

August 11, 2006

To: WeavTel

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 WeavTel'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 21. Commission staff will work closely with WeavTel and its representatives so that filings can be completed not later than August 21.

Please contact me by e-mail at 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

WeavTel ETC Certification and Report Request

WAC 480-123-060(1)

WeavTel needs to provide a certification consistent with WAC 480-123-060(1), *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)

WeavTel provided a certification that is inconsistent with RCW 9A.72.085; it did not include a certification under penalty of perjury. The rule requires certification consistent with RCW 9A.72.085.

WAC 480-123-060(1)

WeavTel needs to provide a certification that states 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.

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." The submitted certification appears to tie the certification 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.