

Agenda Date: 9/21/11

Agenda Item: IVD



STATE OF NEW JERSEY
Board of Public Utilities
44 South Clinton Avenue, 9th Floor
Post Office Box 350
Trenton, New Jersey 08625-0350
www.nj.gov/bpu/

TELECOMMUNICATIONS

IN THE MATTER OF THE PETITION OF) ORDER OF APPROVAL
WARWICK VALLEY TELEPHONE COMPANY FOR) AND CERTIFICATION
CERTIFICATION WITH REGARD TO THE USE OF)
UNIVERSAL SERVICE SUPPORT-YEAR 2012) DOCKET NO. TO01090575

(SERVICE LIST ATTACHED)

BY THE BOARD:

On June 29, 2011, pursuant to 47 C.F.R. § 54.314, Warwick Valley Telephone Company ("Warwick") filed a verified petition with the Board of Public Utilities ("Board") requesting that the Board file a certification with the Federal Communications Commission ("FCC") stating that Warwick's use of Universal Service Support funds ("USS") is consistent with the purposes for which such funds may be used, according to federal law. On July 28, 2011, Warwick sent certification of publication regarding this matter. The certification requested by Warwick must be filed by the Board with the FCC by October 1, 2011 in order for Warwick to receive its full allocation of funds under the requirements imposed by the FCC.

Warwick is an incumbent local exchange carrier providing telecommunications services to customers in the Townships of Vernon and West Milford, New Jersey, and the towns of Warwick and Goshen, New York. Also, Warwick provides service to approximately 14,526 access lines of which approximately 5,429 are in New Jersey. In addition, Warwick is a rural telephone company as defined by the Telecommunications Act of 1996, P.L. 104-104, 110 Stat. 56 (codified in scattered Sections of 47 U.S.C. §§ 151 et seq.) (hereinafter, the Act). See 47 U.S.C. § 153(44). The Board has previously certified Warwick as an eligible telecommunications carrier, pursuant to 47 U.S.C. § 214(e). See Order of Approval, I/M/O a Petition by Warwick Valley Telephone Company for Designation as an Eligible Telecommunications Carrier Under the Telecommunications Act of 1996, Docket No. TO97080587 (November 25, 1997). Under the Act, certification as an Eligible Telecommunications carrier is necessary in order to receive federal Universal Service Support. 47 U.S.C. § 254(e).

The FCC's rule at 47 C.F.R. § 54.314(a) requires that, in order for Warwick to receive USS funds, the Board must file an annual certification with the USS fund Administrator and the FCC stating that "all federal high-cost support provided to [Warwick within New Jersey] will be used only for the provision, maintenance, and upgrading of facilities and services for which the support is intended." Pursuant to 47 C.F.R. § 54.314(d), the Board's annual certification must be filed with the administrator and the FCC by October 1, 2011, in order for Warwick to receive USS fund support for 2012.

By previous Order of Approval & Certification dated September 16, 2010 in Docket No. TO01090575, the Board certified Warwick's use of USS funds in order for Warwick to receive support in 2011. In that Order, the Board stated:

Because state certification is now required on an annual basis, and in order to ensure use of Universal Service Support funds in a manner consistent with federal law, the Board DIRECTS Warwick to continue to submit to the Board, no later than July 1st and January 1st of each year, a report, in a manner and format to be determined by Staff, providing auditable information sufficient to determine Warwick's compliance with federal law, including, but not limited to, compliance with the FCC's required uses of Universal Service Support funds. The Board FURTHER DIRECTS Warwick to continue to file its future requests for Board certification no later than July 1st of each year, absent extenuating circumstances, and to simultaneously publish notice of the filing in newspapers of general circulation in its service territory. Such notice shall be reviewed by Staff prior to its publication.

[See 2010 Order at 2].

Warwick has filed the following information:

- A. Cost Support Response Form prepared as of June 29, 2011 (schedules for 2011 pro forma and 2012 projected).
- B. Affidavit of Ralph Martucci, Vice President, Chief Financial Officer, and Treasurer of Warwick, certifying use of USS funds for 2012 will be for intended purposes under the Act.
- C. A copy of the proof of newspaper publication of this filing.

Having reviewed the petition and the information submitted in support thereof, the Board HEREBY CERTIFIES that Warwick shall use the federal USS it receives during 2012 for the provision, maintenance, and upgrading of facilities and services for which such support is intended, as required by section 254(e) of the Telecommunications Act of 1996 and 47 C.F.R. § 54.101 et seq.

Because state certification is now required on an annual basis, and in order to ensure continued use of Universal Service Support funds in a manner consistent with federal law, the Board DIRECTS Warwick to continue to submit to the Board, no later than July 1st and January 1st of each year, a report, in a manner and format to be determined by Staff, providing auditable information sufficient to determine Warwick's compliance with the FCC's required uses of Universal Service Support funds.

The Board FURTHER DIRECTS Warwick to continue to file its future requests for Board certification no later than July 1st of each year, absent extenuating circumstances, and to simultaneously publish notice of the filing in newspapers of general circulation in its service

territory. Such notice shall be reviewed by Staff prior to its publication. In addition, the Board requests that the Office of the Attorney General file the Order of Approval and Certification with both the Office of the Secretary of the FCC and the Administrator of the high-cost universal service support mechanism to serve as compliance with the certification requirements as set forth in 47 C.F.R. § 54.314.

DATED: 9/22/11

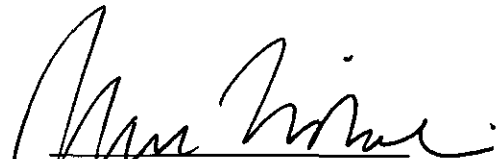
BOARD OF PUBLIC UTILITIES
BY:




LEE A. SOLOMON
PRESIDENT



JEANNE M. FOX
COMMISSIONER



JOSEPH L. FIORDALISO
COMMISSIONER

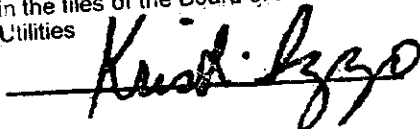


NICHOLAS ASSELTA
COMMISSIONER

ATTEST:

KRISTI IZZO
SECRETARY

I HEREBY CERTIFY that the within
document is a true copy of the original
in the files of the Board of Public
Utilities



IN THE MATTER OF THE PETITION OF WARWICK VALLEY TELEPHONE COMPANY FOR
CERTIFICATION WITH REGARD TO THE USE OF UNIVERSAL SERVICE SUPPORT-YEAR
2012 - DOCKET NO. TO01090575

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