



Control Number: 39643



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DOCKET NO. 39643

**ADJUSTMENTS TO SUPPORT FROM §
THE SMALL AND RURAL §
INCUMBENT LOCAL EXCHANGE §
COMPANY UNIVERSAL SERVICE §
PLAN PURSUANT TO PURA §56.032 §
§**

PUBLIC UTILITY COMMISSION

OF TEXAS

**RECEIVED
11 AUGUST 2013 PM 4:25
PUBLIC UTILITY COMMISSION
FILING CLERK**

COMMISSION STAFF'S ORIGINAL PETITION

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest and files this Commission Staff's Original Petition for adjustments to support from The Small and Rural Incumbent Local Exchange Company Universal Service Plan (the Plan) to small and rural incumbent local exchange companies pursuant to PURA¹ §56.032 and HB 2603 of the 82nd Regular Session of the Texas Legislature, and would show the following:

I. PURPOSE AND JURISDICTION

The purpose of this proceeding is to create an efficient mechanism to revise the monthly support amounts available to eligible small and rural incumbent local exchange carriers ("Small ILECs") from the Plan. This Petition is filed under Public Utility Regulatory Act (PURA) Chapter 56 including, but not limited to §§ 56.021, 56.023, 56.031 and 56.032, as well as PURA §§ 14.001, 51.001, and 58.060 and P.U.C. SUBST. R. 26.404.

II. BACKGROUND

The Texas Legislature amended Subchapter B, Chapter 56 of the Texas Utilities Code to add a new §56.032. This new section establishes methodologies for calculation of monthly support amounts from the Plan. The Small ILECs can elect the option listed in PURA

¹ Public Utility Regulatory Act, TEX. UTIL. CODE ANN. §§ 11.001-66.017 (Vernon 1998 & Supp. 2010) (PURA), H.B. 2603, Sections 3 takes effect September 1, 2013, all other portions of HB 2603 take effect September 1, 2011, H.B. 2603, Act of June 17, 2011, 82nd Leg., R.S.

§56.032(c) by filing a written request prior to December 31, 2011. Small ILECs that are not electing companies under Chapter 58 or 59 can elect the option in PURA §56.032(d) by filing a written request at any time prior to the expiration of that section on September 1, 2013. The instant docket was created to allow the Small ILECs to file their respective election and proposed calculation under PURA §56.032 and allow the Commission to timely process such filings.

III. OPTIONS FOR SMALL ILECS

1. Each Small ILEC wishing to elect fixed monthly amounts based on the company's annualized amount of recovery for the calendar year ending on December 31, 2010 may file in this docket an **Election Under PURA §56.032(c)** and provide their proposed monthly amount and their methodology and their calculation in accordance with the formula described in the attached **Exhibit A ("Exhibit A - PURA §56.032(c) Sample Election Form")**.
2. Each Small ILEC that is not an electing company under PURA Chapters 58 or 59 that wishes to elect to receive its annualized support amounts calculated pursuant to PURA §56.032(d) may file in this docket an **Election Under PURA §56.032(d)** and provide their proposed monthly amount and their calculation in accordance with the formula described in the attached **Exhibit B ("Exhibit B - PURA §56.032(d) Sample Election Form")**.
3. Each Small ILEC wishing to maintain their current support methodology need not file anything with the Commission.

IV. PROCEDURAL SCHEDULE

Commission Staff proposes the following procedural schedule in the interest of providing clarity, timeliness, and predictability in Commission review and consideration of Small ILEC elections for specific modifications to the Plan support amounts as provided in PURA §56.032. The Staff also recommends that notice be 1) mailed to Small ILECs and the parties to Docket No. 18516, and 2) published in the Texas Register on the date listed below.

| Date | Action |
|--------------------|--|
| August 10, 2011 | Order No. 1 issued |
| August 12, 2011 | Notice by registered mail |
| August 19, 2011 | Notice published in the Texas Register |
| September 1, 2011 | Small ILECs file PURA §56.032(c) or (d) Election |
| September 8, 2011 | Proposed Order filed |
| September 29, 2011 | Commission is scheduled to consider the Proposed Order at Open Meeting |

This procedural schedule would allow for an effective date of September 1, 2011 for those companies that filed on September 1, 2011.

V. RELIEF REQUESTED

The Commission Staff files this Petition to provide guidance to Small ILECs regarding a consistent method for electing to make changes to their support amounts from the Plan pursuant to PURA §56.032, so that a single formula for each election can be used, a single docket can be used to process such elections, and Commission consideration of such elections can be promptly processed.

Accordingly, Staff requests that the Administrative Law Judge assigned in this proceeding issue an Order No. 1 adopting the proposed procedural schedule which would require:

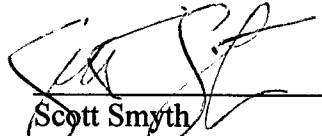
1. Notice to be given via certified mail to all affected Small ILECs and the parties to Docket No. 18516 and Texas Register notice to be timely given.
2. Small ILECs wishing to revise their monthly support amounts from the Plan to file with the Commission on September 1, 2011 their proposed monthly amounts and their methodology and calculations in accordance with the instructions and forms provided in Order No. 1.
3. This matter be set for consideration at the Commission's Open Meeting scheduled for September 29, 2011.

Respectfully Submitted,

Margaret Uhlig Pemberton
Division Director - Legal Division

Keith Rogas
Deputy Division Director - Legal Division

Karen S. Hubbard
Managing Attorney – Legal Division

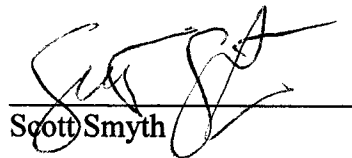


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CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on this the 8th day of August, 2011 in accordance with P.U.C. Procedural Rule 22.74.



Scott Smyth

Exhibit A - PURA §56.032(c) Sample Election Form

PURA §56.032(c) Election

In accordance with the Public Utility Regulatory Act ("PURA") §56.032 and P.U.C. SUBST. R. §26.404, I hereby certify that _____ is a small and rural incumbent local exchange company that elects to have its Texas Universal Service Fund ("TUSF") support in fixed monthly amounts pursuant to PURA §56.032(c).

A. TUSF Support Received in Calendar Year ending December 31, 2010 (based on the actual access line count claimed for Calendar Year ending December 31, 2010):

B. Monthly fixed TUSF Support Amount (Amount in A. above divided by 12):

"The matters addressed above are within my personal knowledge and are true and correct and I am an authorized representative of the company named above."

Signature

Printed Name

Title

Company

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned authority, on this the _____ day of _____, 2011.

Notary

State of _____

SEAL:

Exhibit B - PURA §56.032(d) Sample Election Form

§56.032(d) Election

In accordance with the Public Utility Regulatory Act ("PURA") §56.032 and P.U.C. SUBST. R. §26.404, I hereby certify that _____ is a small and rural incumbent local exchange company that is not an electing company under PURA, Chapter 58 or 59 and elects to have its Texas Universal Service Fund ("TUSF") support in fixed monthly amounts pursuant to PURA §56.032(d).

- A. Annual TUSF support ordered in Docket No. 18516 (Column E in Attachment 1 of Final Order filed on January 14, 2000 in Docket No. 18516): _____.
- B. Annual cumulative Consumer Price Index ("CPI") change since 1999: 33.61%.
- C. Annual TUSF adjusted for annual cumulative CPI change listed in B. above (Amount in A. above multiplied by 1.3361): _____.
- D. Monthly adjusted TUSF Support (Amount in C. above divided by 12): _____.

"The matters addressed above are within my personal knowledge and are true and correct and I am an authorized representative of the company named above."

Signature

Printed Name

Title

Company

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned authority, on this the _____ day of _____, 2011.

Notary

State of _____

SEAL: