption of FCC Recommendations
NV	Yes	No	The Nevada Public Utilities Commission (Nevada PUC) measures service quality based on complaints. Nevada Administrative Code 704.680461 outlines the requirements for designation as an ETC. The Nevada PUC has not adopted the five-year service quality improvement plan. NAC 704.680467 specifies that a provider of telecommunication service who seeks designation as an eligible telecommunications carrier must file with the Nevada PUC an application in which the provider affirms that it: (a) holds a certificate of public convenience and necessity issued by the Nevada PUC that authorizes the provider of telecommunication service to provide basic service or is a county telephone line or system; (b) offers the services described in 47 C.F.R. § 54.101 throughout the service area for which the provider of telecommunication service seeks designation as an eligible telecommunications carrier; (c) at least once every 3 months, advertises throughout the service area for which the provider of telecommunication service seeks designation as an ETC the availability of the services and the rates and charges applicable to those services through prominent presentation in one or more forms of media of general distribution, including, without limitation, newspapers, television or radio.
NY	No	No	The New York Public Service Commission (PSC) has not adopted the annual reporting and five-year quality improvement plan requirements for ETC certification recommended by the FCC. The New York PSC follows its own criteria in certifying ETCs. It defines the service areas for which these designations apply as the existing study areas for the incumbent local exchange carriers and the existing service territories for the competitive local exchange carriers. Waivers concerning toll control services, provision of single-party service and E911 services will be granted on a case-by-case basis.

Table 3
State Requirements for ETC Certification

State	Adopted Annual Reporting Requirements	Adopted Five-Year Quality Improvement Plan	Comments on Quality of Service and Adoption of FCC Recommendations
OH	No	No	In Ohio, only ILECs are ETCs. There are no service quality standards imposed upon an ILEC seeking or maintaining ETC status beyond the service quality standards that are generally applicable to all LECs.
OK	Yes	Yes	Oklahoma Corporation Commission (OCC) Rules Chapter 55, in its entirety, regulates ILECs, CLECs and IXC's in Oklahoma, regardless of whether they are ETCs. The OCC does not have jurisdiction over wireless companies, except to the extent that they choose to become ETCs. OCC Rules Chapter 55 Subchapter 23 specifically regulates wireless ETCs. It specifies rules for wireless ETCs on annual ETC certification, reporting requirements of Universal Service offerings, emergency service reporting, billing, minimum service standards, extension of facilities, responsibility for adequate and safe service, emergency capabilities, response to customer complaint inquiries, records of trouble reports, notice of service interruptions, written restoration of service plan and customer choice.
OR	Yes	Yes (modified)	The Public Utility Commission of Oregon adopted ETC requirements, including both initial designation and annual reporting requirements, in Docket UM 1217, Order 06-292, on June 13, 2006. Annual recertification requirements apply to all applicants (wireline and wireless) in all ILEC service areas (rural and non-rural) regardless of type of federal universal service support received, unless specifically noted. For initial designation, ETC applicants shall submit a formal network improvement plan demonstrating how applicant will use support funds (all federal support types except low-income support) including a detailed plan covering each of first 2 years of designation and an overview plan for years 3-5.

Table 3
State Requirements for ETC Certification

State	Adopted Annual Reporting Requirements	Adopted Five-Year Quality Improvement Plan	Comments on Quality of Service and Adoption of FCC Recommendations
PA	Yes	Yes	Pennsylvania has statutes that have provisions similar to the FCC recommendations. The filing requirement of network modernization plans in Title 66 of the <i>Pennsylvania Consolidated Statutes</i> Chapter 30 is in conformance with the five-year quality improvement plan requirement. The Lifeline Order in Docket M-00041836 addresses ETC requirements and third-party verification. Carriers that seek high-cost USF are required to submit affidavits on the proper use of USF annually.
RI	No	No	There are only two ETCs in Rhode Island, Verizon and Cox. There are no set service quality requirements for ETCs. However, the Rhode Island Public Utilities Commission follows the FCC monthly reporting of Performance Metrics and Carrier-to-Carrier rules for the state.
SC	Yes	No	Since South Carolina has not yet granted ETC status to any competitive carriers, the Public Service Commission of South Carolina (South Carolina PSC) has not imposed any service quality requirements for competitive carriers. For incumbent wireline carriers, the South Carolina PSC imposes the normal service quality requirements applicable to their Certificates of Public Convenience and Necessity. The South Carolina PSC is in the process of reviewing standards for issuing ETC designations in light of the FCC's March 17, 2005 Report and Order in CC Docket 96-45. In the past, the South Carolina PSC has had several applications for wireless ETC designation which were either withdrawn, held in abeyance, or denied on the basis of the public interest requirement.
SD	Yes	Yes (2-year)	South Dakota does not have any service quality rules specific to ETCs. It has a two-year improvement plan and annual reporting requirements for ETCs.

Table 3
State Requirements for ETC Certification

State	Adopted Annual Reporting Requirements	Adopted Five-Year Quality Improvement Plan	Comments on Quality of Service and Adoption of FCC Recommendations
TN	No	No	The Tennessee Regulatory Authority does not impose service quality requirements on carriers requesting ETC status and/or to maintaining such status at the present time. The proposed new Service Standard Rules have not been acted on and are, therefore, not in effect at the present time.
TX	No	No	In Texas, carriers have to meet the QoS requirements for receipt of the state's USF funding but not for ETC designation for federal USF. However, with the exception of the majority of wireless carriers, most carriers that seek ETC designation also seek eligibility to receive state USF (the "ETP designation"). In that situation, the carrier's joint ETC/ETP designation requires that they fulfill the state's service quality rules, set forth in P.U.C. Subst. R. 26.52-.54, available at: http://www.puc.state.tx.us/rules/subrules/telecom/index.cfm
UT	Yes	No	<p>The <i>Utah Administrative Code</i> R746-360 (available at: http://www.rules.utah.gov/publicat/code/r746/r746-360.htm#T6) specifies the funding mechanism of Utah's Universal Public Telecommunications Service Support Fund (Utah's state USF). Carriers must be certified as a state ETC to get the state USF. ILECs have to meet additional qualification criteria including rate/revenue reviews, rate ceiling, and offering Lifeline services.</p> <p>Utah follows the FCC guidelines for federal ETC certification but did not adopt the five-year plan requirement. In Utah, most carriers that seek the state ETC status also apply for the federal USF. Code R746-360 is binding on those carriers in such situations.</p>
VA	Yes	No	There are no special service quality requirements on ETCs. All LECs have the same requirements. The Virginia Corporation Commission does not have specific orders on ETC certification, but it follows the FCC requirements.

Table 3
State Requirements for ETC Certification

State	Adopted Annual Reporting Requirements	Adopted Five-Year Quality Improvement Plan	Comments on Quality of Service and Adoption of FCC Recommendations
VT	Yes	No	<p>For wireline carriers, the Vermont Public Service Board (Vermont PSB) has imposed no special requirements on ETCs. All service quality regulation applies equally to wireline local exchange carriers regardless of whether or not they are ETCs. Verizon has to comply with additional service quality standards under an alternative regulation plan. RCC Atlantic, a wireless carrier, is the only one competitive ETC designated in Vermont. This designation occurred in two stages. In 2004, the Vermont PSB designated RCC to serve the area served by Verizon.</p> <p>Docket 5903 service quality requirements do not apply to RCC. However, numerous specific protections were added, such as customers' "Preferred Usage Location" and service extending measures, emergency services, blocked calls, ratepayer deposit requirement, providing discounts to speech or hearing impaired customers and protecting customers from disconnection, and protections from the disconnection of local service for nonpayment of toll charges. RCC was required to report each month on call blocking and comply with the CTIA Consumer Code. It also committed to advertising the availability of Lifeline and Link Up benefits and offering them to eligible customers. However, there were no standards were set for such variables as call answer time or trouble clearance rate. In 2005, the Vermont PSB designated RCC to serve the entire state. The 2005 order in Docket 7137 restated and revised some of the earlier conditions. Annual call blockage reports requirements were described in more detail.</p>
WA	Yes	No	<p>Requirements for ETCs are in Washington Administrative Code Chapter 480-123-020 through 080. For annual certification, ETCs are required to describe the planned use of federal support during the period October 1 of the current year through the following September or the planned investment and expenses which the ETC expects to use as the basis to request federal support from any category in the federal high-cost fund.</p>

Table 3
State Requirements for ETC Certification

State	Adopted Annual Reporting Requirements	Adopted Five-Year Quality Improvement Plan	Comments on Quality of Service and Adoption of FCC Recommendations
WI	Pending	Pending	The Public Service Commission of Wisconsin's (Wisconsin PSC) existing requirements for ETCs can be found in Chapter PSC 160, Wisconsin Administrative Code: PSC 160.13 Designation of Eligible Telecommunications Carriers. Staff is currently drafting rules for the Wisconsin PSC's consideration in rulemaking Docket 1-AC-198 to update these ETC requirements in light of the FCC's order.
WV	Yes	Yes	All the West Virginia telecommunications rules, unless otherwise specified, apply to all telecommunications providers, including wireless providers. The West Virginia Public Service Commission (West Virginia PSC) also takes wireless complaints. The West Virginia PSC has adopted the FCC recommendations concerning annual reporting and five-year quality improvement plan requirements.
WY	Yes	Yes (3-year)	Requirements for ETCs are in Wyoming Public Service Commission Rules, Chapter 5 Section 500 and 514. ETCs are required to file a three-year quality improvement plan.

IV. Questions for Future Research

One interesting question arising from our inquiry is the underlying reasons for the diversity in state commissions' ETC certification proceedings. Given the critical role state commissions play in determining the distribution of USF support, we find it would be useful to study the rationales for the use of different ETC certification processes across states. It would also be useful also to evaluate the effectiveness of each approach to determine whether the adoption of more stringent certification rules makes a difference on ETC performance in areas such as quality of service, appropriate use of USF support, pricing, competition, and customer satisfaction.

With respect to service quality oversight, some state commissions deem that their authority over wireless service providers is limited even when those providers seek state certification for ETC status. Currently, state commissions impose fewer quality of service restrictions on their wireless ETCs than on wireline ETCs. We propose, as a future research question, to examine whether market competition and FCC oversight have yielded optimal service performance from wireless service providers and, if not, whether state commissions should regulate the service quality of wireless ETCs.

Although many states have established formal administrative rules for ETC certification, the implementation of those rules and regulations is another area of concern. As noted above, state commissions require both new and existing ETCs to submit a variety of information for their annual certification. However, there is limited information on the ETCs' actual utilization of federal USF support, other than the ETCs' self-reports. Based on the NRRI's 2005-2006 Survey on state USFs,¹⁵ only 14 states have conducted audits or investigated the use of USF support by its recipients. These results underscore the need to conduct further analyses of the use of USF support, especially in rural markets, to examine the effectiveness of USF support in achieving universal service goals.

¹⁵ Liu, Jing and Rosenberg, Edwin A., 2006, *State Universal Service Funding Mechanisms: Results of the NRRI's 2005-2006 Survey*. Columbus, Ohio: The National Regulatory Research Institute, 06-09.

Appendix A.
Summary of Additional Requirements for the ETC Designation Process,
as Recommended in *FCC 05-46*

Report and Order in the Matter of Federal-State Joint Board on Universal Service¹⁶

Application requirements

In order to be designated an eligible telecommunications carrier (ETC) under section 214(e) (6), all existing ETCs and new ETC applicants must submit the following required information no later than October 1, 2006, as part of its annual reporting requirements.

(1) commit to provide service throughout its proposed designated service area to all customers making a reasonable request for service. Each applicant shall certify that it will provide service on a timely basis to requesting customers within the applicant's service area where the applicant's network already passes the potential customer's premises; and provide service within a reasonable period of time, if the potential customer is within the applicant's licensed service area but outside its existing network coverage, if service can be provided at reasonable cost by alternative network arrangement; and

(2) submit a five-year plan that describes with specificity proposed improvements or upgrades to the applicant's network on a wire center-by-wire center basis throughout its proposed designated service area. Each applicant shall demonstrate how signal quality, coverage or capacity will improve due to the receipt of high-cost support; the projected start date and completion date for each improvement and the estimated amount of investment for each project that is funded by high-cost support; the specific geographic areas where the improvements will be made; and the estimated population that will be served as a result of the improvements. If an applicant believes that service improvements in a particular wire center are not needed, it must explain its basis for this determination and demonstrate how funding will otherwise be used to further the provision of supported services in that area.

(3) demonstrate its ability to remain functional in emergency situations, including a demonstration that it has a reasonable amount of back-up power to ensure functionality without an external power source, is able to reroute traffic around damaged facilities, and is capable of managing traffic spikes resulting from emergency situations.

(4) demonstrate that it will satisfy applicable consumer protection and service quality standards. A commitment by wireless applicants to comply with the Cellular Telecommunications and Internet Association's Consumer Code for Wireless Service will satisfy this requirement. Other commitments will be considered on a case-by-case basis.

(5) demonstrate that it offers a local usage plan comparable to the one offered by the incumbent LEC in the service areas for which it seeks designation.

¹⁶ FCC 05-46, CC Docket No. 96-45. March 17, 2005. Available at: http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-05-46A1.pdf

(6) certify that the carrier acknowledges that the Commission may require it to provide equal access to long distance carriers in the event that no other eligible telecommunications carrier is providing equal access within the service area.

Public interest standard

Prior to designating an eligible telecommunications carrier pursuant to section 214(e)(6), the FCC determines that such designation is in the public interest. In doing so, the FCC shall consider the benefits of increased consumer choice, and the unique advantages and disadvantages of the applicant's service offering. In instances where an eligible telecommunications carrier applicant seeks designation below the study area level of a rural telephone company, the FCC shall also conduct a cream skimming analysis that compares the population density of each wire center in which the eligible telecommunications carrier applicant seeks designation against that of the wire centers in the study area in which the eligible telecommunications carrier applicant does not seek designation. In its cream skimming analysis, the FCC shall consider other factors, such as disaggregation of support pursuant to § 54.315 by the incumbent local exchange carrier. The FCC encourages state commissions to require all ETC applicants under their jurisdiction to meet the same conditions and to conduct the same public interest analysis outlined in this Report and Order.

Annual reporting requirements for designated ETCs

In order for a common carrier designated under section 214(e)(6) to continue to receive support for the following calendar year, or retain its eligible telecommunications carrier designation, it must submit the following annual reporting information no later than October 1, 2006, and thereafter annually by October 1 of each year.

(1) a progress report on its five-year service quality improvement plan, including maps detailing its progress towards meeting its plan targets, an explanation of how much universal service support was received and how it was used to improve signal quality, coverage, or capacity, and an explanation regarding any network improvement targets that have not been fulfilled. The information shall be submitted at the wire center level;

(2) detailed information on any outage, as that term is defined in 47 C.F.R. § 4.5, of at least 30 minutes in duration for each service area in which an eligible telecommunications carrier is designated for any facilities it owns, operates, leases, or otherwise utilizes that potentially affect at least ten percent of the end users served in a designated service area; or a 911 special facility, as defined in 47 C.F.R. § 4.5(e). Specifically, the eligible telecommunications carrier's annual report must include information detailing: the date and time of onset of the outage; a brief description of the outage and its resolution; the particular services affected; the geographic areas affected by the outage; steps taken to prevent a similar situation in the future; and the number of customers affected.

(3) the number of requests for service from potential customers within the eligible telecommunications carrier's service areas that were unfulfilled during the past year. The carrier shall also detail how it attempted to provide service to those potential customers, as set forth in §54.202(a)(1)(A);

- (4) the number of complaints per 1,000 handsets or lines;
- (5) certification that it is complying with applicable service quality standards and consumer protection rules;
- (6) certification that the carrier is able to function in emergency situations as set forth in §54.201(a)(2);
- (7) certification that the carrier is offering a local usage plan comparable to that offered by the incumbent LEC in the relevant service areas; and
- (8) certification that the carrier acknowledges that the Commission may require it to provide equal access to long distance carriers in the event that no other eligible telecommunications carrier is providing equal access within the service area.

Appendix B.
Cellular Telecommunications Industry Association (CTIA)
Consumer Code for Wireless Service

CTIA Consumer Code for Wireless Service¹⁷

To provide consumers with information to help them make informed choices when selecting wireless service, to help ensure that consumers understand their wireless service and rate plans, and to continue to provide wireless service that meets consumers' needs, the CTIA and the wireless carriers that are signatories below have developed the following Consumer Code. The carriers that are signatories to this Code have voluntarily adopted the principles, disclosures, and practices here for wireless service provided to individual consumers.

The wireless carriers that are signatories to this code will:

(1) Disclose rates and terms of service to consumers;

For each rate plan offered to new consumers, wireless carriers will make available to consumers in collateral or other disclosures at point of sale and on their web sites, at least the following information, as applicable: (a) the calling area for the plan; (b) the monthly access fee or base charge; (c) the number of airtime minutes included in the plan; (d) any nights and weekend minutes included in the plan or other differing charges for different time periods and the time periods when nights and weekend minutes or other charges apply; (e) the charges for excess or additional minutes; (f) per-minute long distance charges or whether long distance is included in other rates; (g) per-minute roaming or off-network charges; (h) whether any additional taxes, fees or surcharges apply; (i) the amount or range of any such fees or surcharges that are collected and retained by the carrier; (j) whether a fixed-term contract is required and its duration; (k) any activation or initiation fee; and (l) any early termination fee that applies and the trial period during which no early termination fee will apply.

(2) Make available maps showing where service is generally available;

Wireless carriers will make available at point of sale and on their web sites maps depicting approximate voice service coverage applicable to each of their rate plans currently offered to consumers. To enable consumers to make comparisons among carriers, these maps will be generated using generally accepted methodologies and standards to depict the carrier's outdoor coverage. All such maps will contain an appropriate legend concerning limitations and/or variations in wireless coverage and map usage, including any geographic limitations on the availability of any services included in the rate plan. Wireless carriers will periodically update such maps as necessary to keep them reasonably current. If necessary to show the extent of service coverage available to customers from carriers' roaming partners, carriers will request and incorporate coverage maps from roaming partners that are generated using similar industry-accepted criteria, or if such information is not available, incorporate publicly available information regarding roaming partners' coverage areas.

¹⁷ Available at: http://files.ctia.org/pdf/The_Code.pdf

(3) Provide contract terms to customers and confirm changes in service;

When a customer initiates service with a wireless carrier or agrees to a change in service whereby the customer is bound to a contract extension, the carrier will provide or confirm the material terms and conditions of service with the subscriber.

(4) Allow a trial period for new service;

When a customer initiates service with a wireless carrier, the customer will be informed of and given a period of not less than 14 days to try out the service. The carrier will not impose an early termination fee if the customer cancels service within this period, provided that the customer complies with applicable return and/or exchange policies. Other charges, including airtime usage, may still apply.

(5) Provide specific disclosures in advertising;

In advertising of prices for wireless service or devices, wireless carriers will disclose material charges and conditions related to the advertised prices, including if applicable and to the extent the advertising medium reasonably allows: (a) activation or initiation fees; (b) monthly access fees or base charges; (c) any required contract term; (d) early termination fees; (e) the terms and conditions related to receiving a product or service for "free;" (f) the times of any peak and off-peak calling periods; (g) whether different or additional charges apply for calls outside of the carrier's network or outside of designated calling areas; (h) for any rate plan advertised as "nationwide," (or using similar terms), the carrier will have available substantiation for this claim; (i) whether prices or benefits apply only for a limited time or promotional period and, if so, any different fees or charges to be paid for the remainder of the contract term; (j) whether any additional taxes, fees or surcharges apply; and (k) the amount or range of any such fees or surcharges collected and retained by the carrier.

(6) Separately identify carrier charges from taxes on billing statements;

On customers' bills, carriers will distinguish (a) monthly charges for service and features, and other charges collected and retained by the carrier, from (b) taxes, fees and other charges collected by the carrier and remitted to federal state or local governments. Carriers will not label cost recovery fees or charges as taxes.

(7) Provide customers the right to terminate service for changes to contract terms;

Carriers will not modify the material terms of their subscribers' contracts in a manner that is materially adverse to subscribers without providing a reasonable advance notice of a proposed modification and allowing subscribers a time period of not less than 14 days to cancel their contracts with no early termination fee.

(8) Provide ready access to customer service;

Customers will be provided a toll-free telephone number to access a carrier's customer service during normal business hours. Customer service contact information will be provided to customers online and on billing statements. Each wireless carrier will provide information about

how customers can contact the carrier in writing, by toll-free telephone number, via the Internet or otherwise with any inquiries or complaints, and this information will be included, at a minimum, on all billing statements, in written responses to customer inquiries and on carriers' web sites. Each carrier will also make such contact information available, upon request, to any customer calling the carrier's customer service departments.

(9) Promptly respond to consumer inquiries and complaints received from government agencies;

Wireless carriers will respond in writing to state or federal administrative agencies within 30 days of receiving written consumer complaints from any such agency.

(10) Abide by policies for protection of customer privacy;

Each wireless carrier will abide by a policy regarding the privacy of customer information in accordance with applicable federal and state laws, and will make available to the public its privacy policy concerning information collected online.

Appendix C.
ETC Certification Rules for Selected States¹⁸

¹⁸ The use of underline in the following tables is to add emphasis; it does not come from the original documents.

California

Category		Requirements
Reporting	Annual Filing	An ETC applicant must file <u>an advice letter</u> with the California Public Utilities Commission with the required information.
	Quality Improvement Plan	<p>In submitting a formal plan detailing how it will use universal service support to improve service within the service areas for which it seeks designation, an ETC must submit <u>a two-year plan describing its proposed improvements or upgrades to the ETC's network on a wire center-by-wire center basis</u> throughout its designated service area for which they expect to receive universal service support. The two-year plan must <u>demonstrate in detail how high-cost support will be used for service improvements</u> that would not otherwise be made without such support. This must include: a description of any plan for investment to be made or expenses to be incurred which will improve or permit the offering of services that are the subject of reporting requirements in FCC Form 477, a description of investments made and expenses paid with support from the high-cost fund, the projected start date and projected completion date for each improvement and the estimated amount of investment for each project, the specific geographic areas where the improvements will be made, the ETC's projected operating expense requirements for the current and following year, a certification that the investments made and expenses paid will be incurred to maintain and provide telecommunication services to any customer requesting service in ETC's service area, a description of any capital improvements planned including whether the funds for the improvements are from operating expenses, grants, or loaned funds from the Rural Utilities Service or some other government or private institution; and a description of the benefits to consumers that resulted from the investments and expenses reported pursuant to this requirement.</p> <p>If applicable, ETC applicants shall include <u>the request for additional time to perform network upgrades to provide single-party service, access to E911 service, and/or toll limitation to low income customers</u>.</p>

California

Category		Requirements
Reporting (cont.)	Use of USF	In the <u>two-year service quality improvement plan</u> , each ETC shall provide, as appropriate, <u>maps detailing progress</u> towards meeting its prior two-year improvement plan, explanations of <u>how much universal service support was received and how the support was used</u> to improve service quality in each wire center for which designation was obtained, and an explanation of <u>why network improvement targets, if any, have not been met</u> .
	Description of Designated Area and Maps	Each ETC applicant must <u>describe the service areas</u> for which the carrier is requesting ETC designation including <u>a list of Geographic Service Areas and a map in .shp format</u> showing the proposed service area. <u>For wireless petitioners, the map should identify the location of cell sites and shade the area where the carrier provides commercial mobile radio service or similar service.</u>
Compliance Statement	General Standards	An ETC applicant should demonstrate its <u>commitment to meet consumer protection and service quality standards</u> in its application.
	Public Interest	An ETC applicant shall demonstrate that the carrier's designation as an ETC is <u>consistent with the public interest, convenience and necessity</u> . Therefore, the ETC applicant should demonstrate: that the designation will <u>increase consumer choices, the advantages and disadvantages of its service offerings, and the absence of cream skimming</u> .
Service Quality Performance	Service provision commitment	An ETC applicant must demonstrate that it has <u>the commitment and ability to provide supported services throughout the designated area by providing services to all requesting customers</u> within its designated service area. Each applicant shall certify that it will <u>provide service on a timely basis</u> to requesting customers within the applicant's service area where the applicant's network already passes the potential customer's premises; and <u>provide service within a reasonable period of time</u> , if the potential customer is within the applicant's licensed service area but outside its existing network coverage, if service can be provided at reasonable cost by modifying or replacing the requesting customer's equipment, deploying a roof-mounted antenna or other equipment, adjusting the nearest cell tower, adjusting network or customer facilities, reselling services from another

California

Category		Requirements
Service Quality Performance (cont.)	Service provision commitment (cont.)	carrier's facilities to provide service, or employing, leasing or constructing an additional cellular site, cell extender, repeater, or other similar equipment. ETC applicants should <u>commit to serve the entire service area and provide two-year network improvement plans addressing each wire center for which it expects to receive support.</u>
		In the advice letter, an ETC applicant must provide <u>an itemized list of the designated services to be provided</u> , including single party service, voice grade access to the public switched network, local usage, dual tone multi-frequency signaling or its functional equivalent, access to emergency services, access to operator services, access to interexchange services, access to directory assistance and toll limitation for qualifying low-income consumers. ETC applicants shall also provide <u>a list of any services which the carrier proposes not to provide and for which the carrier is seeking an extension of time as well as an indication of whether the carrier plans to apply for a waiver of the requirement that an ETC not disconnect lifeline for non-payment of toll.</u> If the carriers are required to maintain tariffs, they shall also file any <u>plan to implement tariff changes</u> via the advice letter filing process.
	Comparable Usage Plan	An ETC applicant shall demonstrate that it offers <u>a local usage plan comparable to the one offered by the incumbent LEC in the service areas</u> for which the carrier seeks designation. All ETCs, whether, rural or non-rural, are required to include in their current basic residential service rates excluding Extended Area Service (EAS) in the areas <u>they serve.</u>
	Emergency Capability	An ETC applicant must demonstrate that <u>it has back-up power to ensure functionality without an external power source, is able to reroute traffic around damaged facilities, and is capable of managing traffic spikes resulting from emergency situations.</u>
	Outage	An ETC shall provide <u>detailed information on outages in the ETC's network caused by emergencies</u> , including the date and time of onset of the outage, a brief description of the outage, the particular services affected by the outage, the geographic areas affected by the outage, and steps taken to prevent a similar outage situation in the future.

California

Category		Requirements
Service Quality Performance (cont.)	Unfulfilled Service Request	If the carrier determines that it cannot serve the customer, the carrier must <u>report the unfulfilled request within 30 days after making such determination</u> . ETCs shall report information on <u>the number of unfulfilled requests for service from potential customers for the past year</u> .
	Consumer Complaints	ETC applicants should report information on <u>consumer complaints per 1,000 handsets or lines</u> on an annual basis.
Advertising	Universal Service Offerings	ETC applicants shall provide <u>a description of the carrier's advertising plan</u> , indicating the advertising media to be used, and an explanation of how its plan meets the advertising requirement in section 214(e) of the Telecommunications Act.
Interconnection	Equal Access	An ETC applicant shall certify that <u>it will provide equal access</u> if all other ETCs in the service area relinquish their designations pursuant to section 214 (e) (4) of the Act.

Source: Public Utilities Commission of the State of California. 2006. *Resolution T-17002*, May 25.

Colorado

	Category	Requirements
Reporting	Annual Filing	<p>In order for an ETC previously designated by the Colorado Public Utilities Commission (Colorado PUC), or previously designated by the FCC, to be certified to receive federal support for the following calendar year, or to retain its ETC designation, it shall submit the required information <u>no later than August 15th of each calendar year</u> to the Colorado PUC.</p> <p>Each ETC shall also submit <u>a copy of cost study filing</u> made on July 31st to NECA for current year. If an ETC is not required to file cost study to NECA, then <u>a copy of the line count</u> filing made to the FCC and USAC Administrator shall be submitted. A copy of the company's <u>Colorado-specific trial balance for previous year</u> is also required.</p>
	Use of USF	<p>For annual reporting, an ETC shall report <u>the total amount of all federal high cost support received in the previous calendar year and year-to-date through June 30 for the current calendar year</u>. An ETC shall also provide, <u>for the previous two calendar years, a detailed schedule/exhibit showing the actual dollar amounts expended</u> by the carrier in the provision, maintenance, upgrading, plant additions and associated infrastructure costs for local exchange service within the service areas in Colorado where the carrier has been designated an ETC and <u>an explanation regarding any network improvement targets that have not been fulfilled</u>. This shall include the carrier's <u>build-out plans and budgets for projects, upgrades or installations planned but not yet completed</u> during the current calendar year applicable to local exchange service. This information shall be submitted <u>at the wire center level or at the authorized service area</u>. If service improvements in a particular wire center are not needed, an explanation of why improvement is not needed and how funding will otherwise be used to further the provision of supported services in that area.</p>
	Description of Designated Area and Maps	<p>Each ETC applicant shall provide <u>a description of the service area</u> for which the applicant seeks designation as an ETC. <u>If designation for a specific service area</u>, rather than a statewide designation, is sought, the application shall include both <u>a description of such service area by metes and bounds and a map displaying the service area</u>.</p>

Colorado

	Category	Requirements
Reporting (cont.)	Description of Designated Area and Maps (cont.)	For annual reporting, an ETC shall submit <u>a map of the service areas</u> where the carrier has ETC designation showing the locations of facilities or <u>for wireless providers, maps showing the location of all cellular towers and the coverage areas of these towers.</u> Maps shall be submitted in 2007 and <u>at least once every three years</u> thereafter.
Compliance Statement	General Standards	For annual reporting, an ETC shall submit <u>a certification that the ETC is complying with the applicable service quality standards and consumer protection rules.</u>
	Standards for Wireless ETCs	Wireless ETCs are required to comply with the <u>CTIA Consumer Code for Wireless Service.</u>
	Public Interest	The Colorado PUC's designation of ETCs shall be consistent with the <u>public interest, convenience, and necessity principles.</u>
Service Quality Performance	Service provision commitment	An ETC applicant shall provide <u>an affirmative statement that it will offer the services that are supported by the federal universal service support mechanisms</u> under 47 U.S.C. 254(c).
	Comparable Usage Plan	For annual reporting, an ETC shall provide documentation that a competitive ETC is offering a <u>local usage plan comparable to that offered by the incumbent LEC</u> in the relevant service areas.
	Emergency Capability	For annual reporting, an ETC shall provide a certification that the ETC is <u>able to function in emergency situations</u> as set forth in 47 C.F.R. § 54.202(a) (2).
	Outage	For annual reporting, an ETC shall provide <u>detailed information on any outage lasting at least 30 minutes</u> for any facilities that an ETC owns, operates, leases, or otherwise utilizes <u>that potentially affects at least ten percent of the end users in a service area, or that could affect access to 9-1-1.</u> An outage is defined as a significant degradation in the ability of an end user to establish and maintain a channel of communications as a result of failure or degradation in the performance of a communications provider's network. The ETC must <u>report the following information regarding each outage:</u> date and time of outage; description of the outage and resolution; specific service(s) affected; specific

Colorado

	Category	Requirements
Service Quality Performance (cont.)	Outage (cont.)	geographic area(s) affected; steps taken to prevent it from happening again; and number of customers affected by the outage.
	Unfulfilled Service Request	For annual reporting, an ETC shall provide <u>the number of requests for service from potential customers within the ETC's service areas that were unfulfilled</u> during the past year and <u>a written explanation detailing how the ETC attempted to provide service to those potential customers</u> , as set forth in 47 C.F.R. § 54.202(a)(1)(i).
	Consumer Complaints	For annual reporting, ETCs shall provide <u>the number of complaints per 1,000 access lines or handsets</u> .
Advertising	Universal Service Offerings	<p>ETC applicants shall provide <u>an affirmative statement that the applicant will advertise the availability of such service and charges</u> using media of general distribution pursuant to § 214(e) (1) (B) of the Act. To meet the requirements of § 214(e)(1)(B), the Colorado PUC establishes as guidelines that an ETC shall advertise in media of general distribution and shall place customer guide pages in the "White Pages" directory within the ETC's service area. Such customer guide pages shall indicate that the ETC offers the supported services identified by federal law within its ETC service area to all who request such service within that area. ETCs shall also file <u>an affirmative statement that the applicant will make available Lifeline service</u>, as defined in 47 C.F.R. § 54.401, to qualifying low-income customers.</p> <p>For annual certification, ETCs shall provide <u>documentation the carrier offers and advertises the rate and availability of Basic Universal Service offerings, Lifeline, and Link Up programs</u> throughout the service areas in Colorado where the carrier has been designated an ETC; Copies of written material used in newspaper advertisements, press releases, posters, flyers and outreach efforts and a log of when and where these materials were distributed; For newspaper advertisements, dated copies of the published newspaper advertisements may serve as copies of written material; For radio station advertising, a confirmation from broadcasters of when the public service announcement was aired.</p>

Colorado

	Category	Requirements
Interconnection	Equal Access	Certification that the ETC acknowledges the FCC may require it to provide customers with <u>equal access to long distance carriers</u> in the event that no other ETC is providing equal access within the service area.

Source: Colorado Department of Regulatory Agencies, Public Utilities Commission, *4 Code of Colorado Regulations (CCR) 723-2*, Part 2 – Rules Regulating Telecommunications Providers, Services, and Products, Section 2187 (f) – Eligible Telecommunications Carrier Designation, available at: <http://www.dora.state.co.us/puc/rules/723-2.pdf>.

Florida

Category		Requirements
Reporting	Quality Improvement Plan	A <u>five-year quality improvement plan</u> and annual progress reports are required for ETC certification.
	Use of USF	Each of the seven Florida rural ETCs is required to provide the Florida Public Service Commission with an affidavit in which they have certified that <u>their use of interstate high-cost universal service support received during 2006 will comport with Section 254(e) of the Act and applicable FCC rules.</u>
	Description of Designated Area and Maps	<u>Required</u> in the progress reports on the ETC's five-year service quality improvement plan.
Compliance Statement	General Standards	ETCs are required to certify that they are <u>complying with applicable service quality standards and consumer protection rules.</u>
Service Quality Performance	Comparable Usage Plan	ETCs are required to certify that they are offering <u>a local usage plan comparable to that offered by the incumbent LEC in the relevant service areas.</u>
	Emergency Capability	ETCs are required to certify that they are able to <u>function in emergency situations.</u>
	Outage	ETCs are required to submit <u>detailed information on any outage lasting at least 30 minutes</u> , for any service area in which an ETC is designated for any facilities it owns, operates, leases, or otherwise utilizes <u>that potentially affect at least ten percent of the end users served in a designated service area, or that potentially affect a 911 special facility.</u> An outage is defined as a significant degradation in the ability of an end user to establish and maintain a channel of communications as a result of failure or degradation in the performance of a communications provider's network. Specifically, <u>the ETC's annual report must include:</u> the date and time of onset of the outage, a brief description of the outage and its resolution, the particular services affected, the geographic areas affected by the outage, steps taken to prevent a similar situation in the future and the number of customers affected.

Florida

Category		Requirements
Service Quality Performance (cont.)	Unfulfilled Service Request	ETCs are required to submit <u>the number of requests for service from potential customers within its service areas that were unfulfilled for the past year. The ETC must also detail how it attempted to provide service to those potential customers.</u>
	Consumer Complaints	ETCs are required to submit <u>the number of complaints per 1,000 handsets or lines.</u>
Interconnection	Equal Access	ETCs are required to certify that <u>they will provide equal access to long distance carriers in the event that no other ETC is providing equal access within the service area.</u>

Source: Florida Public Service Commission. 2005. *Order in regard to State Certification of Rural Telecommunications Carriers pursuant to 47 C.F.R. 54.314* (Order No. PSC-05-0824-FOF-TL, Docket No. 010977-TL, August 15).

Hawaii

Category		Requirements
Reporting	Annual Filing	ETCs are required to submit required information during the annual certification process.
	Quality Improvement Plan	For the annual certification, an ETC is required to file <u>a service quality improvement plan for the current and following year</u> that identifies anticipated capital expenditures in the carrier's service area for service areas in which a carrier will or expects to expend universal service fund support, <u>including maps detailing its planned targets</u> , and an explanation of <u>how universal service support will be used</u> to improve signal quality, coverage, or capacity and other network improvement targets.
	Use of USF	Each ETC is also required to submit <u>a progress report for the previous year</u> that identifies <u>capital expenditures</u> for service areas in which a carrier expended universal service fund support, including <u>maps detailing its progress</u> towards meeting its planned targets, an explanation of <u>how universal service support was used</u> to improve signal quality, coverage, or capacity, and <u>an explanation regarding any network improvement targets that have not been fulfilled</u> .
Compliance Statement	General Standards	For annual certification, an ETC applicant is required to provide <u>a certification stating that to the best of its knowledge, the carrier is complying with applicable service quality standards and consumer protection rules</u> . A <u>wireline carrier may request not to strictly comply with the service quality improvement plan and the progress report requirements</u> , based on the application of those standards to wireline technology. The Consumer Advocate, in its comments, will address any such request made by a wireline carrier, and if the Hawaii Public Utilities Commission (Hawaii PUC) decides that additional information is necessary it will provide the carrier with the opportunity to cure the deficiency prior to the October 1 certification deadline.
	Standards for Wireless ETCs	For annual certification, a wireless carrier is required to provide a certification stating that it complies with <u>the CTIA Consumer Code for Wireless Service</u> .

Hawaii

Category		Requirements
Service Quality Performance	Comparable Usage Plan	For annual certification, an ETC is required to provide a certification stating that, to the best of its knowledge, the carrier is offering a local usage plan <u>comparable to that offered by the incumbent local exchange carrier</u> in the relevant service areas.
	Emergency Capability	For annual certification, an ETC is required to provide a certification stating that, to the best of its knowledge, the carrier is able to demonstrate its ability to <u>remain reasonably functional</u> in emergency situations.
	Outage	For annual certification, an ETC is required to <u>provide detailed information on any outage lasting at least thirty minutes</u> for any service area in which an ETC is designated for any facilities it owns, operates, leases or otherwise utilizes that potentially <u>affects at least ten percent of the end users' service</u> in a designated service area <u>or that potentially affects a 911 special facility</u> . Specifically, <u>the ETC's annual report must include</u> : the date and time of onset of the outage; a brief description of the outage and its resolution; the particular services affected; the geographic areas affected by the outage; steps taken to prevent a similar situation in the future; and the number of customers affected.
	Unfulfilled Service Request	For annual certification, an ETC is required to <u>provide the number of requests</u> for service from potential customers within the carrier's service area that were <u>unfulfilled during the past year</u> . The carrier shall also detail <u>how it attempted to provide service to those potential customers</u> . A wireless carrier shall attempt to provide service using the steps set forth in 47 C.F.R. § 54.202 (a) (1) (A).
	Consumer Complaints	For annual certification, an ETC is required to provide <u>the number of complaints, per 1,000 handsets or lines</u> , made to the Hawaii PUC, the FCC or the Department of Attorney General of the State of Hawaii during the past calendar year.

Hawaii

Category		Requirements
Interconnection	Equal Access	For annual certification, an ETC is required to provide a certification stating that the carrier acknowledges that <u>the FCC may require the carrier to provide equal access to long distance carriers</u> in the event that no other ETC is providing equal access within the service area.

Source: Hawaii Public Utilities Commission. *Decision and Order in the Matter of the Public Utilities Commission Instituting an Proceeding for the Purpose of Adopting Annual Certification Requirements for Eligible Telecommunications Carriers in the State of Hawaii* (Order No. 22228, Docket No. 05-0243, January 17, 2006).

Idaho

Category		Requirements
Reporting	Initial Filing	The Idaho Public Utilities Commission (Idaho PUC) requires the following additional information when determining initial ETC designation: (1) <u>a commitment to provide service</u> throughout the proposed service area and a two-year network improvement plan to demonstrate the commitment and ability to provide the supported services; (2) <u>the ability to remain functional in emergency situations</u> ; (3) <u>a commitment to satisfy applicable consumer protection and service quality standards</u> , such as the CTIA Code, if applicable; (4) descriptions of the applicant's <u>local usage plan</u> and that of the ILEC; (5) demonstration that granting the carrier ETC status is in the <u>public interest</u> ; and (6) <u>tribal notification</u> , if applicable. The information request applies to pending and future ETC applicants as well as existing ETCs.
	Annual Filing	Beginning on September 2006, and every year thereafter, the Idaho PUC requires that all designated ETCs submit <u>an annual report</u> that details (1) <u>a two year network improvement plan and progress report</u> ; (2) outage information; (3) the number of unfulfilled service requests; (4) the number of complaints per 1 000 handsets or lines; (5) certification that the ETC is complying with applicable service quality standards and consumer protection rules; and (6) descriptions of the applicant's local usage plan and that of the ILEC.
	Quality Improvement Plan	An ETC is required to submit <u>two-year network improvement plans</u> that describe with specificity <u>proposed improvements or upgrades</u> to the applicant's network <u>on a wire center-by-wire center basis</u> throughout its proposed designated service area. Each applicant shall also demonstrate how signal quality, coverage or capacity will improve due to the receipt of high-cost support; the projected start date and completion date for each improvement and the estimated amount of investment for each project that is funded by high-cost support; the specific geographic areas where the improvements will be made; and the estimated population that will be served as a result of the improvements. If an applicant believes that service improvements in a particular wire center are not needed, it must explain its reasons for this determination and demonstrate how funding will otherwise be used to further the provision of supported services in that area.

Idaho

Category		Requirements
Compliance Statement	General Standards	An ETC applicant must demonstrate a commitment to <u>satisfy applicable consumer protection and service quality standards and consumer protection rules.</u> .
	Standards for Wireless ETCs	All wireless carriers seeking ETC designation must agree to comply with <u>the CTIA Consumer Code for Wireless Service.</u>
	Public Interest	The ETC applicant must demonstrate that ETC designation is <u>consistent with the public interest, convenience, and necessity</u> ; and, in the case of an area served by a rural telephone company, demonstrate that the public interest will be met by an additional designation.
Service Quality Performance	Service provision commitment	<p>An ETC applicant must demonstrate that it is <u>capable of providing and will continuously provide throughout its proposed service area the universal services</u> set forth in 47 C.F.R. § 54.101(a), either by using its own facilities or a combination of its own facilities and resale of another carrier s services.</p> <p>To meet the required commitment to provide service upon reasonable request, an ETC applicant in Idaho must certify that it will: (1) provide service <u>on a timely basis</u> to requesting customers within the applicant's service area where the applicant' s network already passes the potential customer s premises; and (2) provide service <u>within a reasonable period of time</u>, if the potential customer is within the applicant' s licensed service area but outside its existing network coverage, if service can be provided at reasonable cost by modifying or replacing the requesting customer s equipment; deploying roof-mounted antenna or other equipment; adjusting the nearest cell tower; adjusting network or customer facilities; reselling services from another carrier s facilities to provide service; or employing, leasing or constructing an additional cell site, cell extender repeater, or other similar equipment.</p>

Idaho

Category		Requirements
Service Quality Performance (cont.)	Comparable Usage Plan	The Idaho PUC does not require that the applicant's usage plan is <u>comparable to that of the ILEC</u> . ETC applicants are asked to describe its local usage plans and those of the ILEC so as to identify any benefits to consumer choice that the applicant might provide and the unique advantages or disadvantages of the applicants' service offering.
	Emergency Capability	In order to demonstrate the ability to <u>remain functional in emergencies</u> , the ETC applicant must demonstrate that it has <u>a reasonable amount of back-up power</u> to ensure functionality without an external power source, is able to re-route traffic around damaged facilities, and is capable of managing traffic spikes resulting from emergency situations.
	Outage	The annual report must <u>include detailed information on any outage</u> , as that term is defined in 47 C. R. § 4.5, <u>of at least thirty minutes in duration</u> for each service area in which an ETC is designated for any facilities it owns, operates, leases or otherwise utilizes that potentially affect (a) <u>at least ten percent of the end users served in a designated service area</u> ; or (b) <u>a 911 special facility</u> , as defined in 47 C. R. § 4.5(e). Specifically, the annual report must <u>include information detailing</u> : the date and time of onset of the outage, a brief description of the outage and its resolution, the particular services affected, the geographic areas affected by the outage, the steps taken to prevent a similar situation in the future and the number of customers affected.
	Unfulfilled Service Request	The annual report must include <u>the number of requests for service</u> from potential customers within the ETC's service areas <u>that were unfulfilled in the previous year</u> . The carrier shall also detail how it attempted to provide service to those potential customers.
	Consumer Complaints	The annual report must include <u>the number of complaints per 1 000 handsets or lines</u> .
Advertising	Universal Service Offerings	An ETC must <u>advertise the availability of its universal service offering and the charges</u> therefore using media of general distribution

Idaho

Category		Requirements
Interconnection	Equal Access	The Idaho PUC does not ask an ETC applicant to certify that it may someday be asked to <u>provide equal access</u> . Should all other ETC providers relinquish service in a given area, the Idaho PUC at that time will address what requirements might fall upon the sole remaining ETC.

Source: Idaho Public Utilities Commission. 2005. *Order in the Matter of the Application of WWC Holding Co., Inc. DBA Cellular-One Seeking Designation as an Eligible Telecommunications Carrier that May Receive Federal Universal Service Support* (Order No.29841, Case No. WST-T-05-1, August 4).

Illinois*

Category		Requirements
Reporting	Annual Filing	The applicant shall file reports with the Illinois Commerce Commission (ICC) <u>on an annual basis</u> , consistent with the FCC’s recommendations in <i>FCC 05-46</i> . Should the applicant fails to abide by any of its commitments, the ICC could, upon proper notice and hearing, revoke its designation as an ETC.
	Quality Improvement Plan	<u>The five-year network improvement plan requirement is modified in this case</u> , because Midwestern Telecommunications, Inc.’s (MTI) requested ETC serving territory would qualify only for “low income” USF support and no “high-cost” USF support. MTI agree to commit to the following conditions: (1) all “low income” USF funding received <u>will be used to support subsidized rates for Lifeline and Link Up customers</u> ; (2) MTI will provide <u>written notification to the ICC within 3 weeks</u> of any change and/or circumstance that would render MTI eligible to receive USF “high cost” support; and (3) in the event of any such change and/or circumstance, MTI will file with the ICC, <u>within 6 weeks of such change, a revised five-year spending plan to account for appropriate use of all “High Cost” USF support received</u> .
	Use of USF	The applicant certifies that the fund will be <u>used solely for the intended purposes</u> . In case, MTI commits to use all “low income” USF funding received to support subsidized rates for Lifeline and Link Up customers.
Compliance Statement	General Standards	The applicant certifies that it will <u>satisfy all applicable consumer protection and service quality standards</u> . In this particular case, MTI was granted a waiver on the publication of directories.
	Standards for Wireless ETCs	Regarding wireless ETC cases, the ICC has <u>surpassed the FCC guidelines and the CTIA Consumer Code</u> . Rulings by the ICC regarding wireless ETC can be found in Dockets 04-0454, 04-0455, 04-0456 and Docket 04-0653. The ongoing Docket 06-0468 addresses the service quality rulemaking in the two wireless ETC cases.
	Public Interest	The ICC follows FCC’s recommendations and conducts analysis to <u>ensure the application for ETC designation is in the public interest</u> .

Illinois*

Category		Requirements
Service Quality Performance	Service provision commitment	The applicant shall comply with the service area and service offerings requirements as defined by the Federal Telecommunications Act of 1996. The applicant shall <u>commit to providing service throughout its ETC-designated service area to all customers who make a reasonable request for service</u> , including all qualifying low-income customers.
	Comparable Usage Plan	The applicant shall demonstrate it offers <u>a local usage plan comparable to the one offered by the ILEC</u> in the service areas for which it seeks designation.
	Emergency Capability	The emergency capability requirement applies. However, because MTI leases facilities from AT&T to serve its customers, it asserts that it has the same <u>ability to remain functional in emergency situations</u> as AT&T (including access to a reasonable amount of back-up power to ensure functionality without an external power source, rerouting of traffic around damaged facilities, and the capability to manage traffic spikes resulting from emergency situations).
	Consumer Complaints	The applicant commits to reporting information on <u>consumer complaints per 1000 lines on an annual basis</u> .
Advertising	Universal Service Offerings	The applicant certifies that it <u>will advertise to the public in its ETC-designated area that it is offering the supported universal services, and the charges for those services</u> , in local circulation newspapers in each of Applicant's serving areas. The applicant shall also advertise to the public <u>the availability of Lifeline and Link Up services</u> in a manner reasonably designed to reach those likely to qualify for such services, and in compliance with the requirements of 83 Illinois Administrative Code Part 757.
Interconnection	Equal Access	The applicant shall certify that it <u>provides Lifeline subscribers equal access to interexchange carriers of their choice</u> in its ETC-designated service area.

*Note: The ICC has not officially ruled to adopt the service quality guidelines prescribed by the FCC, but has often used the FCC guidelines in ETC orders as a rulemaking framework. The ICC reviews ETC applications on a case-by-case basis. This summary is based on the recent ETC application case for MTI. The requirements stated in this order may not apply to other ETCs.

Source: Illinois Commerce Commission. 2006. *Order on Midwestern Telecommunications, Inc. Application for Designation as an Eligible Telecommunications Carrier for Purpose of Receiving Federal Universal Service Support pursuant to Section 214(e)(2) of the Telecommunications Act of 1996 (Docket 06-0038, September 26)*, available at: <http://www.icc.illinois.gov/e-Docket/>.

Iowa*

Category		Requirements
Reporting	Initial Filing	An ETC applicant must submit an explanation of <u>how the carrier will provide each of the supported services</u> listed in 199 IAC 39.2(1). Existing ETCs are required to make a <u>one-time filing with the Iowa Utilities Board (the Board)</u> demonstrating they are in compliance with certain <u>new ETC eligibility requirements</u> . The Board will require any carrier that was designated by the Board as an ETC before the effective date of the new rules (November 29, 2006) and which receives high-cost universal support to submit a statement demonstrating compliance with the requirements of subrule 39.2(3), paragraphs "d" through "j" on or before March 1, 2007.
	Annual Filing	As part of this one-time filing, the previously designated ETCs shall acknowledge they <u>will respond to Board requests for information</u> related to the status of local voice service markets or facilities as required by paragraph 39.2(3)"1." Wireline ETCs that have service area maps on file with the Board do not need to re-file the service area maps that otherwise would be required by 39.2(3)"d." After this one-time filing due by March 1, 2007, previously designated ETCs will follow the reporting cycle in rule 39.5 and the annual certification requirement in new rule 39.7.
		Carriers designated by the utilities board as eligible to receive universal service support must measure and report to the board <u>the quality of service performance for the criteria including</u> a description of its rate plans; a definition of the calling area associated with the plans; an explanation of bundling of local and long distance services; an explanation of free calls to government agencies or other entities; and an explanation of other issues related to the rates and terms of the plans. ETCs are also required to report local usage, access to emergency services, average wait time experienced by customers when calling an customer service center, regardless of the locations from which customers were calling, outage, number of unfulfilled requests for over five days, number of complaints, and extensions of network improvement and maintenance plans and associated progress reports, etc. Besides, all ETCs must respond to Board requests for information relating to <u>the status of local voice service markets or facilities</u> .

Iowa*

Category		Requirements
Reporting (cont.)	Quality Improvement Plan	<p>ETC applicants and existing wireless ETCs are required to submit a network improvement, upgrade and maintenance plan associated with the provision of universal service supported services. ETC applicants shall submit a <u>two-year plan</u> specifically <u>describing its proposed improvements, upgrades and/or maintenance to its network for its proposed designated service area</u>. The plan must demonstrate in detail how high-cost support will be used for service improvements and/or maintenance that would not occur absent support.</p> <p><u>The plan must demonstrate:</u> (1) how signal quality, coverage, or capacity will improve in the designated area due to receipt of support; (2) the projected start and completion date for each improvement, including the estimated amount of investment per project funded by high-cost support; (3) the specific geographic areas where improvements will be made; and (4) the estimated population that will be served as a result of the improvements. This information should reflect the impact(s) to specific wire center(s). Carriers that are not requesting high cost support should indicate this in their application. Carriers that are not seeking or receiving high cost support are not required to file a network improvement plan, nor are they required to file annual updates.</p> <p>On or before May 1st of each year ETCs shall file <u>a rolling one-year extension or update to their initial network improvement and maintenance plan</u>. ETCs must provide an <u>explanation of the benefits to specific wire centers, rather than reports on a wire center level</u>. For existing ETCs, as of the effective date of these rules, the reporting period for the initial plans shall be January 1, 2006 through December 31, 2007. These plans shall be filed with the Board on or before August 1, 2006. The rolling one-year extensions shall cover the calendar year following the current year's annual certification filing.</p> <p>On or before May 1st of each year all ETCs shall file <u>progress reports</u> on their network improvement and maintenance plan for the prior calendar year's activities. This report should include <u>coverage area map(s) detailing progress</u> towards meeting its plan targets, an explanation of <u>how much universal service support was received and how the support</u></p>

Iowa*

Category		Requirements
Reporting (cont.)	Quality Improvement Plan (cont.)	was used to improve signal quality, coverage, or capacity. If support was used for something other than these activities, such as maintenance or prior investments, etc., the report shall include a relevant explanation. This report shall include <u>an explanation regarding any network improvement targets that have not been fulfilled</u> . If there have been no changes to the ETCs coverage area, the ETC should clearly indicate this fact with a supporting explanation. The reporting of expense and investment information shall include <u>an explanation of the benefits and impacts to specific wire center(s)</u> . For the purpose of this rule, the determination of the phrase “wire center” shall be based on how it is identified by the North American Numbering Plan Administrator.
	Description of Designated Area and Maps	Wireless ETC applicants are <u>NOT</u> required to submit wireless tower site location maps of the area or areas for which ETC designation is sought, instead, they are required to provide <u>signal coverage area maps that depict signal strength</u> .
Compliance Statement	General Standards	ETC applicants and existing ETCs must demonstrate that it will <u>comply with applicable service quality standards</u> . All ETC applicants shall commit to complying with the <u>service quality reporting requirements</u> set forth in 199 IAC 39.5. ETC applicants and existing ETCs must demonstrate that it will comply with applicable <u>consumer protection standards</u> . <u>Wireline ETCs</u> shall commit to complying with the consumer protection rules set out in 199 IAC Chapters 6 and 22.
	Standards for wireless ETCs	Wireless carriers are required to commit to complying with <u>the 2006 CTIA Consumer Code for Wireless Service</u> , modified to include a reference to the Board's complaint procedures. Wireless ETCs must inform customers of their right to file a complaint against a wireless ETC with the Board. The Board has complaint jurisdiction over wireless carriers in the ETC context. Complaints alleging an unauthorized change in service against a wireless ETC would be processed by the Board pursuant to 199 IAC 6.

Iowa*

Category		Requirements
Compliance Statement (cont.)	Standards for wireless ETCs (cont.)	Wireless telecommunications carriers shall commit to complying with the following <u>minimum consumer protection standards</u> : (1) Disclose rates and terms of service to consumers; (2) Make available maps showing where service is generally available; (3) Provide contract terms to consumers and confirm changes in service; (4) Allow a trial period for new service; (5) Provide specific disclosures in advertising; (6) Separately identify carrier charges from taxes on billing statements; (7) Provide customers the right to terminate service for changes to contract terms; (8) Provide ready access to customer service; (9) Promptly respond to consumer inquiries and complaints received from government agencies; (10) Abide by policies for protection of customer privacy.
	Public Interest	Where the ETC applicant seeks to provide service in a rural area, the applicant needs to demonstrate that granting ETC designation is in the public interest. The <u>public interest analysis</u> shall include discussion of the <u>benefits of increased consumer choice</u> and, if relevant, of the benefits of providing consumer choices on service offerings in rural and high-cost areas. The public interest analysis shall also include discussion of the <u>particular advantages and disadvantages of the applicant's offering and address the disadvantages of dropped-call rates and poor coverage</u> . The public interest analysis <u>does not apply to carriers seeking ETC designation in non-rural areas</u> .
Service Quality Performance	Comparable Usage Plan	ETC applicants and existing ETCs must demonstrate its commitment to offer <u>a local usage plan comparable to the one offered by the incumbent local exchange carrier in the areas for which the carrier seeks designation, but the Board will take a case-by-case approach</u> to evaluate the comparability of local usage plans. ETCs may not be required to commit to providing Lifeline and Link Up discounts comparable to those offered by the ILEC, but they will be required to commit to <u>providing Lifeline and Link Up service consistent with applicable federal regulations</u> .

Iowa*

Category		Requirements
Service Quality Performance (cont.)	Emergency Capacity	ETC applicants and existing ETCs must demonstrate the ability to maintain <u>a minimum of 2 hours of back-up power</u> to ensure functionality without an external power source. The Board will delay adopting the requirement that an ETC applicant demonstrate <u>the ability to reroute traffic and manage traffic spikes</u> until objective standards for measuring such abilities have been developed.
	Outage	ETCs are required to submit an annual filing of copies of the FCC Outage Report Form. Carriers will file <u>Service Quality Data worksheet(s)</u> along with <u>copies of all FCC Outage Reports</u> filed with the FCC. These worksheets and outage reports shall only cover the Iowa ETC designated service areas.
	Unfulfilled Service Request	ETCs are required to report the number of requests for service from potential customers that were <u>unfulfilled for over five days for the past year</u> .
	Consumer Complaints	ETCs are required to report <u>the number of complaints per 1000 handsets or access lines</u> or for carriers that serve less than 1000 handsets or access lines, provide <u>number of complaints along with the number of handsets or access lines served by the carrier</u> .
Interconnection	Equal Access	Based on the FCC's Report and Order, ETC applicants and existing ETCs are required to file <u>a statement</u> that the carrier acknowledges that it shall provide equal access if all other eligible carriers in that service area relinquish their designations pursuant to Section 214(e) of the Telecommunications Act of 1996. However, wireless carriers get their directives regarding equal access from the FCC rather than from the Board.

*Note: The Iowa Utilities Board Meeting proposed the above-listed rulemaking on May 19, 2006. An order will be drafted adopting the ETC related rules outlined in the memo.

Source: Iowa Utilities Board. 2006. *Order Adopting Amendments and Scheduling Workshops* (Docket No. RMU-06-1, October 6), available at: http://www.state.ia.us/government/com/util/_private/Orders/2006/1006_rmu061.pdf.

Kansas

Category		Requirements
Reporting	Annual Filing	The Kansas Corporation Commission (KCC) requires all ETCs to file the required information to the KCC in <u>August each year</u> , starting in August 2007, to enable the KCC to certify compliance with ETC requirements to the FCC.
	Quality Improvement Plan	<u>Competitive ETCs</u> shall file <u>two-year service quality improvement plans</u> demonstrating progress, including map and if targets were not met, an explanation of why.
	Description of Designated Area and Maps	<u>Competitive ETCs</u> are required to file <u>maps</u> to the KCC. Wireline ETCs shall file maps as required by K.A.R. 82-12-7(b).
Compliance Statement	General Standards	During the annual reporting, wireline ETCs shall file a <u>compliance statement with the KCC</u> quality of service standards and wireless ETCs shall file a <u>statement of compliance with the CTIA Consumer Code</u> .
	Standards for Wireless ETCs	Wireless ETCs shall comply with the <u>CTIA Consumer Code</u> . Wireless ETCs must offer <u>one</u> calling plan without a termination fee, priced as deemed appropriate by the ETC.
	Public Interest	The KCC will consider the following factors, as well as others, in <u>determining whether it is in the public interest to designate an additional ETC in a service area</u> : (1) Designation of an additional ETC will lead to <u>increased choice</u> of providers for consumers; (2) When an applicant seeks ETC designation for a smaller service area than that of the incumbent, the KCC will consider a <u>population density analysis</u> . To date the KCC has not considered designation for a smaller area than a wire center.

Kansas

Category		Requirements
Service Quality Performance	Comparable Usage Plan	During the annual reporting, an ETC shall demonstrate that they offer <u>a local usage plan comparable to that of the ILECs</u> . <u>ETCs that do not offer unlimited local usage must offer free optional per minute blocking of local usage to Lifeline customers</u> . Such blocking must allow 911 calls to be completed. ETCs are required to allow Lifeline customers to choose a calling plan and to apply the Lifeline discount to the plan selected by the customer. The KCC has not established a minimum local usage requirement but will address it on a case-specific basis based on the evidence.
Service Quality Performance (cont.)	Emergency Capability	During the annual reporting, an ETC shall demonstrate <u>the ability to function in an emergency</u> .
	Outage	During the annual reporting, an ETC shall file <u>detailed information on outages lasting more than 30 minutes that potentially affect at least 10 percent of customers or that could affect 911</u> . The ETC must report: date and time of outage, description and resolution, affected services, affected geographic areas, steps taken to prevent recurrence and number of customers affected.
	Unfulfilled Service Request	All competitive ETCs are required to <u>report the number of instances they have refused to provide service to a customer in response to a reasonable request quarterly on the first of January, April, June and September</u> . The report shall include location of the customer, an explanation why none of the options in the six-step process could be used to serve the customer and progress in establishing interconnection arrangements to serve the customer through resale.
	Consumer Complaints	During the annual reporting, an ETC shall file <u>the number of complaints per 1000 handsets</u> .
Advertising	Universal Service Offerings	During the annual reporting, an ETC shall <u>demonstrate that it has placed advertisements in the media</u> , specifying geographic areas reached and dates published. <u>Competitive ETCs must include language in all their advertising in their Kansas ETC areas explaining their obligation to provide universal service</u> . Competitive ETC advertising must include information on how customers can contact the KCC's Office of Public Affairs and Consumer Protection.

Kansas

Category		Requirements
Interconnection	Equal Access	<u>Wireless ETCs are NOT required to provide equal access NOR acknowledge that they may need to be required to do so at some indefinite future time.</u>

Source: Kansas Corporation Commission. 2006. *Order Adopting Requirements for Designation of Eligible Telecommunications Carriers* (Docket No. 06-GIMT-446-GIT, October 2).

Massachusetts

Category		Requirements
Reporting	Annual Filing	The Massachusetts Department of Telecommunications and Energy (Massachusetts DTE) seeks information on service quality and other issues as part of an ETC's annual high-cost support certification. Pursuant to ¶ 69(1) of the FCC 96-45, <u>new ETC applicants and existing ETCs</u> are required to submit <u>an affidavit</u> to the Massachusetts DTE for purposes of certifying eligibility for high-cost support. The affidavit should provide information on <u>a five-year service quality improvement plan</u> (if applicable), outages, unfulfilled requests, complaints per 1,000 lines, capability to function in emergency situations as well as any formal service quality standards that the ETC has implemented and the performance under those standards during the past year. <u>The requirements are mandatory for ETCs under FCC jurisdiction, and permissive for ETCs subject to state authority.</u>
	Quality Improvement Plan	Information on <u>a five-year service quality improvement plan</u> is required in annual ETC certification process, if the carrier has such a plan.
Compliance Statement	General Standards	Information on service quality standards and performance under those standards is required in the annual ETC certification process.
Service Quality Performance	Emergency Capability	Information is required in the annual ETC certification process.
	Outage	Information is required in the annual ETC certification process.
	Unfulfilled Service Request	Information is required in the annual ETC certification process.
	Consumer Complaints	Information is required in the annual ETC certification process.

Source: Massachusetts Department of Telecommunications and Energy. 2006. *Memorandum from the Director of Telecommunications Division, the Massachusetts Department of Telecommunications & Energy to Massachusetts ETCs Receiving High-Cost Support, in the Matter of Federal-State Joint Board on Universal Service*, Report and Order, CC Docket No. 96-45 (April 21).

Michigan

Category		Requirements
Reporting	Annual Filing	The Michigan Public Service Commission (Michigan PSC) adopted the new requirements for ETCs set out in <i>FCC 05-46</i> including the ETCs' annual reporting requirements. All ETCs must comply with the new requirements by <u>October 1, 2006</u> . ETCs designated by the Michigan PSC before <i>FCC 05-46</i> was issued will be required to make a showing of compliance with <i>FCC 05-46</i> when they make their annual certification filing on October 1, 2006.
	Quality Improvement Plan	ETC applicants that seek <u>high-cost USF</u> are required to provide a <u>five-year plan</u> that demonstrates how high-cost universal service support will be used to improve coverage, service quality, or capacity in every wire center for which it seeks designation. Detailed information shall include specific <u>proposed improvements and upgrades on a wire-center-by-wire-center basis</u> in the designated area, <u>the amount of USF received</u> since the company's designation and details relating to improvements made in the areas of signal quality, coverage and capacity with these funds, <u>projected start and completion dates</u> of projects funded by high cost support, <u>an explanation of projects where the deadline was not met</u> , <u>an outline of geographic areas</u> where improvements were or will be made, population estimates for improved service areas, detailed information on any <u>service outages lasting 30 minutes or more</u> in the past calendar year, <u>the number of requests for service</u> from potential customers within the designated service area <u>that went unfulfilled</u> and attempts made by the ETC to provide service to these customers, <u>the number of complaints per 1,000 handsets or lines</u> .
	Use of USF	For the annual reporting, ETCs are required to provide <u>progress reports on the five-year service quality plan</u> detailing how much USF monies were received and how they were <u>used</u> to improve service quality at the wire center level.
	Description of Designated Area and Maps	ETC applicants must provide a <u>list of wire centers</u> , including switch name and Common Language Location Identification (CLLI) code, and <u>study area numbers</u> for the areas for which they are requesting USF reimbursement, including rate centers for both high-cost and Lifeline/Link Up support.

Michigan

Category		Requirements
Compliance Statement	General Standards	New applicants and existing ETCs are required to demonstrate that it will <u>satisfy consumer protection and service quality standards</u> . All requirements will <u>apply to all ETCs, whether they receive high-cost fund support or not, and whether they are wireless or wireline</u> . ETC applicants must provide <u>policies for consumer privacy protections</u> .
	Standards for Wireless ETCs	<u>All ETC requirements apply to wireless ETCs</u> . Wireless ETC applicants must provide a statement that a commitment has been made to comply with the <u>CTIA Consumer Code</u> .
	Public Interest	Public interest determinations will be based on whether the ETC designation will <u>preserve and advance universal service</u> in requested areas, and <u>ensure the availability of quality telecommunications service at just, reasonable, and affordable rates while promoting the deployment of advanced telecommunications and information services to all regions, including rural and high-cost areas</u> .
Service Quality Performance	Service provision commitment	ETC applicants must <u>demonstrate that they can provide</u> : (a) Voice grade access to the Public Switched Telephone Network; (b) Local Usage; (c) Dual tone multi-frequency or a functional equivalent; (d) Single party service or a functional equivalent; (e) Access to 9-1-1 or E9-1-1; (f) Access to operator services; (g) Access to interexchange services; (h) Access to directory assistance; and (i) Toll limitation for qualifying low-income customers. ETC applicants must demonstrate that it is <u>capable of being the sole ETC and serve all of the areas' customers</u> .
	Comparable Usage Plan	ETC applicants are required to offer local usage plans <u>comparable to those offered by the incumbent local exchange carrier (ILEC)</u> in areas for which they seek designation. Detailed information shall include the company's local usage plans (including bundles of long distance/local packages) and an explanation whether and why the usage plans differ within areas of Michigan.

Michigan

Category		Requirements
Service Quality Performance (cont.)	Emergency Capability	ETC applicants are required to demonstrate an ability to <u>remain functional in emergency situations</u> . Detailed information shall include a demonstration of the company's ability to remain functional in emergency situations, back-up power time estimates, capability of re-routing traffic around damaged facilities, and information about how traffic spikes due to emergencies are managed.
	Outage	ETC applicants re required to provide <u>detailed reports on network outages caused by emergencies</u> . Details should include date and time of onset of the outage, brief description of outage and its resolution, specific services affected, geographic areas affected, steps taken to prevent a similar situation, and the number of customers affected.
	Unfulfilled Service Request	ETC applicants are required to provide <u>a count of unfulfilled customer requests for service per 1,000 lines</u> .
	Consumer Complaints	ETC applicants are required to report <u>the number of complaints per 1,000 handsets or lines</u> in the five year improvement plan.
Advertising	Universal Service Offerings	ETC applicants must provide <u>advertisements or informational materials</u> they provide for prospective customers on Lifeline/Link Up services.
Interconnection	Equal Access	New and existing ETCs are required to acknowledge that it may be required to provide <u>equal access</u> if all other ETCs in the designated service area relinquish their designations pursuant to 47 USC 214(e) (4).

Source: Michigan Public Service Commission. 2005. *Order in the Matter, on the Commission's Own Motion, to Examine the Commission's Role in Eligible Telecommunications Carrier Determinations* (Case No. U-14530, October 18), available at: <http://efile.mpssc.cis.state.mi.us/efile/docs/14530/0014.pdf>.

Michigan Public Service Commission. 2006. *Order in the Matter, on the Commission's Own Motion, to Examine the Commission's Role in Eligible Telecommunications Carrier Determinations* (Case No. U-14530, April 13), available at: <http://efile.mpssc.cis.state.mi.us/efile/docs/14530/0015.pdf>

Missouri

Category		Requirements
Reporting	Initial Filing	Within thirty days of receiving ETC status, each Commercial Mobile Radio Services (CMRS) carrier designated as an ETC shall <u>make an informational filing</u> with the Missouri Public Service Commission (Missouri PSC) consisting of a complete description of all of its service offerings. Such informational filings will be amended as service offerings are introduced or modified.
	Annual Filing	All ETCs, including incumbent local exchange telecommunications carriers that receive federal high-cost support, shall, <u>by August 15 of each year, submit an affidavit</u> executed by an officer of the company attesting <u>that federal high-cost support is used consistent with the Missouri PSC's rules and the Telecommunications Act of 1996</u> . The affidavit will be accompanied by documentation of support received and costs incurred. The Missouri PSC or its staff may request additional information regarding the annual certification. Questions regarding the appropriate documentation for ETCs should be directed to the Missouri PSC's Telecommunications Department.
	Quality Improvement Plan	Each request for ETC designation shall include: (1) Intended <u>use of the high-cost support</u> , including detailed descriptions of any construction plans with start and end dates, populations affected by construction plans, existing tower site locations for CMRS cell towers, and estimated budget amounts; (2) <u>A two-year plan</u> demonstrating, with specificity, that high-cost universal service support shall only be used for the provision, maintenance and upgrading of facilities and services for which the support is intended in the Missouri service area in which ETC designation was granted; ETCs seeking certification by October 1 of each year shall, <u>no later than June 15 of each year, set up a meeting with the Telecommunications Department staff and the Office of the Public Counsel</u> to review and discuss the ETC's proposal for <u>the two-year improvement plan</u> . ETCs shall <u>submit an affidavit</u> signed by an officer of the company certifying that the ETC continues to comply with the approved applicable service quality standards and consumer protection rules, certifying that the ETC continues to be able to function in emergency situations, continues to offer a local usage plan comparable to that

Missouri

Category		Requirements
Reporting (cont.)	Quality Improvement Plan (cont.)	<p>offered by the incumbent local exchange telecommunications carrier in the relevant service areas, and continues to acknowledge that it shall provide equal access.</p> <p>At the annual review, ETCs shall submit a <u>two-year improvement plan</u> that describes progress updates on any previously submitted plan. The two-year improvement plan shall include, with specificity, proposed improvements or upgrades to the carrier's network on a wire center-by-wire center basis throughout its proposed designated service area and address all of the separate components addressed in the initial plan. ETCs also need report on unfulfilled service requests and customer complaints for the previous year and how the two-year improvement plan may address such requests and complaints.</p> <p>ETC shall <u>submit a demonstration that high-cost support was used to improve coverage, service quality or capacity on a wire center-by-wire center basis</u> throughout the Missouri service area for which ETC designation was granted and that such support was used in addition to any expenses the ETC would normally incur.</p>
	Description of Designated Area and Maps	<p>The two-year plan shall include a demonstration that universal service support shall be used to improve coverage, service quality or capacity for which the requesting carrier seeks ETC designation including: a <u>detailed map of coverage area</u> before and after improvements and <u>in the case of CMRS providers, a map identifying existing tower site locations for CMRS cell towers</u>; the <u>specific geographic areas</u> where improvements will be made; the <u>projected start date and completion date</u> for each improvement; the <u>estimated amount of investment</u> for each project that is funded by high-cost support; the <u>estimated population that will be served</u> as a result of the improvements; if an applicant believes that service improvements in a particular wire center are not needed, it must explain its basis for this determination and demonstrate <u>how funding will otherwise be used to further the provision of supported services in that area</u>; and a statement as to <u>how the proposed plans would not otherwise occur absent the receipt of high-cost support and that such support will be used in addition to any expenses the ETC would normally incur.</u></p>

Missouri

Category		Requirements
Compliance Statement	General Standards	ETC applications shall include a statement that the carrier will <u>satisfy consumer privacy protection standards</u> as provided in 47 CFR 64 Subpart U and <u>service quality standards</u> as applicable.
	Standards for Wireless ETCs	Each request for ETC designation by a CMRS provider shall include a commitment to abide by the <u>consumer code for wireless service recognized by the CTIA</u> at the time of the ETC designation request. As part of the initial application, a CMRS provider shall include <u>a copy of the consumer code for wireless service currently recognized by the CTIA</u> to which it commits to abide. Any CMRS provider designated as an ETC shall file with the Missouri PSC, any change(s) to the consumer code for wireless service included with its application or any subsequent code approved under this section of the rule, within thirty days of the change(s). The Missouri PSC shall allow interested parties thirty days to provide comment as to whether the CMRS provider should be required to commit to the proposed changes, or should continue to abide by the consumer code for wireless service currently approved for that provider.
	Public Interest	An ETC applicant must demonstrate that the grant of the applicant's request for ETC designation would be consistent with the public interest, convenience and necessity.
Service Quality Performance	Service provision commitment	ETC shall make available to each end-user subscribing to its supported services within its ETC designated service area <u>the following service features</u> : dual tone multi-frequency signaling or its functional equivalent, single-party service or its functional equivalent, access to emergency services, emergency telephone number services capable of automatic number identification, automatic location identification and call routing facilities to facilitate public safety response; e.g., Enhanced 911 Service, where the local government agency serving the end-user has implemented enhanced 911 systems, access to interexchange service, access to telecommunications relay services by dialing 711, access to Directory Assistance service, access to operator services and toll limitation and/or blocking for qualifying low-income consumers. ETCs shall <u>publicize the construction of all new facilities</u> that will enhance services in un-served or underserved areas so that consumers are aware of the improved service.

Missouri

Category		Requirements
Service Quality Performance (cont.)	Service provision commitment (cont.)	ETCs shall <u>extend their networks to serve new customers upon a reasonable request</u> . ETCs shall <u>take the following steps</u> , as applicable, <u>to respond to all such reasonable requests for service</u> within its ETC service area, (1) if a request comes from a customer residing within the ETC service area where the ETC already provides service, the ETC shall immediately provide service using its standard customer equipment; (2) if a request comes from a customer residing within the ETC service area where the ETC does not already provide service, the ETC shall take reasonable steps to provide acceptable service at no cost to the customer, including: modifying or replacing customer equipment; deploying a roof-mounted antenna or other network equipment at the premises; making adjustments at the nearest cell site or to other network or customer facilities; employing, leasing or constructing an additional cell site, a cell-extender, repeater or other similar equipment; or offering resold service of other carriers that have facilities available to that premises; (3) where special conditions or special requirements of the customer involve unusual construction or installation costs, the customer may be required to pay a reasonable portion of such costs in accordance with the plan outlining the method for handling unusual construction or installation charges approved by the Missouri PSC at the time of designation as an ETC; (4) if there is no possibility of providing service to the requesting customer, the ETC shall notify the customer and include such information in its annual certification documentation to the Missouri PSC.
	Comparable Usage Plan	ETC applicants must commit to offer a local usage plan <u>comparable to those offered by the incumbent local exchange carrier in the areas</u> for which the carrier seeks designation. Such commitment shall include a commitment to provide Lifeline and Link Up discounts and Missouri Universal Service Fund (MoUSF) discounts pursuant to 4 CSR 240-31, if applicable, at rates, terms and conditions comparable to the Lifeline and Link Up offerings and MoUSF offerings of the incumbent local exchange carrier providing service in the ETC service area.

Missouri

Category		Requirements
Service Quality Performance (cont.)	Emergency Capability	ETC applicants must submit a demonstration of the carrier's <u>ability to remain functional in emergency situations</u> , including a demonstration that the carrier has a <u>reasonable amount of back-up power</u> to ensure functionality without an external power source, is able to reroute traffic around damaged facilities and is capable of managing traffic spikes resulting from emergency situations.
	Consumer Complaints	<p>ETCs shall maintain a <u>record of customer complaints that have been received</u> by the company in a manner that includes, at a minimum: the end-user name; the account number; a description of the complaint; the date the complaint was filed; the resolution; and the amount of refund or credit, if any.</p> <p>ETCs shall also maintain a <u>record of complaints from consumers in the Missouri service area</u> in which ETC designation was granted <u>that have been submitted to or filed with the FCC</u> for which the company has knowledge in a manner that includes, at a minimum: a description of the complaint; the date the complaint was filed; the date the complaint was resolved; the resolution of the complaint and the amount of refund or credit, if any.</p> <p><u>At the annual review</u>, ETCs shall <u>submit a report of complaints</u> from consumers in the Missouri service area in which ETC designation was granted that have been submitted to or filed with the FCC in the previous twelve months for which the company has knowledge. Such report shall include, at a minimum: a description of the complaint; the date the complaint was filed; the date the complaint was resolved; the resolution of the complaint and the amount of refund or credit, if any. If the Missouri PSC finds the ETC's resolution of complaints is not satisfactory or if a particular type of complaint is recurring without being satisfactorily addressed, then the Missouri PSC may decline to certify the ETC during the annual certification process.</p>

Missouri

Category		Requirements
Service Quality Performance (cont.)	Contract Change	ETCs shall, <u>within ten days of a change in the company-designated contacts</u> , either <u>notify the manager of the Telecommunications Department</u> , in writing or by electronic mail, <u>or shall update the Missouri PSC's electronic filing system (EFIS)</u> . The notification or update shall include the name(s), address(es) and/or telephone number(s) of the designated individual(s). The contact name(s) provided pursuant to this section shall be the individual(s) primarily responsible for: customer service; repair and maintenance; answering complaints; authorizing and/or furnishing refunds to customers; and informational or tariff filing issues.
Advertising	Universal Service Offerings	ETC applicants must make <u>a commitment to advertise the availability of services and charges</u> therefore using media of general distribution throughout the ETC service area. Applicants shall commit to provide Lifeline and Link Up discounts consistent with 47 CFR 54.401 and 47 CFR 54.411.
Interconnection	Equal Access	ETCs shall acknowledge that <u>it shall provide equal access pursuant to 4 CSR 240-32.100(3) and (4) if all other ETCs in that service area relinquish their designations</u> pursuant to section 214(e)(3) of the Telecommunications Act of 1996.

Source: *Rules of Missouri Department of Economic Development*, Division 240 - Public Service Commission, Chapter 3 - Filing and Reporting Requirements, 4 CSR 240-3.570 - Requirements for Carrier Designation as Eligible Telecommunications Carriers, available at: <http://sos.mo.gov/adrules/csr/current/4csr/4c240-3.pdf>.

Montana

Category		Requirements
Reporting	Annual Filing	New ETC applicants and existing ETCs must report to the Montana Public Service Commission's (Montana PSC) on an annual basis.
	Use of USF	ETC applicants must provide an affidavit that state the ETC will use all federal universal service funds received <u>for and only for</u> the provision, maintenance, and upgrading of facilities and services for which the support is intended.
Compliance Statement	General Standards	All ETCs must comply with the Montana PSC <u>updated Telecommunications Service Quality Rules</u> applicable to ETC certification. ETC applicants must demonstrate that they have (1) adequate financial resources; (2) commitment and ability to provide the supported services; (3) ability to remain functional in emergencies; (4) consumer protection and (5) minimum local usage.
	Public Interest	The Montana PSC follows the public interest, convenience and necessity principle in reviewing ETC applications.
Service Quality Performance	Service provision commitment	<p><u>90 percent of the carrier's service order installations not requiring construction or special engineering</u> shall be completed <u>within 3 business days</u> after appropriate pre-installation fees are paid. The intervals commence with the receipt of application (unless a later date is requested by the applicant).</p> <p><u>95 percent of the carrier's service orders requiring construction or special engineering</u> shall be filled <u>no later than 30 days</u> after the customer has made such application (except where the customer requests a later date) after appropriate pre-installation fees are paid. In the event of the carrier's inability to so fill such an order, the customer will be advised and furnished the date when it will be available.</p> <p>Each carrier shall make commitments to customers as to the date of installation of all service orders. <u>90 percent of such commitments shall be met</u> (excepting customer-caused delays and acts of God).</p>

Montana

Category		Requirements
Service Quality Performance (cont.)	Comparable Usage Plan	Each Montana ETC serving in <u>rural</u> areas of Montana served by a non-rural incumbent local exchange carrier must file with the Montana PSC <u>a rate certification, which compares residential rates in the served rural areas to urban rates nationwide</u> , including a full rate analysis with supporting data and a statement as to whether the rates are reasonably comparable to urban rates nationwide, or safe harbor (if applicable) - a table of the ETC's residential rates and a statement that the rates are below the most recent average urban rate benchmark plus two weighted standard deviations.
	Customer Service	The carrier must have <u>at least one business office</u> to provide customers and others with access to personnel who can provide information on services and rates, accept and process service applications, explain customers' bills, adjust errors, and generally represent the carrier. If one business office serves several exchanges or states, <u>toll-free calling</u> to that office must be provided and the office must be staffed during Montana business hours.
	Emergency Capability	Carriers shall make <u>reasonable provisions</u> to meet emergencies resulting from failures of lighting or power service, unusual and prolonged increases in traffic, illness or personnel, or from fire, storm, or other acts of God and <u>inform its employees as to procedures</u> to be followed in the event of emergency in order to prevent or minimize interruption or impairment of telecommunications service.
	Outage	<p>The carrier shall provide to the customer <u>a commitment time</u> by which the trouble will be cleared. <u>90 percent of the repair commitments shall be met</u>, excepting customer-caused delays and acts of God affecting large groups of customers. Service shall be maintained by the carrier in such a manner that the monthly rate of all customer trouble reports does <u>not exceed 6 per 100 local access lines per month per exchange or wire center</u>.</p> <p><u>90 percent</u> of out of service trouble reports shall be cleared <u>within 24 hours</u>, excluding Sunday (except where access to the customer's premises is required but not available, or where interruptions are caused by unavoidable causes and acts of God affecting large groups of customers).</p>

Montana

Category		Requirements
Service Quality Performance (cont.)	Unfulfilled Service Request	ETCs must report the number of unsatisfied requests regardless of how those requests were communicated. The Montana PSC requires these reports to <u>detail by location in each wire center</u> for which the carrier is designated. The reports must provide a detailed <u>description of why</u> customer requests for service could not be satisfied. ETCs must file such reports <u>on a quarterly basis</u> for as long as they are designated an ETC.
	Consumer Complaints	<p>All carriers must <u>promptly investigate</u> customer complaints and <u>inform the customer of proposed action</u>. If requested, the carrier must provide a written statement of its action on the complaint. A carrier must inform a customer that a review by supervisory personnel of an unfavorable action on a bill or complaint is available. If requested, the carrier must provide a written statement of the supervisor's action on the complaint.</p> <p>ETCs must document and report to the Montana PSC on the <u>customer complaints</u> that it receives for which they are designated an ETC. The complaint record must identify the nature of the complaint (e.g., poor transmission, dropped calls, busy signals) and identify the remedy employed to address each complaint. Based upon these records it must be possible to map the complaints to addresses within each wire center. <u>If repeat complaints are received, then a record of such repeat complaints must be maintained</u>. The results of the complaint records must be supplied to the Montana PSC on a quarterly basis.</p>
	Termination of Service	A carrier may interrupt service without notice <u>only in emergency situations or if the service was obtained without the carrier's authorization</u> .

Source: Montana Public Service Commission. 2004. *Commission Order in the Matter of WWC Holding Co. Application for Designation as an Eligible Telecommunications Carrier in Montana Areas Served by Quest Corporation* (Order No. 6492a, Docket No.D2003.1.14, October 22).

Montana Public Service Commission. 2006. *Letter to All Montana ETCs in regard to Montana PSC Annual Certification of ETCs to the FCC* (PSC Docket No. N2006.8.118, August 21).

Nebraska

Category		Requirements
Reporting	Annual Filing	In order for a common carrier designated as an ETC to continue to receive federal high cost support for the following calendar year, or retain its ETC designation, it must submit <u>the annual reporting</u> to the Nebraska Public Service Commission (Nebraska PSC) no later than October 1, 2007, and thereafter annually. A carrier may elect to have its ETC annual report due either on October 1 or on April 30. All carriers must make this election the first year and must receive Nebraska PSC approval for any changes in the reporting date.
	Quality Improvement Plan	An ETC applicant shall submit <u>a five-year plan</u> that describes with specificity proposed improvements or upgrades to the applicant's network on a wire center-by-wire center basis throughout its proposed designated service area. Each applicant shall demonstrate <u>how signal quality, coverage or capacity will improve</u> due to the receipt of high-cost support; the projected start date and completion date for each improvement and the <u>estimated amount of investment</u> for each project that is funded by high-cost support; <u>the specific geographic areas</u> where the improvements will be made; and <u>the estimated population</u> that will be served as a result of the improvements. If an applicant believes that service improvements in a particular wire center are not needed, it must explain its basis for this determination and demonstrate <u>how funding will otherwise be used to further the provision of supported services in that area</u> .
	Use of USF	<p>An ETC that receives federal USF shall use that support <u>only for the provision, maintenance, and upgrading of facilities and services for which the support is intended</u>.</p> <p>For the annual reporting, designated ETCs are required to file <u>a progress report on its five-year service quality improvement plan</u>, including <u>maps</u> detailing its progress towards meeting its plan targets, an explanation of <u>how much</u> universal service support was received and <u>how it was used</u> to improve signal quality, coverage, or capacity, and <u>an explanation regarding any network improvement targets that have not been fulfilled</u>. The information shall be submitted <u>at the wire center level</u>.</p>

Nebraska

Category		Requirements
Compliance Statement	General Standards	An ETC applicant shall demonstrate that it will satisfy <u>applicable consumer protection and service quality standards</u> . For the annual reporting, designated ETCs are required to submit a certification that it is complying with applicable service quality standards and consumer protection rules.
	Public Interest	<p>In order to be designated an ETC, any common carrier in its application must demonstrate that such designation is consistent with the <u>public interest, convenience, and necessity</u>, and, in the case of an area served by a <u>rural</u> telephone company, <u>demonstrate that public interest will be met by an additional designation</u>.</p> <p>When an applicant seeks designation <u>in an area served by a rural telephone company</u>, the Nebraska PSC will consider <u>the benefits of increased consumer choice, and the unique advantages and disadvantages of the applicant's service offering</u>. In instances where an ETC applicant seeks <u>designation below the study area level of a rural telephone company</u>, the Nebraska PSC shall also conduct <u>a cream-skimming analysis</u>.</p>
Service Quality Performance	Service provision commitment	<p>An ETC applicant must demonstrate that it will offer the services that are supported by federal universal service support mechanisms and section 254(c) of the Act, either using its own facilities or a combination of its own facilities and resale of another carrier's services (including the services offered by another ETC). They must demonstrate that it is <u>capable of providing and will continuously provide the services designated for support</u> as defined in 47 C.F.R. Section 54.101.</p> <p>ETC applicants must <u>commit to provide service throughout its proposed designated service area to all customers making a reasonable request for service</u>. Each applicant shall certify that it will provide service <u>on a timely basis</u> to requesting customers within the applicant's service area where the applicant's network already passes the potential customer's premises; and it will provide service <u>within a reasonable period of time</u>, if the potential customer is within the applicant's licensed service area but outside its existing network coverage, if service can be provided at reasonable cost by modifying or replacing the</p>

Nebraska

Category		Requirements
Service Quality Performance (cont.)	Service provision commitment (cont.)	requesting customer's equipment; deploying a roof-mounted antenna or other equipment; adjusting the nearest cell tower; adjusting network or customer facilities; reselling services from another carrier's facilities to provide service; or employing, leasing or constructing an additional cell site, cell extender, repeater, or other similar equipment.
	Comparable Usage Plan	An ETC applicant shall demonstrate that it offers a local usage plan <u>comparable to the one offered by the incumbent LEC</u> in the service areas for which it seeks designation. For the annual reporting, designated ETCs shall file a certification that the carrier is offering a local usage plan comparable to that offered by the incumbent LEC in the relevant service areas.
	Emergency Capability	An ETC applicant shall demonstrate its ability to remain functional in emergency situations, including a demonstration that it has <u>a reasonable amount of back-up power</u> to ensure functionality without an external power source, <u>is able to reroute traffic around damaged facilities</u> , and <u>is capable of managing traffic spikes</u> resulting from emergency situations. For the annual reporting, designated ETCs shall provide a certification that the carrier is able to function in emergency situations as set forth above and any applicable Nebraska PSC rules.
	Outage	For the annual reporting, designated ETCs shall provide <u>detailed information on any outage of at least 30 minutes in duration</u> for each service area in which an ETC is designated for any facilities it owns, operates, leases, or otherwise utilizes <u>that potentially affect (a) at least ten percent of the end users</u> served in a designated service area; or (b) <u>a 911 special facility</u> . Specifically, the ETC's annual report must include information detailing the date and time of onset of the outage, a brief description of the outage and its resolution, the particular services affected, the geographic areas affected by the outage, steps taken to prevent a similar situation in the future; and the number of customers affected.

Nebraska

Category		Requirements
Service Quality Performance (cont.)	Unfulfilled Service Request	For the annual reporting, designated ETC shall file <u>the number of requests for service</u> from potential customers within the ETC's service areas <u>that were unfulfilled during the past year</u> . The carrier shall also detail how it attempted to provide service to those potential customers.
	Consumer Complaints	For the annual reporting, designated ETC shall file <u>the number of complaints per 1,000 handsets or lines</u> .
Advertising	Universal Service Offerings	An ETC applicant must demonstrate that it will <u>advertise the availability of such services and the charges</u> therefore using media of general distribution.
Interconnection	Equal Access	An ETC applicant shall certify that the applicant acknowledges that the FCC may require it to <u>provide equal access to long distance carriers</u> in the event that no other ETC is providing equal access within the service area. Certification in this regard is also required for designated ETCs during the annual reporting.

Source: *Nebraska Administrative Code*, Title 291 - Nebraska Public Service Commission (Effective February 28, 2000), Chapter 5 – Telecommunications Rules and Regulations, 009 Eligible Telecommunications Carrier, available at: http://www.psc.state.ne.us/home/NPSC/rules/rules_pdf/comm_rules.pdf.

Nebraska Public Service Commission. 2005. *Order Adopting Guidelines, in the Matter of the Commission on Its Own Motion Seeking to Establish an Interim Policy on Eligible Telecommunications Carrier Standards* (Application No. C-3415, July 28), available at: <http://www.psc.state.ne.us/home/NPSC/communication/orders/Misc/C3415050628.pdf>.

New Mexico*

Category		Requirements
Reporting	Annual Filing	For annual ETC reporting, each carrier designated by the New Mexico Public Regulation Commission (New Mexico PRC) as an ETC shall submit a written report to the New Mexico PRC containing the information and certification described below. The annual reporting requirement applies to both ETCs receiving federal USF and ETCs receiving New Mexico State Rural Universal Service Fund (SRUSF).
	Quality Improvement Plan	For annual reporting, each ETC shall provide a factual presentation of the expenses and investments made with federal high-cost USF support and a narrative description of how the funds were spent. The narrative description shall consist of a service quality improvement plan for the current year and a progress report on the carrier's plan for January 1 through December 31 of the previous year.
	Use of USF	For the annual reporting, each ETC receiving federal high-cost USF shall certify that it will use the federal high-cost USF support <u>only for the provision, maintenance and upgrading of facilities and services for which such support is intended</u> . Each ETC receiving federal USF shall submit a certification of how the federal USF are spent. The report, which <u>may include maps</u> , shall demonstrate <u>how the support was used during the previous year</u> to improve coverage, <u>service quality or capacity</u> throughout the service area for which the carrier is designated as an ETC, <u>how the carrier will use the support in the current year</u> , and <u>an explanation regarding any network improvement targets that have not been completed</u> .
Compliance Statement	General Standards	For the annual reporting, <u>each ETC receiving SRUSF support</u> shall certify that it will use the SRUSF support in a matter consistent with the New Mexico rural telecommunications act, the federal telecommunications act and the New Mexico PRC's rules and orders; and <u>for January 1 through December 31 of the previous year</u> , describe <u>how the SRUSF support</u> (excluding SRUSF support received in connection with revenue neutral recovery for access charge reductions implemented pursuant to law) <u>was used to preserve and advance universal service</u> .
	Standards for Wireless ETCs	Wireless ETCs are expected to comply with <u>the CTIA Consumer Code</u> .

New Mexico*

Category		Requirements
Service Quality Performance	Comparable Usage Plan	For the annual reporting, <u>each competitive ETC</u> must certify that it is offering a local usage plan <u>comparable to the plan offered by the incumbent carrier</u> in the relevant service area.
	Customer Service	For the annual reporting, each ETC shall submit a certification that the ETC continues to provide its customers with <u>the toll-free number for the New Mexico PRC's consumer relations division</u> and to advise its customers that they may contact the New Mexico PRC if they are unable to resolve service or billing problems with the carrier.
	Emergency Capability	For the annual reporting, each ETC shall submit a certification that the ETC is in compliance with its plan for emergency situations, including <u>procedures for loss of a switch, maintaining sufficient reserve power, and minimizing service interruptions.</u>
	Outage	For the annual reporting, each ETC shall submit a certification that the ETC is in compliance with the requirements of the <u>FCC's Outage Report Regarding Disruptions to Communications</u> , 47 C.F.R. 63.100, and that it has provided the New Mexico PRC with <u>a copy of any such outage reports</u> for January 1 through December 31 of the previous year and <u>the number filed in that period.</u>
	Unfulfilled Service Request	For the annual reporting, each ETC shall provide information on <u>the number of requests to the ETC</u> for USF supported services from potential customers within the ETC's service area <u>that were unfulfilled for the previous year, together with a detailed explanation of how the ETC attempted to provide service to those potential customers.</u>
	Consumer Complaints	For the annual reporting, each ETC shall provide information on <u>the number of customer complaints</u> reported to the New Mexico PRC relating to USF supported services <u>per 1000 handsets or lines</u> for January 1 through December 31 of the previous year. Each complaint shall be identified in one of the following <u>categories</u> : (1) out-of-service/trouble; (b) billing; (c) installation or (d) other. The carrier shall provide a description of its efforts to resolve the complaints.

New Mexico*

Category		Requirements
Advertising	Universal Service Offerings	For the annual reporting, each ETC shall submit a certification that the ETC <u>advertises or publicizes the availability of and charges for USF supported services, Lifeline/Link Up services and Tribal Lifeline/Link Up services using media of general distribution</u> , including advertisements or publications reasonably calculated to reach those likely to qualify, and information on the number and location of such advertisements or publications for January 1 through December 31 of the previous year.

*Note: The New Mexico PRC has used a form of self-certification with documentation for the designation of federal Eligible Telecommunications Carriers (ETCs). On April 25, 2005, the New Mexico PRC issued a Notice of Rulemaking to solicit opinions of proposed annual certification rules. The rules have not yet been finalized.

Source: New Mexico Public Regulation Commission. 2006. *Notice of Proposed Rulemaking, in the Matter of the Certification of Eligible Telecommunications Carriers to the Federal Commissions Commission* (Case No.05-00359-UT, April 25). .

Oregon

Category		Requirements
Reporting	Initial Filing	The initial designation requirements apply to <u>all applicants</u> (wireline and wireless) in <u>all ILEC service areas</u> (rural and non-rural) <u>regardless of type</u> of federal universal service support they seek.
	Annual Filing	Annual recertification requirements apply to <u>all applicants</u> (wireline and wireless) in <u>all ILEC service areas</u> (rural and non-rural) <u>regardless of type</u> of federal universal service support received unless specifically noted.
	Quality Improvement Plan	For initial designation, ETC applicants shall submit a <u>formal network improvement plan</u> demonstrating how applicant will use support funds (all federal support types except low-income support), including <u>a detailed plan covering each of first 2 years of designation and an overview plan for years 3-5.</u>
	Description of Designated Area and Maps	For initial designation, ETC applicants shall demonstrate the applicant's common carrier status and describe <u>the general types of services and geographic area</u> for which the applicant is authorized in the state of Oregon as well as <u>types of facilities</u> used to offer supported services.
	Use of USF	For initial designation, ETC applicants shall demonstrate commitment to <u>use support funds only for the intended purposes.</u> For annual recertification, ETC applicants are required to provide <u>an affidavit certifying that supported funds received will be used only for the intended purposes,</u> as well as a copy of most recent certification submitted to FCC pursuant to 47 C.F.R. Subpart 54.809 for Interstate Access Support, or pursuant to 47 C.F. R. Subpart 54.904 for Interstate Common Line Support. <u>Competitive ETCs' network improvement plan update shall demonstrate the use of support funds (other than low-income funds) received during previous calendar year,</u> detailing year-end counts of eligible lines/handsets in service for each ILEC service area as they were reported to USAC for the past December, identification of each project for which the support was used, the actual support expenditures for each project, and status of project, the resulting benefits to consumers from each project and updates to coverage and signal strength maps, and explanation of

Oregon

Category		Requirements
Reporting (cont.)	Use of USF (cont.)	how and why actual spending of support funds differed from spending proposed in the previous network improvement plan. <u>Competitive ETCs shall also update network improvement plan for the current calendar year and the following year</u> , including forecast of expected support amount by type and detailed information for each project that will use support funds.
Compliance Statement	General Standards	For initial designation, ETC applicants shall demonstrate <u>commitment to meet service quality and consumer protection standards</u> . For annual recertification, ETC applicants must <u>certify compliance with specific, objective measures for service quality and consumer protection</u> , e.g., <u>the CTIA Consumer Codes for wireless ETCs or applicable Public Utility Commission of Oregon's (Oregon PUC) rules for wireline ETCs</u> .
	Standards for Wireless ETCs	Wireless ETCs are expected to comply with the <u>CTIA Consumer Code</u> .
	Public Interest	For initial designation, ETC applicants shall <u>demonstrate public interest showing</u> . For annual recertification, ETC applicants shall report on <u>any special commitments or requirements</u> imposed at initial designation or during the previous annual recertification process.
Service Quality Performance	Service provision commitment	For initial designation, ETC applicants shall demonstrate <u>commitment and ability to provide supported services throughout the designated service area</u> . For annual recertification, competitive ETCs need to provide <u>status report on provision of supported services that were not available at designation</u> (e.g., toll restriction for qualifying low-income consumers).

Oregon

Category		Requirements
Service Quality Performance (cont.)	Comparable Usage Plan	For annual recertification, ETC applicants must submit <u>local usage plan offerings</u> , including each offering's name, advertised public description, number of local minutes included, calling area, and rates. ETCs that file tariffs for basic local service offerings can meet this requirement by providing specific tariff references.
	Emergency Capability	For initial designation, ETC applicants shall demonstrate <u>ability to remain functional in emergencies</u> . For annual recertification, ETC applicants must <u>certify that ETC is able to remain functional in emergencies</u> . <u>Competitive ETCs are required to report E911 implementation status if not complete</u> at time of application.
	Outage	For annual recertification, ETC applicants must report on outage. <u>Wireless ETCs</u> are required to provide <u>annual outage report</u> consistent with definitions and details in 47 C.F.R. §54.209(a) (2). <u>Wireline ETCs</u> subject to the Oregon PUC's outage reporting requirement may <u>provide reference to PUC outage reporting requirement</u> , with indication of whether any reports were filed during previous calendar year. <u>Other ETCs</u> are required to <u>provide annual outage report</u> conforming to the above mentioned requirements.
	Unfulfilled Service Request	For annual recertification, ETC applicants must report <u>the number of unfulfilled service requests</u> . <u>Wireless carriers</u> are required to report on number of unfulfilled service requests during past calendar year, noting location of each such request, and description of ETC's attempts to provide service; a brief description of how the ETC ensures that every request for service that cannot be immediately fulfilled is recorded and processed further under the 6-step process set forth in 47 C.F.R. Section 54.202(a) (1) (i). <u>Wireline carriers</u> that file service quality reports to the PUC may reference reports filed for primary held orders over 30 days; wireline carriers that do not file service quality reports to the PUC provide report conforming to the above-mentioned requirements.

Oregon

Category		Requirements
Service Quality Performance (cont.)	Consumer Complaints	For annual recertification, <u>wireless ETCs</u> are required to file <u>annual report of troubles per 100 handsets, by wireless switch</u> , experienced by customers of the ETC within the designated service area. Troubles should be categorized into <u>four general types</u> : no service, network busy, interruption of service, and poor reception. If the ETC cannot report by the four categories listed, it should obtain PUC's approval for any different categorizations prior to filing. <u>Wireline ETCs</u> that file PUC trouble reports may <u>reference filed trouble reports</u> . <u>Other ETCs</u> are required to <u>submit annual trouble report</u> conforming to above-mentioned requirements.
Advertising	Universal Service Offerings	<p>For initial designation, ETC applicants shall demonstrate <u>commitment to advertise supported services</u> throughout the service area and commitment to <u>offer and advertise Lifeline, Link Up, and Oregon Technology Access Program (OTAP) services</u>.</p> <p>For annual recertification, ETC applicants must report on <u>the number of customers in the Lifeline program, by ILEC study area</u>, during December of the previous calendar year, <u>a brief description of how and where low-income program service offerings were advertised</u>, and <u>copies of all actual advertisements</u> for Lifeline, Link Up, and Oregon Technology Access Program (OTAP) service offerings that were run during the previous calendar year. These may include newspaper advertisements, radio announcements, pamphlet distributions, website postings, etc.</p> <p>For annual recertification, ETC applicants must <u>demonstrate that supported service offerings</u> (excluding low-income offerings) <u>were advertised during the past calendar year throughout all geographic areas</u> where the carrier is designated as an ETC. The demonstration should identify the types of media used (e.g., newspaper, radio, internet) and the general frequency of advertising for supported services. It should also include examples of actual advertisements for supported services (noting dates, specific distribution methods, and target geographical populations) sufficient to demonstrate the geographical extent of the ETC's advertising during the past year.</p>

Oregon

Category		Requirements
Interconnection	Equal Access	Competitive ETC applicants are required to make <u>a one-time statement that it will provide equal access if it is the only remaining ETC in an area</u> . If they did not do so at initial designation, they are required to make such acknowledgement at the annual recertification.

Source: Public Utility Commission of Oregon. 2006. *Order in the Matter of Staff Investigation to Establish Requirements for Initial Designation and Recertification of Telecommunications Carriers Eligible to Receive Federal Universal Service Support* (Order No. 06-292, Docket UM 1217, June 13).

South Dakota

Category		Requirements
Reporting	Initial Filing	<p>A telecommunications company that desires designation as an ETC shall file a petition for such designation with the South Dakota Public Utilities Commission (South Dakota PUC). The petition for designation shall include the following information: (1) the name, address, and telephone number of the applicant and its designated contact person; (2) the proposed effective date of designation of ETC status; (3) identification of the service area, including a detailed map, for which the designation is sought; (4) a statement supporting the petition which specifies why the requested designation satisfies the requirements for ETC designation and receiving federal universal service support under 47 C.F.R § 54.201; (5) if the applicant is seeking additional time to complete network upgrades pursuant to C.F.R. § 54.101(c), the applicant shall list the reasons why additional time is needed and the estimated length of time to complete the network upgrades; and (6) a statement specifying why the applicant's proposed designation is in the public interest.</p> <p>An ETC applicant shall, at the time of filing its petition with the South Dakota PUC, provide a copy of the petition to any other telecommunications company that is serving as an ETC within the relevant service area.</p>
	Annual Filing	<p>An ETC shall file its request for annual certification with the South Dakota PUC <u>on or before August 1, 2006, and by June first of each year thereafter</u>. An ETC shall provide required information during annual filing.</p>
	Quality Improvement Plan	<p>An ETC applicant shall submit a <u>two-year plan</u> that describes with specificity <u>proposed improvements or upgrades</u> to the applicant's network <u>on a wire center-by-wire center basis</u> throughout its proposed designated service area. Each applicant shall demonstrate the following on a wire center-by-wire center basis: (1) <u>how service quality, signal quality, coverage, or capacity will improve</u> due to the receipt of high-cost support; (2) <u>the projected start date and completion date for each improvement and the estimated amount of investment</u> for each project that is funded by high-cost support; (3) <u>the specific geographic areas</u> where the improvements will be made; and (4) <u>the estimated</u></p>

South Dakota

Category		Requirements
Reporting (cont.)	Quality Improvement Plan (cont.)	<p><u>population</u> that will be served as a result of the improvements. If an applicant believes that service improvements in a particular wire center are not needed, the applicant must explain its basis for this determination and demonstrate how funding will otherwise be used to further the provision of supported services in that area.</p> <p>In its annual certification filing, each ETC shall provide <u>a progress report on its two-year service quality improvement plan</u>, including <u>maps detailing its progress</u> towards meeting its plan targets, an explanation of <u>how much universal service support was received and how it was used</u> to improve service quality, signal quality, coverage, or capacity, and an explanation regarding any network improvement targets that have not been fulfilled. The information shall be submitted <u>at the wire center level</u>.</p>
	Use of USF	An ETC that receives federal universal service support shall use that support <u>only for the provision, maintenance, and upgrading of facilities and services for which the support is intended</u> .
Compliance Statement	General Standards	<p>An ETC applicant shall demonstrate that it will satisfy applicable consumer protection and service quality standards. In its annual certification filing, each ETC shall certify that it is complying with applicable service quality standards and consumer protection rules.</p> <p>If the South Dakota PUC finds, after notice and opportunity for hearing, that any telecommunications company designated as an ETC does not qualify as an ETC under 47 C.F.R. § 54.201 and is not entitled to federal universal service support, the South Dakota PUC shall revoke the telecommunications company's ETC designation.</p>
	Public Interest	Prior to designating an ETC, the South Dakota PUC shall determine that such designation is in the public interest. The South Dakota PUC shall consider <u>the benefits of increased consumer choice, the impact of multiple designations on the universal service fund, the unique advantages and disadvantages of the applicant's service offering, commitments made regarding the quality of the telephone service provided by the applicant, and the</u>

South Dakota

Category		Requirements
Compliance Statement (cont.)	Public Interest (cont.)	<p>applicant's ability to provide the supported services throughout the designated service area <u>within a reasonable time frame</u>. In addition, the South Dakota PUC shall consider whether the designation of the applicant will have <u>detrimental effects on the provisioning of universal service</u> by the ILEC. If an applicant seeks designation below the study area level of a rural telephone company, the South Dakota PUC shall also conduct a <u>cream skimming analysis</u> that compares the population density of each wire center in which the applicant seeks designation against that of the wire centers in the study area in which the applicant does not seek designation. In its cream skimming analysis, the South Dakota PUC shall consider other factors, such as disaggregation of support pursuant to 47 C.F.R. § 54.315 (January 1, 2006) by the ILEC.</p> <p><u>Upon request and consistent with the public interest, convenience, and necessity</u>, the South Dakota PUC may, in an area served by a rural telephone company, and shall, in all other areas, <u>designate more than one telecommunications company as an ETC</u> for a service area designated by the South Dakota PUC, so long as each additional requesting carrier meets the requirements of 47 C.F.R. § 54.201. The South Dakota PUC may not, in an area served by a rural telephone company, designate more than one ETC absent a finding that the additional designation is in the public interest.</p>
Service Quality Performance	Service provision commitment	<p>An ETC applicant shall <u>commit to providing service throughout its proposed designated service area to all customers making a reasonable request for service</u>. Each applicant shall certify that it will: (1) provide service <u>on a timely basis</u> to requesting customers within the applicant's proposed designated service area where the applicant's network already passes the potential customer's premises; and (2) if the potential customer is within the applicant's proposed designated service area but outside its existing network coverage, provide service <u>within a reasonable period of time</u>, if the service does not impose excessive or unreasonable cost, by modifying or replacing the requesting customer's equipment; extending facilities, such as constructing or extending an access line, deploying a roof-mounted antenna, or installing other equipment; adjusting the nearest cell tower; adjusting network or customer</p>

South Dakota

Category		Requirements
Service Quality Performance (cont.)	Service provision commitment (cont.)	<p>facilities; reselling services from another carrier's facilities to provide service; or employing, leasing, or constructing additional network facilities such as an access line, a cell site, cell extender, repeater, or other similar equipment.</p> <p>A telecommunications company may <u>relinquish its ETC designation and accompanying universal service obligations</u> as provided for as follows: (1) It shall file a petition with the South Dakota PUC specifying the service area for which it seeks to relinquish its designation and the identity of any other ETC serving the service area. At the time of filing, a copy of the petition shall also be provided to each local service provider serving the area for which the petitioner seeks to relinquish its ETC designation; (2) The South Dakota PUC may permit a telecommunications company to relinquish its ETC designation if at least one other ETC serves the area for which the relinquishment is sought; (3) The petitioning telecommunications company shall continue to meet its ETC obligations for the entire area for which it seeks to relinquish those obligations until the date specified in the South Dakota PUC's order approving the relinquishment; and (4) Prior to permitting a telecommunications company designated as an ETC to cease providing universal service in an area served by more than one ETC, the South Dakota PUC shall ensure that each customer served by the relinquishing carrier continues to be served, and shall require sufficient notice to permit the purchase or construction of adequate facilities by any remaining ETC. The South Dakota PUC shall establish a time, not to exceed one year after the South Dakota PUC approves such relinquishment, within which such purchase or construction shall be completed</p>
	Comparable Usage Plan	Each ETC applicant in its initial filing and each existing ETC in its annual certification filing shall certify that it <u>offers a local usage plan comparable to the one offered by the ILEC</u> in the service areas for which the applicant seeks designation.

South Dakota

Category		Requirements
Service Quality Performance (cont.)	Emergency Capability	Each ETC applicant in its initial filing and each existing ETC in its annual certification filing shall demonstrate its <u>ability to remain functional in emergency situations</u> as set forth in § 20:10:32:43.03, including a demonstration that it has <u>a reasonable amount of back-up power</u> to ensure functionality without an external power source, <u>is able to reroute traffic around damaged transport facilities</u> , and <u>is capable of managing traffic spikes resulting from emergency situations</u> .
	Outage	In its annual certification filing, each ETC shall provide detailed information on <u>any outage</u> , as that term is defined in 47 C.F.R. § 4.5, <u>of at least 30 minutes in duration</u> for each service area in which an ETC is designated for any facilities it owns, operates, leases, or otherwise utilizes <u>if the outage affected at least ten percent of the end users served in a designated service area, or a 911 special facility</u> , as defined in 47 C.F.R. § 4.5(e). Information on the outage must include: the date and time of onset of the outage; a brief description of the outage and its resolution; the particular services affected; the geographic areas affected by the outage; the steps taken to prevent a similar situation in the future; and the number of customers affected.
	Unfulfilled Service Request	In its annual certification filing, each ETC shall provide <u>the number of requests for service from potential customers</u> within the ETC's service areas <u>that were unfulfilled during the past year</u> . The carrier shall also detail <u>how it attempted to provide service to those potential customers</u> , as set forth in § 20:10:32:43.01.
	Consumer Complaints	In its annual certification filing, each ETC shall provide <u>the number of complaints</u> the ETC's complaint department has received from consumers for the previous calendar year.

South Dakota

Category		Requirements
Advertising	Universal Service Offerings	An ETC shall annually <u>notify the availability of the federal Lifeline and Link Up assistance programs</u> to each of its existing customers residing in the carrier's designated service area by written notification provided directly to the existing customers. <u>A new customer</u> residing in the carrier's designated service area shall <u>receive written notification</u> of Lifeline and Link Up assistance programs <u>within 30 days</u> after receiving telecommunications services. An ETC shall annually <u>advertise the availability of Lifeline and Link Up services in media of general distribution</u> throughout its service areas. An ETC shall <u>submit a report on its outreach efforts</u> designed to increase participation in the Lifeline and Link Up assistance programs to the South Dakota PUC. The report shall be filed by June first of each year and shall report on the ETC's outreach activities for the previous year.
Interconnection	Equal Access	Each ETC applicant in its initial filing and each existing ETC in its annual certification filing shall certify that it will be <u>able to provide equal access to long distance carriers</u> if no other ETC is providing equal access within the service area.

Source: *South Dakota Administrative Rules*, 20:10:32:42-56.

Texas*

Category		Requirements
Reporting	Filing	A <u>Dominant Certificated Telecommunications Utility (DCTU)</u> shall file its service quality performance report on a quarterly basis. The report shall include its monthly performance for each category of performance objective, in regard to <u>one-party line service and voice band data, installation of service, operator-handled calls, local dial service, local interoffice dial service, direct distance dial service, customer trouble reports, and transmission requirements</u> . The report shall also include a summary of its corrective action plan for each exchange in which the performance falls below the benchmark. Additionally, the corrective action plan shall include, at a minimum, details outlining how the needed improvements will be implemented within three months and result in performance at or above the applicable benchmark.
Compliance Statement	General Standards	A DCTU should comply with service quality standards specified in the Public Utility Commission of Texas (Texas PUC) Substantive Rules Chapter 26, Subchapter C, 52-54. Section 54 outlines <u>performance benchmark levels for each exchange</u> . If service quality falls below the applicable performance benchmark for an exchange, that indicates a need for the utility to investigate, take appropriate corrective action, and provide a report of such activities to the Texas PUC. Each DCTU shall <u>make measurements to determine the level of service quality for each item</u> described in the section and <u>provide the Texas PUC with the measurements and summaries for any of the items</u> on request of the Texas PUC.
	Standards for Wireless ETCs	For the purpose of ETC designation, wireless carriers are <u>NOT required</u> to comply with service quality rules for wireline ETC applicants (see cases in Docket No. 27709 and 28462).
Service Quality Performance	Inspections and Tests	Each DCTU shall <u>adopt a program of periodic tests, inspections, and preventive maintenance</u> aimed at achieving efficient operation of its system and rendition of safe, adequate, and continuous service. Each DCTU shall <u>maintain or have access to test facilities enabling it to determine the operating and transmission capabilities of all equipment and facilities</u> . <u>The actual transmission performance of the network shall be monitored</u> to determine if the service objectives in this chapter are met. This monitoring function shall include, but not be limited to, circuit order tests prior to placing trunks in service, routine periodic trunk maintenance tests, tests of actual switched trunk connections, periodic noise tests of a sample of customer loops in each exchange, and special transmission surveys of the network.

Texas*

Category		Requirements
Service Quality Performance (cont.)	Inspections and Tests (cont.)	Each central office serving more than 300 customer access lines shall be equipped with a 1,000 +/- 20 hertz, one milliwatt test signal generator and a 900 Ohm balanced termination device wired to telephone numbers so that they may be accessed for dial test purposes. Each DCTU shall advise the Texas PUC of the numbers assigned for these test terminations.
	Emergency Capability	Each DCTU's central office not equipped with permanently installed standby generators shall contain as a minimum four hours of battery reserve without voltage falling below the level required for proper operation of all equipment. It is also essential that all central offices have adequate provisions for emergency power. In offices without installed emergency power facilities, there shall be a mobile power unit available which can be delivered and connected on short notice. In exchanges exceeding 5,000 lines, a permanent auxiliary power unit shall be installed.

*Note: In Texas, Service quality requirements are required for receipt of the state's USF funding, but not for ETC designation for federal USF. However, with the exception of the majority of wireless carriers, most carriers that seek ETC designation also seek eligibility to receive state USF (Texas "ETP designation"). In that situation, the carrier's joint ETC/ETP designation requires that they fulfill the state's service quality rules, set forth in Texas PUC Substantive Rules Chapter 26, Subchapter C, 52-54, available at: <http://www.puc.state.tx.us/rules/subrules/telecom/index.cfm>.

Source: Public Utility Commission of Texas. *Substantive Rules*, Chapter 26, Subchapter C, 52-54, available at: <http://www.puc.state.tx.us/rules/subrules/telecom/index.cfm>.

Washington

Category		Requirements
Reporting	Initial Filing	An ETC applicant must submit (a) <u>a description of the area or areas for which designation is sought</u> ; (b) a statement that the carrier <u>will offer the services supported</u> by federal universal service support mechanisms throughout the area for which it seeks designation, either using its own facilities or a combination of its own facilities and resale of another carrier's services; (c) A description of <u>how it will provide each supported service</u> ; (d) <u>A substantive plan of the investments</u> to be made with initial federal support during the first two years in which support is received and a substantive description of how those expenditures will benefit customers; (e) A statement that the carrier will <u>advertise the availability of services supported</u> by federal universal service mechanisms, including advertisement of applicable telephone assistance programs, such as Lifeline, that is reasonably calculated to reach low-income consumers not receiving discounts; (f) <u>For wireless petitioners, a map in .shp format of proposed service areas (exchanges)</u> with existing and planned locations of cell sites and shading to indicate where the carrier provides and plans to provide commercial mobile radio service signals; (g) Information that demonstrates its <u>ability to remain functional in emergency situations</u> including a description of how it complies with WAC 480-120-411 or, <u>for a wireless carrier</u> , information that demonstrates it has <u>at least four hours of back up battery power at each cell site, back up generators at each microwave hub, and at least five hours back up battery power and back up generators at each switch</u> ; and (h) Information that demonstrates that it will comply with the applicable consumer protection and service quality standards of <u>chapter 480-120 WAC</u> or, for a wireless carrier, a commitment to comply with the <u>CTIA Consumer Code for Wireless Service</u> .
	Annual Filing	<u>Not later than July 31 of each year</u> , every ETC that receives federal support from any category in the federal high-cost fund must certify or report as described in WAC 480-123-070. The certifications and reports are for activity related to Washington state in the period January 1 through December 31 of the previous year.

Washington

Category		Requirements
Reporting (cont.)	Use of USF	<p>Not later than July 31 of each year, every ETC that receives federal support from any category in the federal high-cost fund must report on: (a) The <u>planned use</u> of federal support related to Washington state that will be received during the period October 1 of the current year through the following September; <u>or</u> (b) The <u>planned investment and expenses</u> related to Washington state which the ETC expects to use as the basis to request federal support from any category in the federal high-cost fund. The report must include <u>a substantive plan of the investments and expenditures to be made with federal support</u> and <u>a substantive description of how those investments and expenditures will benefit customers</u>. As part of the filing required by this section to be submitted in 2007, and <u>at least once every three years</u> thereafter, <u>a wireless ETC must submit a map in .shp format</u> that shows the general location where it provides commercial mobile radio service signals.</p> <p>For annual certification and reports, every ETC must report on use of federal funds and benefits to customers. <u>For an ETC that receives support based only on factors other than the ETC's investment and expenses</u>, the report must provide a substantive description of investments made and expenses paid with support from the federal high-cost fund. <u>For ETCs that receive any support based on the ETC's investment and expenses</u>, the report must provide a substantive description of investment and expenses, such as the NECA-1 report, the ETC will report as the basis for support from the federal high-cost fund. <u>Every ETC must provide a substantive description of the benefits to consumers that resulted from the investments and expenses reported.</u></p>
	General Standards	For annual certification and reports, ETCs must certify that it met substantially the applicable service quality standard found in WAC 480-123-030 (1) (h).
Compliance Statement	Standards for Wireless ETCs	Wireless ETC applicants and certified wireless ETCs are required to comply with the <u>CTIA Consumer Code</u> .

Washington

Category		Requirements
Compliance Statement (cont.)	Public Interest	The Washington Utilities and Transportation Commission will approve a petition for designation as an ETC if the petition meets the requirements of WAC 480-123-030, the designation will advance some or all of the purposes of universal service found in 47 U.S.C. § 254, and the designation is in the public interest
Service Quality Performance	Emergency Capability	For annual certification and reports, ETCs must certify that it had the ability to function in emergency situations based on continued adherence to the standards found in WAC 480-123-030 (1)(g), that is, <u>for a wireline carrier</u> , it must comply with WAC 480-120-411; <u>for a wireless carrier</u> , it must have at least four hours of back up battery power at each cell site, back up generators at each microwave hub, and at least five hours back up battery power and back up generators at each switch;
	Outage	For annual certification and reports, ETCs not subject to WAC 480-120-412 and 480-120-439(5) are required to report local service outages pursuant to this subsection. The report must include <u>detailed information on every local service outage thirty minutes or longer in duration</u> experienced by the ETC. The report must include: the date and time of onset and duration of the outage, a brief description of the outage and its resolution, the particular services affected, including whether a public safety answering point (PSAP) was affected, the geographic areas affected by the outage, steps taken to prevent a similar situation in the future; and the estimated number of customers affected.
	Unfulfilled Service Request	For annual certification and reports, ETCs not subject to WAC 480-120-439 are required to report failures to provide service pursuant to this subsection. The report must include <u>detailed information on the number of requests for service from applicants within its designated service areas that were unfulfilled</u> for the reporting period. The ETC must also describe in detail how it attempted to provide service to those applicants.
	Consumer Complaints	For annual certification and reports, ETCs are required to report on <u>complaints per one thousand handsets or lines</u> . The report must provide separate totals for the number of complaints that the ETC's customers made to the FCC, or the consumer protection division of the office of the attorney general of Washington. The report must also generally <u>describe the nature of the complaints and outcome of the carrier's efforts to resolve the complaints</u> .

Washington

Category		Requirements
Advertising	Universal Service Offerings	For annual certification and reports, ETCs must <u>certify it has publicized the availability of its applicable telephone assistance programs</u> , such as Lifeline, <u>in a manner reasonably designed to reach those likely to qualify for service</u> , including residents of federally recognized Indian reservations within the ETC's designated service area. Such publicity should include advertisements likely to reach those who are not current customers of the ETC within its designated service area.

Source: *Washington Administrative Code*, Chapter 480-123 - Universal Service, available at:
<http://apps.leg.wa.gov/WAC/default.aspx?cite=480-123&full=true>.

West Virginia

Category		Requirements
Reporting	Annual Filing	West Virginia adopted the annual reporting requirements recommended by <i>FCC 05-46</i> .
	Quality Improvement Plan	By August 1, 2006, all ETCs designated by the West Virginia Public Service Commission (West Virginia PSC) shall file <u>progress reports on the ETC's five-year service quality improvement plan</u> , including maps detailing progress towards meeting its plan targets, an explanation of how much universal service support was received and how the support was used to improve signal quality, coverage, or capacity; and an explanation regarding any network improvement targets that have not been fulfilled. The information should be submitted <u>at the wire center level</u> .
	Use of USF	By August 1, 2006, all ETCs designated by the West Virginia PSC shall file verified statements that they use universal service support " <u>only for the provision, maintenance and upgrading of facilities and services for which the support is intended</u> ," consistent with Section 254(e) of the Telecommunications Act of 1996.
Compliance Statement	General Standards	ETCs must file a certification that the ETC is <u>complying with applicable service quality standards and consumer protection rules</u> .
	Standards for Wireless ETCs	Wireless ETCs shall comply with <u>the CTIA Consumer Code for Wireless Service</u> .
Service Quality Performance	Comparable Usage Plan	ETCs shall certify that the ETC is offering <u>a local usage plan comparable to that offered by the incumbent LEC</u> in the relevant service areas. For the purpose of making the <u>rate comparability</u> determination, ETCs are also required to file monthly line charge, monthly usage charges, any federal subscriber line charge, any federal universal service credit, any federal universal service surcharge, any local number portability surcharge, any telecommunications relay service surcharge, any E-911 surcharge, and federal excise tax.
	Emergency Capability	ETCs shall certify that the ETC is <u>able to function in emergency situations</u> .

West Virginia

Category		Requirements
Service Quality Performance (cont.)	Outage	ETCs shall file <u>detailed information on any outage lasting at least 30 minutes</u> , for any service area in which an ETC is designated for any facilities it owns, operates, leases, or otherwise <u>utilizes that potentially affect at least ten percent of the end users served in a designated service area</u> , or that potentially affect a 911 special facility (as defined in subsection (e) of the section 4.5 of the <i>Outage Reporting Order</i>). Specifically, the ETC's annual report must include: the date and time of onset of the outage, a brief description of the outage and its resolution, the particular services affected, the geographic areas affected by the outage, steps taken to prevent a similar situation in the future and the number of customers affected.
	Unfulfilled Service Request	ETCs must file <u>the number of requests for service from potential customers within its service areas that were unfulfilled for the past year</u> . The ETC must also <u>detail how it attempted to provide service to those potential customers</u> .
	Consumer Complaints	ETCs must file <u>the number of complaints per 1,000 handsets or lines</u> .
Interconnection	Equal Access	ETCs must certify that the carrier acknowledges that the West Virginia PSC may require it to <u>provide equal access to long distance carriers in the event that no other ETC is providing equal access within the service area</u> .

Source: Public Service Commission of West Virginia. 2006. *Order in the Matter of General Investigation Regarding Certification of Federal Universal Service Funding for Eligible Telecommunications Carriers in West Virginia* (Case No. 06-0953-T-GI, July 25), available at: http://www.psc.state.wv.us/imaged_files/Orders/2006_07/ord20060725163032.pdf.

Wisconsin*

Category		Requirements
Compliance Statement	General Standards	ETCs are required to comply with general quality of service standards.
	Public Interest	<p><u>The area in which a provider shall be designated as an ETC shall be:</u> (a) an area that is served by an incumbent local exchange service provider that is not a rural telephone company, the incumbent local exchange service provider's wire center, unless the Wisconsin Public Service Commission (Wisconsin PSC) designates a smaller area; (b) an area that is served by an incumbent local exchange service provider that is a rural telephone company, the service territory comprised of one or more of the incumbent local exchange service provider's wire centers, unless the Wisconsin PSC designates, and the FCC approves, a smaller area.</p> <p><u>For an area served by an incumbent local exchange service provider that is a rural telephone company,</u> the Wisconsin PSC may only designate an additional ETC after finding that the public interest requires multiple ETCs, pursuant to federal law and s. 196.50 (2), Stats. <u>For an area served by an incumbent local exchange service provider that is not a rural telephone company,</u> the Wisconsin PSC may designate an additional ETC without making such a finding.</p>
Service Quality Performance	Service provision commitment	<p>The ETC applicant must <u>hold itself ready to offer service to all customers in the</u> area, except that those customers with a demonstrated inability to pay for service may be denied service in accordance with ss. PSC 165.051 and 165.052. It shall <u>make available Lifeline and Link Up service,</u> as defined in ss. PSC 160.061 and 160.062.</p> <p>The ETC applicant shall <u>commit to offer, at a minimum, all portions of essential telecommunications service,</u> as defined in s. PSC 160.03. For purposes of this subsection "essential services" <u>includes public interest pay telephone service</u> pursuant to s. PSC 160.073, <u>pay telephones</u> specified by s. PSC 165.088, and <u>pay telephone interconnection service</u> subject to FCC orders, Wisconsin PSC orders and ch. PSC 169.</p>

Wisconsin*

Category		Requirements
Service Quality Performance (cont.)	Service provision commitment (cont.)	<u>Relinquishment of ETC status:</u> (a) An ETC may relinquish its designation as such for an area by notifying the Wisconsin PSC and the administrators of both the state and federal universal service funds, in writing, of its intention; (b) <u>If at least one other ETC is designated for that area</u> , the relinquishing carrier shall be relieved of ETC status for that area <u>2 weeks after receipt by the Wisconsin PSC of the letter, and without Wisconsin PSC action</u> ; (c) <u>If no other ETC is designated for that area</u> , the relinquishing carrier shall <u>remain as ETC for that area until the Wisconsin PSC designates an alternative ETC</u> . In such a case, the Wisconsin PSC shall notify the relinquishing carrier, and the administrators of the state and federal funds, that ETC status is still in effect. The Wisconsin PSC may use a process similar to that described in s. PSC 160.14 (3) to (6) to designate a new ETC for an area for which the only existing ETC is seeking to relinquish that status; (d) A provider may continue to provide services in an area for which it has relinquished ETC status, but may not continue to receive high cost assistance funding. <u>If a provider seeks to abandon facilities or discontinue any service</u> , it shall notify affected customers and follow any abandonment or discontinuance procedures established by the Wisconsin PSC.
Advertising	Universal Service Offerings	ETCs shall advertise its service in the area on a regular basis, with such advertisements: (a) Disseminated in media of general distribution in the area, at least 2 times per year; (b) Describing the services offered; and (c) Describing the affordability of the services, including the availability of discounts for low income customers.

* Note: The Wisconsin PSC staff is currently drafting rules, for the Wisconsin PSC's consideration in rulemaking Docket No. 1-AC-198, to update these ETC requirements in light of the FCC's order. The requirements apply to both federal and state universal service programs.

Source: *Wisconsin Administrative Code*, Chapter PSC 160 - Universal Service Support Funding and Programs, PSC 160.13 - Designation of Eligible Telecommunications Carriers, available at: <http://www.legis.state.wi.us/rsb/code/psc/psc160.pdf>.

Wyoming

Category		Requirements
Reporting	Annual Filing	The Wyoming Public Service Commission (Wyoming PSC) reviews the information submitted by the ETCs <u>on an annual basis</u> . In order for an ETC previously designated by the Wyoming PSC, or previously designated by the FCC, to be certified to receive support for the following calendar year, or to retain its ETC designation, each ETC shall submit to the Wyoming PSC the required information in <u>annual reporting</u> on or before a date to be determined annually by the Wyoming PSC.
	Quality Improvement Plan	For the annual reporting, ETCs must file a <u>three-year service quality improvement plan</u> report, including <u>maps</u> detailing its progress towards meeting its plan targets, an explanation of how much <u>federal universal service support</u> was received and how it was used to improve signal quality, coverage, or capacity, and an explanation regarding <u>any network improvement targets that have not been fulfilled</u> . The information shall be submitted <u>at the exchange level, study area level or some other similar service area level description</u> .
	Use of USF	<p>For the annual reporting, ETCs must file <u>the total amount of all federal high cost support received</u> in the previous calendar year and <u>a detailed schedule/exhibit showing the actual dollar amounts expended</u> by the carrier in the provision, maintenance, upgrading, plant additions and associated infrastructure costs within the service areas in Wyoming where the carrier has been designated an ETC in the previous calendar year. This should include the carrier's plans and budgets for any build-out projects, upgrades and installations applicable to any universal service products/offers not yet completed during the current calendar year.</p> <p>ETCs must also submit <u>copies of the previous and current year's reports</u> required by 47 C.F.R. § 54.307(b) and (c) to be filed by the carrier with the USAC applicable to the service areas in Wyoming where the carrier is designated an ETC.</p>

Wyoming

Category		Requirements
Reporting (cont.)	Description of Designated Area and Maps	For the annual reporting, ETCs must file <u>a detailed map of the service areas</u> for which the carrier has been designated an ETC showing the location and <u>the effective coverage area of each cellular tower</u> . The Wyoming PSC may require such maps be submitted in a designated electronic format.
Compliance Statement	General Standards	For the annual reporting, ETCs must submit a written document detailing how the carrier is complying with <u>applicable Wyoming service quality standards, consumer protection rules and/or the CTIA Consumer Code</u> (if applicable).
	Standards for Wireless ETCs	If wireless carriers are designated as ETCs, they are expected to comply with the <u>CTIA consumer code</u> .
Service Quality Performance	Service provision commitment	For the annual reporting, ETCs must submit documentation and support <u>the carrier is committed to, and has the capability to provide its universal service product/offering throughout the service areas</u> to all customers who make a reasonable request for service in Wyoming where the carrier has been designated an ETC. ETCs must file documentation the carrier offers <u>the following nine supported services/functionalities</u> , throughout the service areas in Wyoming where the carrier has been designated an ETC: voice grade access to the public switched network, Local usage, dual tone multi-frequency signaling or its functional equivalent, single party service, access to emergency services, access to operator services, access to interexchange services, access to directory assistance and toll limitation for qualifying low-income consumers.
	Emergency Capability	For the annual reporting, ETCs must submit <u>written documents detailing how the carrier is able to function in emergency situations</u> as set forth in 47 C.F.R. § 54.202(a)(2).

Wyoming

Category		Requirements
Service Quality Performance (cont.)	Outage	For the annual reporting, ETCs must submit <u>detailed information on any outage</u> , as that term is defined in 47 CFR 4.5, of <u>at least 30 minutes in duration for each service area</u> in which an ETC is designated for any facilities it owns, operates, leases, or otherwise utilizes <u>that potentially affect at least ten percent of the end users served in a designated service area or a 911 special facility</u> , as defined in 47 CFR 4.5(e). Specifically, the ETC's annual report must include information detailing: the date and time of onset of the outage, a brief description of the outage and its resolution, the particular services affected, the geographic areas affected by the outage, steps taken to prevent a similar situation in the future and the number of customers affected.
	Unfulfilled Service Request	For the annual reporting, ETCs must <u>file the number of requests for service from potential customers within the ETC's service areas that were unfulfilled during the past year</u> and written submission detailing how it attempted to provide service to those potential customers, as set forth in 47 C.F.R. § 54.202(a)(1)(i).
	Consumer Complaints	For the annual reporting, ETCs must submit <u>the number of complaints per 1,000 access lines or handsets</u> .
Advertising	Universal Service Offerings	For the annual reporting, ETCs must submit documentation the carrier <u>advertises the prices and availability of the Lifeline and Link Up programs</u> in a manner designed to reach those likely to qualify for these programs, throughout the service areas for which the carrier has been designated an ETC. The ETCs should also file a copy of the service agreement the carrier offers to its universal service customers, including all terms and conditions.
Interconnection	Equal Access	For the annual reporting, ETCs must submit acknowledgment the Wyoming PSC may require the carrier to provide customers with <u>equal access to long distance carriers</u> in the event no other ETC is providing equal access within the service area.

Source: *Wyoming Public Service Commission Rules*, Chapter V Special Regulations – Telephone Utilities Only, Section 500 “Telecommunications Universal Service Fund” and Section 514 “Annual Reporting Requirements for All Previously Designated ETCs”, available at: <http://soswy.state.wy.us/RULES/6320.pdf>.

Appendix D.
Contact Information for State Respondents

NRRI would like to thank the following staff members from the public utility commissions in all 51 jurisdictions for their valuable input to this report.

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