



Holly C. Wallace 502-540-2309 holly.wallace@dinslaw.com

July 28, 2009

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via Federal Express Jeff Derouen Executive Director Kentucky Public Service Commission 211 Sower Blvd. P. O. Box 615 Frankfort, KY 40601 JUL 29 2009 PUBLIC SERVICE COMMISSION

### Re: West Virginia PCS Alliance's Certification of Federal Universal Service Funding for Eligible Telecommunications Carriers in the Commonwealth of Kentucky, Administrative Case No. 381

Dear Mr. Derouen:

Enclosed for filing with the Public Service Commission of the Commonwealth of Kentucky (the "Commission") in the above-referenced case is one original and ten (10) copies of the Annual Certification of West Virginia PCS Alliance LC (d/b/a "NTELOS") Regarding Use of Federal Universal Service Support.

Please also note the enclosed additional copy of the document to be file-stamped. Please filestamp the additional copy and return it to me in the enclosed, self-addressed, pre-paid envelope.

Thank you, and if you have any questions with regard to this matter, please call me.

Very truly yours,

DINSMORE & SHOHL LLP

Holly C. Wallace

HCW/rk Enclosure cc: Anne Sarbin John E. Selent, Esq. <sup>135689\_1</sup> <sup>35828-1</sup>

Columbus

### COMMONWEALTH OF KENTUCKY

### **BEFORE THE PUBLIC SERVICE COMMISSION**

PUBLIC SERVICE COMMISSION

Certification of Federal Universal	)
Service Funding for Eligible	)
Telecommunications Carriers in the	)
Commonwealth of Kentucky	)

Administrative Case No. 381

### ANNUAL CERTIFICATION OF WEST VIRGINIA PCS ALLIANCE (NTELOS) REGARDING USE OF FEDERAL UNIVERSAL SERVICE SUPPORT

West Virginia PCS Alliance (d.b.a. "NTELOS"), hereby submits the information requested by the Commission in Administrative Case No. 381 as well as the additional data requested in the NTELOS ETC Designation Order. NTELOS was granted Eligible Telecommunications Carrier designation in Kentucky on October 24, 2006 in Case 2006-00312. The Study Area Code (SAC) for NTELOS is 269010. NTELOS is a Non-Rural, Competitive carrier.

## 1) Certify that ETC will use universal service funds received in 2010 only for the provision, maintenance and upgrading of facilities and services for which such support is intended.

Included as Exhibit A is the Affidavit of R.L. McAvoy certifying the use of the federal high cost support that will be received by NTELOS in 2010.

### 2) Provide progress reports on the ETC's five-year service quality improvement plan.

Attached as Exhibit B is the NTELOS five-year plan demonstrating the use of universal service support received for ETC designated areas in Kentucky. NTELOS received \$67,896 for 2008 high-cost universal service support for the Commonwealth of Kentucky.

# 3) Detail the number of requests for service from potential customers within its service areas that were unfulfilled for the past year.

NTELOS had no unfulfilled service requests in its service areas in 2008.

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### 4) Detail the number of complaints per 1,000 handsets or lines;

For 2008, NTELOS had an average of 18 trouble tickets on a monthly basis per 1,000 customers.

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Holly C. Wallace DINSMORE & SHOHL LLP 1400 PNC Plaza 500 W. Jefferson Street Louisville, KY 40202 (502) 540-2300 (502) 585-2207 (facsimile)

COUNSEL TO WEST VIRGINIA PCS ALLIANCE (NTELOS)

### <u>EXHIBIT A</u>

### AFFIDAVIT OF R.L. MCAVOY

### AFFIDAVIT OF R.L. MCAVOY IN SUPPORT OF WEST VIRGINIA PCS ALLIANCE, L.C.'s USE OF FEDERAL UNIVERSAL SERVICE SUPPORT

### STATE OF VIRGINIA

### CITY OF WAYNESBORO

### I, <u>R.L. McAvoy</u>, declare as follows:

- I am the <u>Senior Vice President Wireless Engineering and Operations</u> of <u>NTELOS Inc.</u> I am an officer of <u>West Virginia PCS Alliance, L.C.</u> and am authorized to give this affidavit on its behalf. This affidavit supports the Kentucky Public Service Commission's ("Commission") certification of the use of federal universal service funds for <u>2010</u> as required by 47 C.F.R. [§ 54.313/§ 54.314]. NTELOS anticipates receiving \$67,000 in high-cost support in 2010.
- 2.) Under 47 C.F.R. [§ 54.313/§ 54.314], the Commission is required to submit an annual certification to the Federal Communications Commission ("FCC") and the Universal Service Administrative Company ("USAC"), certifying that rural and non-rural incumbent local exchange carriers and/or eligible telecommunications carriers serving lines in the service area of a rural and non-rural incumbent local exchange carrier will use federal high-cost universal service support in a manner consistent with section 254(e) of the Telecommunications Act of 1996 (the "Act"), 47 U.S.C. § 254(e). Absent such certification, such carriers will not receive universal service support. In order for carriers to receive federal support beginning January 1 of each year, the Commission's certification must be filed with the FCC and USAC by October 1 of the preceding year.
- 3.) In Administrative Case 381, the Commission directed all carriers to file verified statements under which each carrier in the Commonwealth of Kentucky that is subject to the Commission's jurisdiction and eligible to receive federal high-cost universal service

support, must certify to the Commission that federal universal service support funds to be received by that carrier for the succeeding year will be used only for the provision, maintenance and upgrading of facilities and services for which such support is intended.

4.) <u>NTELOS Inc.</u> hereby certifies that any federal high-cost universal service support <u>West</u> <u>Virginia PCS Alliance, L.C.</u> receives in <u>2010</u> will be used for the services and functionalities outlined in 47 C.F.R. § 54.101(a), and that it will only use the federal high-cost support it receives for the provision, maintenance and upgrading of facilities and services for which such support is intended, consistent with section 254(e) of the Act. NTELOS operates under Study Area Code (SAC) 269010 and is a Non-Rural, Competitive carrier.

### FURTHER AFFIANT SAYETH NOT.

R.L. McAvoy Senior Vice President- Wireless Engineering & Operations NTELOS Inc.

Subscribed and sworn to before me this 174 day of July, 2009.

Notary Public

My commission expires: 11/30/2012



### EXHIBIT B

### **NTELOS FIVE-YEAR BUILD PLAN**

# WEST VIRGINIA PCS ALLIANCE - 5-YEAR BUILDOUT PLAN IN KENTUCKY

2013	Coverage	\$207,852	\$179,292	\$146,010	\$29,202	\$529,608	\$87,606	\$54,324
2013	Capacity	\$48,780	\$48,780	\$40,650	\$8,130	\$32,520	\$24,390	\$16,260
2013 Signal	Quality	\$0	\$0	\$0	\$0	\$0	\$0	\$0
2012	Coverage	\$208,038	\$179,478	\$146,165	\$29,233	\$550,400	\$87,699	\$54,386
2012 Signal 2012	Capacity	\$51,048	\$51,048	\$42,540	\$8,508	\$0	\$25,524	\$17,016
2012 Signal	Quality	\$0	\$0	\$0	\$0	\$0	\$0	\$0
2011	Coverage	\$377,495	\$348,935	\$363,001	\$29,267	\$0	\$87,801	\$54,454
2011	Capacity	\$0 \$44,615	\$44,615	\$26,769	\$8,923	\$0	\$26,769	\$17,846
2011 Signal	Quality	\$0	\$0	\$0	\$0	\$0	\$0	\$0
2010		\$344,300						
	0 Capacity	\$37,524	\$46,905	\$28,143	\$9,381	\$0	\$28,143	\$18,762
2010 Signal		\$0	\$0	\$0	\$0	\$0	\$0	\$0
2009	Coverage	\$142,468	\$159,985	\$88,491	\$29,497	\$0	\$88,491	\$54,914
2009	Capacity (	\$39,552	\$49,440	\$29,664	\$9,888	\$0	\$29,664	\$19,776
2009 Signal	Quality	\$0	\$0	\$0	\$0	\$0	\$0	\$0
	Wire Center Name	ASLDKYXA Ashland	CTBGKYXA Catlettsburg	GYSNKYXA Grayson	GNUPKYXA Greenup	OLHLKYXA Olive Hill	RSSLKYXB Russell	SSHRKYXA South Shore

Notes

 1 - 2009 new coverage sites are budgeted and we are currently targeting activation by end of year.
 2 - New sites beyond 2009 have not yet been approved
 3 - Capacity dollars are estimates based on the need for additional channel cards and carriers. In reality dollars will probably shift between years and markets (for example, we may spend more in 2009 in the Ashland wire center than our estimate but less in Greenup and vice-versa in 2010).
 4 - All capacity dollars are estimates and will vary based on actual usage and subscriber growth.
 5 - 2011-2013 totals are dependent on 2009 growth and canvial fluctuate based on projects completed in 2010 or pushed to future years.