

Louisiana Public Service Commission
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MARCH 26, 2004

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DEADLINE FOR FILING MATERIALS TO APPEAR IN THE NEXT OFFICIAL BULLETIN IS **4:30 P.M. ON THURSDAY, APRIL 1, 2004** PRIOR TO MAILING ON **FRIDAY, APRIL 9, 2004**. DOCUMENTS FILED AFTER THAT TIME WILL APPEAR IN THE NEXT REGULAR OFFICIAL BULLETIN.

OPEN SESSION WILL BE WEDNESDAY, APRIL 14, 2004 AT 9:30 A.M.

Listed in this Bulletin are applications docketed for public hearing by this Commission. (Other docketed matters may be noticed individually under separate cover.) Any person wishing to intervene in any of the proceedings shall so notify the Commission in writing at its Baton Rouge Office in time for such notice to appear in the Commission's Office not later than Twenty-Five (25) days from date of this publication unless otherwise noted. The notice shall identify each proceeding and its docket number, set forth the interest of the intervenor or opponent and where possible the number and name of witnesses to be called and anticipated and any other known interested parties. Persons of record will subsequently be notified of time and place of hearing when fixed. (Copies of application or complaint will be furnished upon request.) In cases where applications for the transfer of Transportation certificates and permits are unopposed after expiration of the publication period and the Staff is satisfied that the transferor has operated the authority pursuant to requirements of LRS 45:166b and that the transferee is ready, fit and able to operate the authority, the authority shall be transferred after expedited hearing and the appropriate filings being made. Likewise, uncontested applications for Transportation certificates and permits will also be approved after expedited hearing and the staff is satisfied that the record after hearing does reveal that a prima facie case of public need and necessity/public interest has been shown.

PART I – TRANSPORTATION

A. RATE APPLICATIONS – N/A

B. REQUESTS FOR AUTHORITY

DOCKET NO. T-27858 – A-1 Movers, Inc. (Baton Rouge, Louisiana) and Armstrong Relocation Company, Louisiana, LLC (Baton Rouge, Louisiana) In re: Application to Sell and Transfer all rights, title and interest in Common Carrier
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That jurisdictional utility companies shall comply with this order as soon as practicably possible but not later than 120 days from the date of this order. The Commission Staff is instructed to cooperate with the utility companies to insure compliance with the directives of this General Order.

DOCKET NO. R-27841 - Louisiana Public Service Commission, ex parte. In re: Establishment of public interest criteria applicable to telecommunications carriers seeking Eligible Telecommunications Carrier (ETC) designation pursuant to 47 USC 214(e)(2) in areas served by rural telephone companies.

As set forth in 47 USC § 214(e)(2), a State commission is delegated the authority by the Federal Communications Commission ("FCC") to designate a telecommunications carrier as a competitive ETC for purposes of receiving federal universal service funding. Prior to any such designation, the Commission is required to conduct a two-fold analysis. First the applying carrier must show it offers the 9 nine supported services and advertises the availability of said services in media of general distribution. Second, in the case of an area served by a rural telephone company, the State commission must find that the designation would be in the public interest.

Unfortunately, of what was contemplated by this "public interest test" remained unclear. Accordingly, little guidance existed for this Commission to follow when conducting such a "test." However, a recent FCC decision, *In the Matter of Federal-State Joint Board on Universal Service, Virginia Cellular, LLC Petition for Designation as an Eligible Telecommunications Carrier in the Commonwealth of Virginia, CC Docket No. 96-45, Memorandum Opinion and Order, FCC 03-338* ("Virginia Cellular"), has provided some clarity on the issue, specifically outlining what factors should be considered in connection with a "public interest test." Consistent with this ruling, Staff proposed the following public interest criteria be adopted, and applied on a case specific basis, in connection with all requests for ETC designation in areas served by rural telephone carriers.

1. Benefits of increased competitive choice resulting from the designation.
2. Impact of multiple designations on the Universal Service Fund.
3. Unique advantages and disadvantages of the competitive service offering.
4. Commitment to quality of service by the competitive provider.
5. Submission of records and documentation, on a quarterly basis, declaring the carriers progress towards meeting its build-out plans in the service area in which it is designated an ETC.
6. For wireless carriers, compliance with the CTIA Consumer Code for Wireless Services.
7. Submission of the number of consumer complaints per 1000 mobile headsets to the LPSC on a quarterly basis.
8. Adoption of a process setting forth specific steps that will be considered if a request for service is received from a customer within the designated ETC service area, but outside the existing signal coverage area.
9. Information regarding the number of requests for service in the designated area that go unfulfilled.
10. Compliance with all state and federal 911 and E-911 mandates.
11. Compliance with Section 401 of the LPSC's Regulations for Competition in the Local Telecommunications Market. (Tariffs)
12. Compliance with Section 302 of the LPSC's Regulations for Competition in the Local Telecommunications Market. (Annual Report Filings)
13. Compliance with the Commission's Order for TSP Billing Order.

Staff also notes that the above conditions are consistent with the recently issued recommendation of the Federal/State Board on Universal Service.

Comments on the above are to be submitted no later than Wednesday, April 14, 2004 to Staff Attorney Brandon Frey, as the Commission has requested this matter be considered at its April Business and Executive Session.

In re: Proposed new guidelines and rules for filing annual reports by all utility companies regulated by the Louisiana Public Service Commission and Possible Amendments to Commission General Orders dated July 1, 1921, December 28, 2000, and other relevant orders.

G. TARIFF FILINGS – N/A

H. MISCELLANEOUS