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BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

In the Matter of Agency Action to Establish a Permanent Certification Process in Compliance with 47 U.S.C. Section 254 (e)) DOCKET NO. 12-999-09
)
) NOTICE OF ENTRY OF
) APPEARANCE OF UTAH RURAL
) TELECOM ASSOCIATION AND
) INITIAL COMMENTS
)

On September 11, 2012, the Utah Public Service Commission (the “Commission”) issued a Notice of Agency Action and Scheduling Conference to address on-going FCC *Transformation Order* compliance, including establishing a permanent process of certification for carriers receiving federal high-cost and Connect America Fund (“CAF”) support. In the Notice of Agency Action, the Commission invited all interested parties to enter an appearance and file comments regarding the permanent process for addressing the certifications that are required by the Commission in 2013 and beyond. Utah Rural Telecom Association, on behalf of itself and its Members, All West Communications, Inc., Bear Lake Communications, Carbon/Emery Telcom, Inc., Central Utah Telephone, Inc., Direct Communications Cedar Valley, Emery Telcom, Inc., Gunnison Telephone, Hanksville Telcom, Inc., Manti Telephone Company, Skyline Telecom, South Central Utah Telephone Association, Inc., UBTA-UBET

Communications, Inc., and Union Telephone (“URTA members”) hereby enters their appearance in this docket.

As the Commission is aware, Section 254(e) requires that ETC carriers comply with their public interest obligations and use public “support only for the provision, maintenance, and upgrading of facilities and services for which the support is intended.”¹ Prior to the FCC *Transformation Order*, the FCC required states to annually certify that ETC’s designated by the states meet these statutory requirements in order to receive federal support for HCLS, SVS, SNA, HCMS, or LSS.² However, while the FCC had certain annual reporting requirements for federally designated ETCs, the factual information required by the states from state designated ETCs differed from state to state. The FCC, in the *Transformation Order*, adopted a national universal framework for annual reporting and certification requirements for all ETCs receiving universal funds (not just federally designated ETCs).

Under FCC rule 47 CFR §54.313, ETCs who receive high-cost support are required to file annual reports with the FCC that contain detailed factual information.³ Additionally, the FCC *Transformation Order* preserved the states’ roles in annual certifications, and requires that states “certify that all federal high-cost and CAF support was used in the preceding calendar year, and will be used in the new calendar year only for the provision, maintenance, and upgrading of facilities and services for which the support is intended, regardless of the rule under which the support is provided.” Prior to such certification, to conduct an examination of the factual information contained in the Section 54.313 reports provided by the ETCs.

¹ 47 U.S.C. 254(e).

² 47 C.F.R. §§54.313 and 54.314 (rural carriers)

³ 47 C.F.R. §54.313

URTA has reviewed the ETC Certification Report provided by Century Link in its Notice of Entry of Appearance and Comments, and agrees that the form satisfies the requirements of the FCC *Transformation Order* and any Utah specific state ETC requirements.⁴ URTA would also recommend that the Commission utilize the ETC Certification Report. (It should be noted that on page 10 of the ETC Certification Report provided by CenturyLink, reference is made to “Report 13: §54.313(b)(1) through (4).” URTA believes this reference should be to §54.313(c)(1) through (4)).

With regard to the State’s examination of the factual information contained in the ETC Certification Report, URTA would recommend that the Commission rely on a statement or declaration from the ETC to accompany the report, consistent with the process used by the FCC. URTA would like to reserve the right to file additional comments during this process, particularly after reviewing other comments filed herein.

Respectfully submitted this 11th day of October, 2012.

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⁴ The ETC Certification Report covers all types of support, which may or may not be applicable to each member of URTA. It should be understood that carriers will provide the information that relates to the type of carrier they are and the type of support they are receiving.

CERTIFICATE OF SERVICE
Docket No. 12-999-09

I hereby certify that on the 11th day of October, 2012, I served a true and correct copy of Utah Rural Telecom Association's Entry of Appearance and Comments via e-mail transmission to the following persons at the e-mail addresses listed below, and was emailed to each individual who received the PSC Notice of Agency Action:

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