

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

CUMBERLAND CELLULAR, INC. D/B/A)	
DUO COUNTY TELECOM'S PETITION FOR)	
DESIGNATION AS AN ELIGIBLE)	CASE NO. 2007-00518
TELECOMMUNICATIONS CARRIER IN THE)	
COMMONWEALTH OF KENTUCKY)	

ORDER

On December 14, 2007, Cumberland Cellular, Inc. d/b/a Duo County Telecom (“Duo County Telecom”) petitioned the Commission to designate Duo County Telecom as an eligible telecommunications carrier (“ETC”) pursuant to 47 U.S.C. § 214(e) and 47 C.F.R. § 54.201.

On January 14, 2008, the Commission issued an Order setting out a procedural schedule in this matter. No party requested intervention or submitted comments in the proceeding other than the applicant. Likewise no party requested a public hearing in the matter and therefore the matter is ripe for decision by the Commission.

Duo County Telecom is a competitive local exchange carrier (“CLEC”) with its corporate address at 2150 North Main Street, Jamestown, Kentucky. Duo County Telecom is currently deploying its own facilities to allow it to provide local exchange service and began providing service to customers in October 2007.¹ Duo County Telecom’s service area and the areas for which it seeks designation as an ETC are the

¹ Petition at paragraph 4.

Columbia exchange of Windstream Kentucky East (“Windstream”), a non-rural incumbent local exchange carrier (“ILEC”).

To receive ETC status, the Federal Communications Commission (“FCC”) requires a common carrier to: (1) offer services that are supported by federal universal support mechanisms² throughout its designated service area; (2) provide these services using its own facilities (including unbundled network elements) or a combination of its own facilities and resale of another carrier’s facilities; and (3) advertise the availability of these services through media of general distribution.

The Commission finds that Duo County Telecom has met the standards established by the FCC. Duo County Telecom will provide services eligible for support by the federal Universal Service Fund in the service area for which it seeks ETC designation.³ In its petition requesting ETC designation, Duo County Telecom affirmed that it plans to offer these services using its own facilities.⁴ Duo County Telecom will advertise the availability and price of these services using media of general distribution.⁵ Duo County Telecom has complied fully with FCC guidelines regarding ETC designation.

² These services are: (1) voice grade access to the public switched network; (2) local usage; (3) dual tone multi-frequency signaling or its functional equivalent; (4) single-party service or its functional equivalent; (5) access to emergency services; (6) access to operator services; (7) access to interexchange services; (8) access to directory assistance services; and (9) toll limitation for qualifying low-income consumers. 47 C.F.R. § 54.101(a).

³ Petition at 2 - 4.

⁴ Id. at 2.

⁵ Id. at 4 and Exhibit C.

Duo County Telecom seeks designation as an ETC in the service areas of a non-rural carrier. In designating a competitive ETC in areas served by a non-rural carrier the Commission is not required to make a finding that the designation is in the public interest.⁶ Duo County Telecom has shown that designation of it as an ETC in the non-rural area would promote competition and facilitate the provision of advanced communications services and the use of innovative technologies to consumers which, in turn, would serve the public interest.⁷

Duo County Telecom has provided sufficient evidence for this Commission to grant ETC status. This designation will benefit consumers in Kentucky by expanding the range of competitive choices and by providing an incentive for incumbent telephone companies to improve their existing networks.

The Commission, having reviewed the evidence of record and having been otherwise sufficiently advised, HEREBY ORDERS that:

1. Duo County Telecom is designated as an ETC for the Columbia exchange of Windstream, a non-rural ILEC. Accordingly, Duo County Telecom is eligible to receive federal Universal Service Fund support.
2. Duo County Telecom shall offer universal support services to consumers in its service area.
3. Duo County Telecom shall offer these services 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.

⁶ 47 U.S.C. § 214(e)(2).

⁷ Petition at 4 – 5.

4. Duo County Telecom shall advertise the availability of and charges for these services using media of general distribution.

5. Duo County Telecom has certified to the Commission that it will comply with the FCC's criteria, in accordance with 47 U.S.C. § 254(e), and therefore it is eligible to receive Universal Service Fund support for the current certification period.


6. By September 1, 2008, and by each September 1 thereafter, Duo County Telecom shall make its annual certification filing in Administrative Case No. 381.⁸

7. A copy of this Order shall be served upon the FCC and the Universal Service Administrative Company.

Done at Frankfort, Kentucky, this 24th day of April, 2008.

By the Commission

ATTEST:


Executive Director *for Stephanie Stumbo*
by permission

⁸ Administrative Case No. 381, A Certification of the Carriers Receiving Federal Universal Service High-Cost Support.