

April 30, 2012

**VIA ELECTRONIC FILING AND UPS OVERNIGHT**

David W. Danner  
Executive Director and Secretary  
Washington Utilities & Transportation Commission  
1300 S. Evergreen Park Drive SW  
Olympia, WA 98504-7250

**Re: UT-110518 - Petition of Nexus Communications, Inc. for Designation as an Eligible Telecommunications Carrier**

Dear Mr. Danner:

I am writing on behalf of Nexus Communications, Inc. (“Nexus”) in response to the letter from Mr. William Weinman to Mr. Steven Fenker dated April 9, 2012. That letter inquired as to Nexus’ plans for complying with the rules governing Eligible Telecommunications Carrier (“ETC”) designations following changes to the federal Universal Service Fund and the Lifeline and Link Up programs by the Federal Communications Commission (“FCC”) in the FCC’s November 18, 2011 *USF/ICC Transformation Order* and its February 6, 2012 *Lifeline and Link Up Reform Order*.<sup>1</sup>

Specifically, the letter requested that Nexus file a letter responding to five questions concerning Nexus’ plans for compliance with the FCC’s new rules. Nexus’ responses to those questions are set forth below. The responses reflect Nexus’ intention to avail itself of the FCC’s conditional forbearance from the facilities requirement.

1. *If you have already filed a compliance plan with the FCC, please notify the Commission and provide the date of your filing.*

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<sup>1</sup> See *In the Matter of Connect America Fund et al.*, WC Docket Nos. 10-90 *et al.*, Report and Order and Further Notice of Proposed Rule Making, FCC 11-161, 76 FR 73830 (rel. Nov. 18, 2011) (“*USF/ICC Transformation Order*”); *In the Matter of Connect America Fund et al.*, WC Docket Nos. 10-90 *et al.*, Order on Reconsideration, FCC 11-189, 77 FR 1637 (rel. Dec. 23, 2011); *In the Matter of Connect America Fund*, WC Docket Nos. 10-90 *et al.*, Order, DA 12-147, 77 FR 14297 (rel. Feb. 3, 2012) (“*USF/ICC Clarification Order*”); *Lifeline and Link Up Reform and Modernization et al.*, WC Docket No. 11-42 *et al.*, Report and Order and Further Notice of Proposed Rulemaking, FCC 12-11, 77 FR 12952 (rel. Feb. 6, 2012) (“*Lifeline and Link Up Reform Order*”), corrected 77 FR 19125 (March 30, 2012).

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Response: Nexus filed a compliance plan with the FCC on April 24, 2012, in accordance with the FCC's guidelines.<sup>2</sup> A copy of that plan is enclosed.

2. *If you have not filed a compliance plan but you intend to file in the near future, please notify the commission and provide an estimated timeline; once you submit the compliance plan to the FCC, please provide the Commission with the actual filing date.*

Response: Because Nexus has already filed its compliance plan, this question is not applicable to Nexus.

3. *Please provide an update to the Commission once your compliance filing is approved by the FCC.*

Response: Nexus will provide an update to the Washington Utilities and Transportation Commission ("Commission") once its compliance plan is approved by the FCC.

4. *If your company acquired new facilities since you filed the ETC petition in Washington and is now able to qualify as a facility-based carrier, please amend your original ETC petition with the Commission, providing detailed description of your new facilities.*

Response: Nexus has not acquired facilities that would qualify it as a facilities-based carrier since the filing of its ETC petition. However, Nexus intends to file an amendment to its original ETC petition to reflect changes to the criteria for ETC designation and available support in the wake of the FCC actions referenced above.

5. *If your company is not facility-based and you do not intend to file a compliance plan with the FCC, or if your company intends to withdraw your ETC petition in Washington, please notify the Commission as soon as possible.*

Response: Because Nexus does not intend to withdraw, and has indeed already filed a compliance plan with the FCC, this question is not applicable to Nexus.

As indicated above, Nexus intends to file an amended ETC petition in the near future. The planned amended application will reflect the current requirements for ETC designation, the elimination of Link Up except on Tribal Lands, and the FCC's conditional forbearance from the facilities requirement.

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<sup>2</sup> *Wireline Competition Bureau Provides Guidance for the Submission of Compliance Plans Pursuant to the Lifeline Reform Order*, Public Notice, DA 12-314 (WCB, rel. Feb. 29, 2012).

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Based on conversations with Ms. Jing Liu of the Commission Staff, Nexus' understanding is that the Commission and Staff will begin evaluating the amended application once it is received, in order to efficiently resolve any other issues with the petition before FCC approval of the compliance plan, with the understanding that final approval by the Commission would be conditioned on FCC approval of the compliance plan.

Please contact me if you have any questions or concerns about the above matter.

Very truly yours,

Davis Wright Tremaine LLP

A handwritten signature in black ink that reads "Alan J. Galloway". The signature is written in a cursive, flowing style.

Alan J. Galloway

AJG/cap

Enclosure: Compliance Plan  
cc: Service List  
William Weinman  
Danielle Frappier  
Mark Trincherro  
Client