

August 11, 2006

To: M&L Enterprises (M&L)

From: Bob Shirley, Telecommunications Policy Analyst  
(360) 664-1292

Re: Request for Supplemental Filing of ETC Certifications and Reports  
Docket UT-063052

**- - VIA Electronic Mail - -**

After review of M&L's ETC certification and reports, commission staff has concluded that the filing is inconsistent with the requirements of WAC 480-123-020 through 080. Please file a replacement or supplement consistent with the attachment to this e-mail.

Certifications are due to the Federal Communications Commission and the Universal Service Administrative Company not later than October 1. Commission staff plans to request commission approval of certifications at the open meeting scheduled for September 13. In order to make a recommendation on September 13, commission staff will need to receive replacement or supplemental filings not later than August 22. Commission staff will work closely with M&L and its representatives so that filings can be completed not later than August 22.

Please contact me by e-mail at [bshirley@wutc.wa.gov](mailto:bshirley@wutc.wa.gov) or by calling (360) 664-1292 if you have questions. Thank you.

Attachment: ETC Certification and Report Request

cc: Records Center, UT-063052

ATTACHMENT

**M&L ETC Certification and Report Request**

**WAC 480-123-060(1)**

M&L needs to provide a certification, *in the manner required by RCW 9A.72.085*. .  
The certification or declaration may be in substantially the following form:

"I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct":

(Date and Place)

(Signature)

**WAC 480-123-060(1)**

M&L also needs to change the certification to refer to “federal high-cost universal service fund.”

The submitted certification limits the source of support to 47 C.F.R. § 54.314. Because that meaning of the phrase “federal high-cost universal service fund” is broader than “funds from sources described in 47 C.F.R. § 54.314,” the rule requires a certification broader than one tied to 47 C.F.R. § 54.314. The rule requires an ETC seeking certification to state “that it will use federal high-cost universal service fund support only for the provision, maintenance, and upgrading of the facilities and services for which the support is intended.”

**WAC 480-123-070(4)**

M&L needs to state a number, e.g., zero, for the number of complaints.

M&L stated, “. . . not aware of any complaints” to the FCC or the Attorney General. The rule requires companies to state “the number of complaints that the ETC’s customers made to the federal communications commission, or the consumer protection division of the office of the attorney general of Washington.”

**WAC 480-123-070 (5) and (6)**

M&L needs to add “under penalty of perjury under the laws of the State of Washington” language to the certification request to meet the requirement of RCW 9A.72.085.

An officer of the company submitted the certification request, but did not use the required language from RCW 9A.72.085.