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DOCKET NO. 48831

APPLICATION OF BORDER TO  
BORDER COMMUNICATIONS, INC. §  
FOR TRUE-UP OF 2016 FUSF §  
IMPACTS TO TUSF §

PUBLIC UTILITY COMMISSION  
OF TEXAS

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**COMMISSION STAFF'S RECOMMENDATION ON APPLICATION SUFFICIENCY**

**COMES NOW** the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and files this Recommendation on Application Sufficiency in response to Order No. 1. In support thereof, Staff shows the following:

**I. BACKGROUND**

On October 31, 2018, Border to Border Communications, Inc. (Border to Border) filed a true-up report as required by Findings of Fact Nos. 11 and 12 of the final order in Docket No. 45944<sup>1</sup>. The Commission determined that the Federal Communications Commission's actions were reasonably projected to reduce the amount that Border to Border received in Federal Universal Service Fund (FUSF) revenue by \$859,754.00 for calendar year 2016. Border to Border recovered \$859,754.00 from the Texas Universal Service Fund (TUSF) but stated it did not fully recover the actual reduction in FUSF revenue in calendar year 2016. Border to Border seeks an additional \$171,377.00 from the TUSF.

On November 5, 2018, Order No. 1 was issued, establishing a deadline of November 30, 2018, for Staff to file a recommendation on the sufficiency of the application and notice and to propose a procedural schedule. Therefore, this pleading is timely filed.

**II. SUFFICIENCY OF THE APPLICATION**

Under 16 Texas Administrative Code (TAC) § 22.2(6), Border to Border's filing is an application to the Commission to initiate a proceeding. Accordingly, Border to Border must satisfy the procedural requirements for an application detailed in 16 TAC § 22.73. In addition, Border to Border's application must satisfy the requirements of 16 TAC § 26.406(c)(2), which implements

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<sup>1</sup> *Application of Border to Border Communications, Inc. to Recover Funds from the Texas Universal Service Fund Pursuant to 16 TAC § 26.406*, Docket No. 45944, Order (Oct. 10, 2016).

PURA § 56.025.<sup>2</sup> Staff has determined that Border to Border's application satisfies the requirements for applications under 16 TAC § 22.73 and § 26.406 and is therefore sufficient to initiate this proceeding before the Commission.

### III. NOTICE

Staff notes that notice of this application was published in the *Texas Register*. Staff recommends that *Texas Register* notice is sufficient and that no additional notice is required.<sup>3</sup>

### IV. PROPOSED PROCEDURAL SCHEDULE

Staff proposes the following procedural schedule:

True-up Report Filed	October 31, 2018
Texas Register notice published	November 16, 2018
Deadline to intervene	December 17, 2018 <sup>4</sup>
Intervenor comments on the merits or request for a hearing on the merits	January 2, 2019
Deadline for Staff to request a hearing or file a recommendation on final disposition	February 1, 2019
Deadline for Border to Border to respond to Staff's recommendation or request or, if no disputes exist, deadline for parties to jointly file a proposed notice of approval, including findings of fact, conclusions of law, and ordering paragraphs	February 15, 2019

### V. CONCLUSION

For the reasons stated above, Staff recommends that Border to Border's application and notice be deemed sufficient for further review and that the proposed procedural schedule be adopted.

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<sup>2</sup> Public Utility Regulatory Act, Tex. Util. Code Ann. §§ 11.001-66.016 (PURA).

<sup>3</sup> See 16 Texas Administrative Code § 22.55 (TAC).

<sup>4</sup> Under 16 TAC § 22.104(b), the intervention deadline is 45 days from the date the application is filed. The 45<sup>th</sup> day after October 31, 2018, is December 15, 2018, which is a Saturday. Pursuant to 16 TAC § 22.4(a), if a deadline falls on a day that the Commission is not open for business, the actual deadline will be the next day that the Commission is open for business. Therefore, the intervention deadline is Monday, December 17, 2018.<sup>9</sup>

Dated: November 29, 2018

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF  
TEXAS LEGAL DIVISION**

Margaret Uhlig Pemberton  
Division Director

Katherine Lengieza Gross  
Managing Attorney

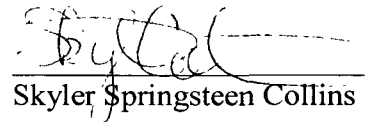


Skyler Springsteen Collins  
State Bar No. 24105618  
1701 N. Congress Avenue  
P.O. Box 13326  
Austin, Texas 78711-3326  
(512) 936-7203  
(512) 936-7268 (facsimile)  
Skyler.Collins@puc.texas.gov

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**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on November 29, 2018 in accordance with 16 TAC § 22.74.



Skyler Springsteen Collins