



Agenda Date: 8/15/12

Agenda Item: IVE

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 WARWICK)
VALLEY TELEPHONE COMPANY FOR)
CERTIFICATION WITH REGARD TO THE USE OF)
UNIVERSAL SERVICE SUPPORT--YEAR 2013)
ORDER OF APPROVAL AND)
CERTIFICATION)
DOCKET NO. TO01090575)

(SERVICE LIST ATTACHED)

BY THE BOARD:

On June 22, 2012, 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 3, 2012, Warwick sent a certificate of newspaper publication regarding this matter. The certification requested by Warwick must be filed by the Board with the FCC by October 1, 2012 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 ("ILEC") certified as an eligible telecommunications carrier by the Board. Warwick provides telecommunications services to customers in the Townships of Vernon and West Milford, New Jersey, and the towns of Warwick and Goshen, New York. Warwick provides ILEC service to approximately 13,232 access lines, of which 4,942 are in New Jersey. 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 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 state to

the FCC 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, 2012, in order for Warwick to receive USS funds in 2013.

By previous Order of Approval and Certification, dated September 22, 2011, Docket No. TO01090575 ("2011 Order"), the Board certified Warwick's use of USS funds in order for Warwick to receive support in 2012. 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 2011 Order at 2].

Warwick has filed the following information:

- A- Cost Support Response Form and supporting schedules of Warwick prepared as of June 11, 2011 (schedules for 2012 pro forma and 2013 projected).
- B- Affidavit of Ralph Martucci Jr., Vice President, Chief Financial Officer, and Treasurer of Warwick, certifying that USS funds received by Warwick in the preceding calendar years (2011 and 2012) have been and will be used for the purposes intended under the Act.
- C- A copy of the proof of newspaper publications of this filing.
- D- An annual report filing of Warwick as required by 47 C.F.R. § 54.313. The report provides responses, where applicable and available, to sections 54.313 (a)(2)-(6) and 54.313 (H).

Having reviewed the petition and the information submitted in support thereof, and given that no one has objected to Warwick's continued use of federal USS funds, the Board HEREBY CERTIFIES that Warwick shall use the federal USS funds it receives during 2013 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.

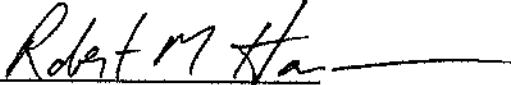
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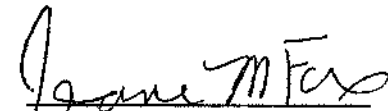
each year, a report, in a manner and format to be determined by Staff, providing auditable information sufficient to determine Warwick's compliance with the FCC's required uses of Universal Service Support funds.


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 this 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: 8/15/12

BOARD OF PUBLIC UTILITIES
BY:


ROBERT M. HANNA
PRESIDENT


JEANNE M. FOX
COMMISSIONER


JOSEPH L. FIORDALISO
COMMISSIONER

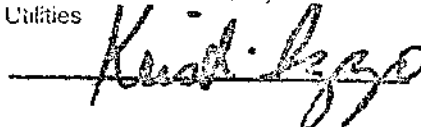

NICHOLAS ASSELTA
COMMISSIONER


MARY-ANNA HOLDEN
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 2013

DOCKET NO. TO01090575

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