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CLIENT/MATTER NUMBER
093848-0101

Ms. Ann Cole
Commission Clerk
Office of the Commission Clerk
Florida Public Service Commission
21540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Re: Docket No. 070348-TX: Petition for designation as eligible telecommunications carrier (ETC) by Swiftel, LLC.

Dear Ms. Cole,

Attached for filing please find Swiftel's response to staff's December 12, 2008, data request. Pursuant to section 364.183(3), Florida Statutes, and Rule 25-22.006, Florida Administrative Code, Swiftel hereby makes a claim of confidentiality as to the contents of Exhibits F, G, and H, to the response. The Exhibit contains confidential business information.

Cordially,



James A. McKee

- COM
- ECR
- GCL
- OPC
- RCP
- SSC
- SGA
- ADM
- CLK

This claim of confidentiality was filed by or on behalf of a "telco" for Confidential DN 00161-09. The document is in locked storage pending advice on handling. To access the material, your name must be on the CASR. If undocketed, your division director must provide written permission before you can access it.

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Swiftel, LLC's Responses to PSC Staff's December 12, 2008, Data Request

Request Number 1:

It appears Alabama is the only state where Swiftel is currently receiving Lifeline and Link-Up reimbursement from the Universal Service Administrative Company (USAC).

State	SPIN	Study Area	Name	Lifeline	Linkup	TLS	TOTAL	Mo/Year
☒ AL	143031659	259013	SWIFTEL LLC	\$63,457.00	\$98,640.00	\$27,310.00	\$189,407.00	Nov/2008
☒ AL	143031659	259013	SWIFTEL LLC	\$54,125.00	\$53,820.00	\$30,977.00	\$138,922.00	Oct/2008
☒ AL	143031659	259013	SWIFTEL LLC	\$33,133.00	\$42,240.00	\$10,599.00	\$85,972.00	Sep/2008
☒ AL	143031659	259013	SWIFTEL	\$24,832.00	\$39,600.00	\$5,942.00	\$70,374.00	Aug/2008
☒ AL	143031659	259013	SWIFTEL	\$4,845.00	\$21,150.00	\$71.00	\$26,066.00	Jul/2008
☒ AL	143031659	259013	SWIFTEL	\$253.00	\$4,200.00	\$0.00	\$4,453.00	Jun/2008

Based on the above Low Income Disbursement Data from USAC, please itemize how each Lifeline, Linkup, and Toll Limitation Service (TLS) disbursement was calculated for USAC's Form 497 for each month from June 2008 through November 2008. Please provide copies of each form 497 filed with USAC for Alabama.

Response to Request Number 1:

Swiftel prepares a file each month that identifies every eligible customer that received a subsidy from Swiftel in that calendar month. The file is pulled from Swiftel's subscriber billing system and identifies the customer's name, phone number, order type, service connection date, service termination date as well as other data relative to the customer's service. The file is shipped to CGM, LLC, where CGM personnel employ it to complete the monthly 497 form that is submitted to USAC. CGM calculates full month and prorated Lifeline subsidies based on the data included in the monthly file, and calculates Link Up subsidies based on the service origination date and order type. CGM queries its Wholesale Invoice Navigator (WIN) database to identify toll blocking cost assessed by the incumbent local exchange carrier (ILEC), and depending on the customer, submits these amounts for recovery on the TLS portion of the Form 497. Copies of each form 497 filed with USAC for Alabama are attached as Composite Exhibit A.

Request Number 2:

If equipment cost for TLS is included within the form 497 filed with USAC for Alabama, please breakdown the cost by each piece of equipment and advise if that piece of equipment is used, or can be used, for other purposes besides TLS.

Response to Request Number 2:

Swiftel does not include any equipment cost within the form 497 filed with USAC for Alabama. The TLS is provided by an outside vendor.

Request Number 3:

How many Wholesale Local Platform (formerly UNE) lines has Swiftel purchased from AT&T in the state of Alabama each month in 2008?

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Response to Request Number 3:

Swiftel has not purchased any Wholesale Local Platform lines from AT&T in the state of Alabama.

Request Number 4:

How many Resale lines has Swiftel purchased from AT&T in the state of Alabama each month in 2008?

Response to Request Number 4:

See chart attached as Exhibit B.

Request Number 5:

Of the Resale lines Swiftel purchased from AT&T (if any), how many of them were Resale Lifeline lines for which AT&T credited Swiftel \$10.00 per month? Please list by month.

Response to Request Number 5:

A chart detailing Resale Lifeline lines for which AT&T credit Swiftel \$10.00 per month in the state of Alabama is attached as Exhibit C. Swiftel was not credited \$10.00 by AT&T for any Resale Lifeline lines in Alabama after May 2008. A chart detailing Resale Lifeline lines for which AT&T credit Swiftel \$10.00 per month in the state of Florida is attached as Exhibit D.

Request Number 6:

Does Swiftel receive an AT&T credit for Link-Up service? If so, please list the amounts credited to Swiftel by month.

Response to Request Number 6:

Yes. Swiftel receives a credit of 50% of AT&T's tariff rate for each state.

Request Number 7:

Does Swiftel receive toll-blocking for its Lifeline customers provided by AT&T? If so, at what cost?

Response to Request Number 7:

Swiftel does receive toll-blocking for Lifeline customers in Florida. Although Swiftel should not be charged for toll-blocking services because Florida is a non-ETC state, Swiftel is currently being charged for such services and intends to dispute these charges. Currently Swiftel is charged \$7.82 per customer. The \$7.82 figure is arrived at by reducing the tariff rate of \$10.00 by Swiftel's discount of 21.83%. Swiftel is petitioning for ETC status in Florida to protect its customer base.

Alabama is an ETC state, and Swiftel does receive toll-blocking at a rate of \$3.07.

Request Number 8:

How many Lifeline Customers does Swiftel currently have in Florida?

Response to Request Number 8:

Swiftel has had a total of 3,041 customers in Florida since its inception. As of January 1, 2009, Swiftel has 1,051 active customers in Florida.

Request Number 9:

Paragraph 5 of Swiftel's Amended Petition states that neither Ms. Watson nor Mr. Solt own or participate in the management of any other telecommunications company. The next sentence states that Mr. Solt is an officer and part owner of 321 Communication, Inc., an Enhanced Service Provider which provides Voice-Over-Internet-Protocol (VOIP) origination and termination services. Is 321 a telecommunications company?

Response to Request Number 9:

321 Communications, Inc. ("321"), has historically been an enhanced service provider. However, 321 has recently obtained certification in Kentucky (November, 2008) and shortly thereafter in New York. It appears that 321 now meets the definition of a telecommunications company provided in section 364.02(14), Florida Statutes.

Request Number 10:

Paragraph 9 of Swiftel's Amended Petition states that Applications for ETC status are currently pending in Washington, North Carolina, Tennessee and Kentucky. Please elaborate on the current status of each pending application for ETC designation in each of these states.

Response to Request Number 10:

Swiftel was granted ETC status in Kentucky on January 6, 2009. The order granting Swiftel ETC status is attached as Exhibit E. Swiftel is in the process of responding to a data request in the states of North Carolina and Washington. Swiftel's application in Tennessee remains pending.

Request Number 11:

Paragraph 19 of Swiftel's Amended Petition states that Swiftel also seeks designation as an eligible telecommunications carrier in tribal lands. Please provide the name of each Florida Tribe and the location of each tribal land where Swiftel is requesting ETC designation.

Response to Request Number 11:

Swiftel is in the process of compiling this information, but has not yet identified the name of each Florida tribe and the location of each tribal land in which it desires to request ETC designation. Accordingly, in order prevent delay in the processing of Swiftel's Amended Petition, Swiftel withdraws its request to seek designation as an eligible telecommunications carrier in tribal lands. Swiftel will pursue such designation at a later date.

Request Number 12:

Has Swiftel submitted a copy of its amended ETC petition to each affected tribal government and tribal regulatory authority as required by 47 C.F.R. §54.202(d)?

Response to Request Number 12:

As stated in Response to Request Number 11, Swiftel withdraws its request to seek designation as an eligible telecommunications carrier in tribal lands. Swiftel will pursue such designation at a later date. At such time Swiftel will ensure a copy of its ETC petition is provided to each affected tribal government and tribal regulatory authority.

Request Number 13:

Paragraph 9 of Swiftel's amended Petition states that Swiftel made a business decision to voluntarily withdraw its petition for ETC status in Montana. The Montana PSC Order states that Swiftel's application did not comply with Montana laws, and Swiftel did not amend its application. The Montana PSC dismissed Swiftel's application. Please explain the apparent contradiction.

Response to Request Number 13:

Swiftel's business dealings with the Montana PUC were previously discussed with Florida PSC staff during Swiftel's September 9, 2008, meeting with staff. Swiftel's petition for ETC status in Montana was initially determined by Montana PUC staff to be incomplete. Swiftel subsequently made a business decision not to expend the resources necessary to re-file its petition, and conveyed this position to Montana PUC staff. Swiftel believed its decision not to re-file its petition, and conveyance of this position to Montana PUC staff, constituted a voluntary withdrawal of its petition for ETC status in Montana.

Request Number 14:

Paragraph 12 of the Amended Petition states that Swiftel is "Reviewing its business operations in Oregon to determine whether it will renew its certification." According to the Oregon PUC Order, the PUC found that Swiftel "Failed to comply with Commission rules and terms of the certificate." The Oregon PUC cancelled Swiftel's certificate. Please explain the apparent contradiction.

Response to Request Number 14:

Swiftel's business dealings with the Oregon PUC were previously discussed with Florida PSC staff during Swiftel's September 9, 2008, meeting with staff. Swiftel's Oregon certificate was cancelled due to confusion between Swiftel and Solix Technologies, a third party vendor, regarding responsibility for payment of quarterly and yearly fees. Swiftel has since been working with Solix personnel to ensure no future confusion occurs.

Swiftel is currently reviewing its operations in Oregon to determine whether it makes business sense for Swiftel to renew/reinstate its certification. Swiftel has not yet confirmed whether renewal, reinstatement, or recertification is the appropriate process. Swiftel is in the process of completing contract negotiations with a firm to handle all of Swiftel's regulatory and tax compliance and filings for all of the states Swiftel currently maintains certification, regardless of whether Swiftel is actively doing business in the state.

Request Number 15:

Swiftel's on-line certification form does not include the National School Lunch (NSL) Program's Free Lunch Program or Bureau of Indian Affairs programs as eligible programs to qualify Lifeline applicants. Will Swiftel add these qualifying programs if granted ETC status in Florida?

Response to Request Number 15:

Swiftel has amended its current mailings to customers to correct this oversight, and will have its on-line certification form amended within three days. Swiftel will continue to provide these qualifying programs if granted ETC status in Florida.

Request Number 16:

Swiftel's on-line certification form allows self-certification of income to qualify for Lifeline. Is Swiftel aware that the FCC prohibits self-certification of income for Lifeline?

Response to Request Number 16:

Although Swiftel permits candidates to apply online, Swiftel does not allow self-certification of income. Swiftel does not certify applicants for the Lifeline discount until appropriate documentation (W-2s, tax returns, etc.) is received and reviewed. To date none of Swiftel's Lifeline customers have qualified for Lifeline status solely based on their income. Qualification has been based on other factors, such as the customer's qualification for other governmental assistance.

Request Number 17:

Does Swiftel offer prepaid long distance cards to its Lifeline customers? If so, please provide the costs and amount of minutes on the cards.

Response to Request Number 17:

No. Swiftel does not offer prepaid long distance cards to its Lifeline customers.

Request Number 18:

Please provide Swiftel's most current financial statements including Balance Sheet and Profit and Loss Statements. Please indicate who prepared the statements.

Response to Request Number 18:

Swiftel's most current Profit and Loss statement is attached as Exhibit F, and its most current Balance Sheet is attached as Exhibit G. These statements were prepared by Swiftel co-owner Lenny Solt.

Request Number 19:

Please provide copies of all Federal and State of Florida income tax and/or corporate filings made on behalf of Swiftel for the last three years.

Response to Request Number 19:

Swiftel's income tax return for tax year 2007 is attached as Exhibit H. Swiftel's income tax return for 2008 has not yet been filed.

Request Number 20:

Have any owners, officers, or managers of Swiftel been involved in any bankruptcy proceedings? If so, please provide details as to whom, when, and where the bankruptcy occurred.

Response to Request Number 20:

No.

Request Number 21:

Have any owners, officers, or managers of Swiftel been charged or convicted of a criminal offense? If so, please provide details as to whom, when, and where the charges or convictions occurred.

Response to Request Number 21:

No.

Request Number 22:

Please identify all civil litigation in which a Swiftel owner, officer, or manager has been deposed or has been a plaintiff, a defendant, or a witness.

Response to Request Number 22:

No Swiftel owner, officer, or manager has been deposed or has been a plaintiff, a defendant, or a witness in any civil litigation relevant to either this proceeding or Swiftel's business operations. Angie Watson was involved in litigation in an unrelated matter in *Angie Franco vs. Adams Homes*, and was deposed in the case of *Colleen Hunter vs. Adams Homes*. These cases were state court actions originating in Brevard County.

Request Number 23:

In paragraphs 29, 30, 32, 33, 35, 45, 52, and 54 of the Amended Petition, Swiftel refers only to BellSouth. Why is Verizon not included since Swiftel is also requesting ETC status in Verizon's territory?

Response to Request Number 23:

Paragraphs 29, 30, 32, 33, 35, 45, 52, and 54 should refer to both Bellsouth and Verizon. Swiftel apologizes for this oversight.

Request Number 24:

In paragraph 41 of the Amended Petition, Swiftel states that "Customers who reconnect service with the company are required to pay the past due bill and a \$30.00 reconnection fee." Are Lifeline customers allowed to pay past due amounts over time? Are Lifeline customers charged a \$30.00 reconnection fee?

Response to Request Number 24:

Yes, payment terms are available to Lifeline customers. While Swiftel attempts to bring all of its Lifeline customers current on their bills, Swiftel works with its customers to keep their telephone active. Swiftel charges a reconnection fee to cover the cost that is passed through to Swiftel from the carrier. This reconnection fee is charged only when a customer's account is suspended.

Request Number 25:

Do any of Swiftel responses to staff's previous data requests in this docket need to be updated or changed?

Response to Request Number 25:

Except as clarified or amended herein, Swiftel has not identified any responses to staff's previous data requests in this docket that need to be updated or changed.

LIFELINE AND LINK UP WORKSHEET

USAC Service Provider Identification Number (1) 143031659

Serving Area (2) 259013

(3)		(4)	
Company Name:	<u>Swiftel</u>	a) Submission Date:	<u>December 21, 2008</u>
Mailing Address:	<u>811 Garden St. Pensacola, FL 32501</u>	b) Data Month:	<u>November '08</u>
Contact Name:	<u>Chuck Campbell</u>	c) Type of filing (Check one):	Original <input checked="" type="checkbox"/> Revision <input type="checkbox"/>
Telephone Number:	<u>678.389-6023</u>	d) State Reporting:	<u>Alabama</u>
Fax Number:	<u>770.594-3878</u>		
E-mail Address:	<u>crcamp@cgminc.com</u>		

Lifeline	# Lifeline Subscribers (a)	Lifeline Support/Subscriber (b)*	Total Lifeline Support (c)
Tier 1 Low-Income Subscribers receiving federal Lifeline Support	(5) 7,901	x \$ 6.50	= \$ 51,356.50
Tier 2 Low-Income Subscribers receiving federal Lifeline Support	(6) 7,901	x \$ 1.75	= \$ 13,826.75
Tier 3 Low-Income Subscribers receiving federal Lifeline Support	(7) 7,901	x \$ 1.75	= \$ 13,826.75
Tier 4 Low-Income Subscribers receiving federal Lifeline Support	(8) 0	x \$ 0.00	= \$ 0.00
Check box to the right if partials or pro rata amounts are used. Indicate dollar amount, if applicable, on line 9.			2464 \$ 13,897.01 (9)
NOTE: (Do not include partials or pro rata amounts on lines 5 - 8 above)			Total federal Lifeline support claimed (Sum of lines 5c, 6c, 7c, 8c & 9) \$ 92,907.01 (10)

Link Up	Non-Tribal (a)	Tribal (b)	Total Link Up (c)
Number of Connections waived	(11) 1,455	0	
Charges waived per Connection	(12) * \$30.00	(\$30 max) \$0.00	(\$100 max)
Total Connection charges waived	(13) \$43,650.00	\$0.00	
Deferred Interest	(14) \$0.00	\$0.00	
Total Link Up dollars waived	(15) \$43,650.00	+ \$0.00	= \$ 43,650.00 (15c)

Toll-Limitation Services (TLS)		Total TLS dollars claimed
Incremental cost of providing TLS	(16) \$8.98000000	
Number of subscribers for whom TLS initiated	(17) 10,366	\$ 93,086.68 (18)

Presubscribed Interexchange Carrier Charge (PICC) (For Price-cap companies only; prior to 7/1/2000)		Total PICC dollars waived
Monthly charge per line	(19) \$0.00	
Number of Subscribers per month	(20) 0	\$ \$0.00 (21)

ETC Payment (22)	
Total Lifeline \$	<u>92,907.01</u>
Total Link Up \$	<u>\$43,650.00</u>
Total TLS	\$ <u>93,086.68</u>
Total PICC	\$ <u> </u>
Total Dollars	\$ <u>229,643.69</u>

If you have any questions, please call USAC at (866) 873(USF)-4727 Toll Free

LIFELINE AND LINK UP WORKSHEET

CERTIFICATIONS AND SIGNATURES (23)

I certify that my company will publicize the availability of Lifeline and Linkup services in a manner reasonably designed to reach those likely to qualify for those services.

EXHIBIT
A

I certify that my company will pass through the full amount of all Tier Two, Tier Three, and Tier Four federal Lifeline support for which my company seeks reimbursement, as well as all applicable intrastate Lifeline support, to all qualifying low-income subscribers by an equivalent reduction in the subscriber's monthly bill for local telephone service.

I certify that my company has received any non-federal regulatory approvals necessary to implement the required rate reduction(s).

I certify that my company is _____ is not _____ subject to state regulation. (Please check one.)

Based on the information known to me or provided to me by employees responsible for the preparation of the data being submitted, I certify that the data contained in this form has been examined and reviewed and is true, accurate, and complete.

I acknowledge the Fund Administrator's authority to request additional supporting information as may be necessary.

DATE

OFFICER/EMPLOYEE SIGNATURE

OFFICER/EMPLOYEE TITLE

OFFICER/EMPLOYEE NAME

NOTICE: To implement Section 254 of the Communications Act of 1934, as amended, the Federal Communications Commission has adopted changes to the federal low-income programs. The Commission has expanded the availability of these programs and the level of funding for discounts to low-income customers.

The following worksheet provides the means by which eligible telecommunications carriers will be reimbursed by the Universal Service Administrative Company (USAC) for their participation in these programs. Failing to collect the information, or collecting it less frequently, would prevent the Commission from implementing sections 214 and 254 of the Act, would thwart Congress' goals of providing affordable service and access to advanced services throughout the nation, and would result in eligible telecommunications carriers not receiving universal service support reimbursements in a timely fashion.

We have estimated that each response to this collection of information will take, on average, three hours for each respondent. Our estimate includes the time to read this data request, review existing records, gather and maintain required data, and complete and review the response. If you have any comments on this estimate, or on how we can improve the collection and reduce the burden it causes you, please write the Federal Communications Commission, AMD-PERM, Washington, D.C. 20554, Paperwork Reduction Project (3060-0819). We will also accept your comments on the burden estimate via the Internet if you send them to jboley@fcc.gov. Please DO NOT SEND the data requested to this e-mail address.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The FCC is authorized under the Communications Act of 1934, as amended, to collect the information we request in this form. If we believe there may be a violation or a potential violation of a FCC statute, regulation, rule or order, your worksheet may be referred to the Federal, state or local agency responsible for investigating, prosecuting, enforcing, or implementing the statute, rule, regulation or order. In certain cases, the information in your worksheets may be disclosed to the Department of Justice or a court or adjudicative body when (a) the FCC; or (b) any employee of the FCC; or (c) the United States Government is a party to a proceeding before the body or has an interest in the proceeding.

If you do not provide the information we request on the form, the FCC may delay processing of your worksheet or may return your worksheet without action.

The foregoing Notice is required by the Privacy Act of 1974, Pub. L. No. 93-579, December 31, 1974, 5 U.S.C. Section 552, and the Paperwork Reduction Act of 1995, Pub. L. No. 104-13, 44 U.S.C. Section 3501, et seq.

LIFELINE AND LINK UP WORKSHEET

USAC Service Provider Identification Number (1) 143031659

Serving Area (2) 259013

(3)		(4)	
Company Name:	<u>Swiftel</u>	a) Submission Date	<u>November 21, 2008</u>
Mailing Address:	<u>811 Garden St. Pensacola, FL 32501</u>	b) Data Month	<u>October '08</u>
Contact Name:	<u>Chuck Campbell</u>	c) Type of filing (Check one):	Original <input checked="" type="checkbox"/> Revision <input type="checkbox"/>
Telephone Number:	<u>678.389-6023</u>	d) State Reporting	<u>Alabama</u>
Fax Number:	<u>770.594-3878</u>		
E-mail Address:	<u>crcamp@cgminc.com</u>		

Lifeline	# Lifeline Subscribers (a)	Lifeline Support/Subscriber (b)*	Total Lifeline Support (c)
Tier 1 Low-Income Subscribers receiving federal Lifeline Support	(5) 6,131	x \$ 6.50	= \$ 39,851.50
Tier 2 Low-Income Subscribers receiving federal Lifeline Support	(6) 6,131	x \$ 1.75	= \$ 10,729.25
Tier 3 Low-Income Subscribers receiving federal Lifeline Support	(7) 6,131	x \$ 1.75	= \$ 10,729.25
Tier 4 Low-Income Subscribers receiving federal Lifeline Support	(8) 0	x \$ 0.00	= \$ 0.00
Check box to the right if partials or pro rata amounts are used. Indicate dollar amount, if applicable, on line 9.			2648 \$ 12,378.07 (9)
NOTE: (Do not include partials or pro rata amounts on lines 5 - 8 above)			Total federal Lifeline support claimed (Sum of lines 5c, 6c, 7c, 8c & 9) \$ 73,688.07 (10)

* For multiple rates, use an average amount

Link Up	Non-Tribal (a)	Tribal (b)	Total Link Up (c)
Number of Connections waived	(11) 2,451	0	
Charges waived per Connection	(12) * \$30.00	(\$30 max) \$0.00	(\$100 max)
Total Connection charges waived	(13) \$73,530.00	\$0.00	
Deferred Interest	(14) \$0.00	\$0.00	
Total Link Up dollars waived	(15) \$73,530.00	+ \$0.00	= \$ 73,530.00 (15c)

* For multiple rates, use an average amount

Toll-Limitation Services (TLS)			
Incremental cost of providing TLS	(16) \$7.05533318		
Number of subscribers for whom TLS initiated	(17) 8,779	Total TLS dollars claimed	\$ 61,938.77 (18)

Presubscribed Interexchange Carrier Charge (PICC) (For Price-cap companies only; prior to 7/1/2000)			
Monthly charge per line	(19) \$0.00		
Number of Subscribers per month	(20) 0	Total PICC dollars waived	\$ 0.00 (21)

ETC Payment (22)			
Total Lifeline \$	<u>73,688.07</u>	Total TLS \$	<u>61,938.77</u>
Total Link Up \$	<u>73,530.00</u>	Total PICC \$	<u>0.00</u>
Total Dollars		\$	<u>209,156.84</u>

If you have any questions, please call USAC at (866) 873(USF)-4727 Toll Free

LIFELINE AND LINK UP WORKSHEET

CERTIFICATIONS AND SIGNATURES (23)

I certify that my company will publicize the availability of Lifeline and Linkup services in a manner reasonably designed to reach those likely to qualify for those services.

I certify that my company will pass through the full amount of all Tier Two, Tier Three, and Tier Four federal Lifeline support for which my company seeks reimbursement, as well as all applicable intrastate Lifeline support, to all qualifying low-income subscribers by an equivalent reduction in the subscriber's monthly bill for local telephone service.

I certify that my company has received any non-federal regulatory approvals necessary to implement the required rate reduction(s).

I certify that my company is _____ is not _____ subject to state regulation. (Please check one.)

Based on the information known to me or provided to me by employees responsible for the preparation of the data being submitted, I certify that the data contained in this form has been examined and reviewed and is true, accurate, and complete.

I acknowledge the Fund Administrator's authority to request additional supporting information as may be necessary.

DATE

OFFICER/EMPLOYEE SIGNATURE

OFFICER/EMPLOYEE TITLE

OFFICER/EMPLOYEE NAME

NOTICE: To implement Section 254 of the Communications Act of 1934, as amended, the Federal Communications Commission has adopted changes to the federal low-income programs. The Commission has expanded the availability of these programs and the level of funding for discounts to low-income customers.

The following worksheet provides the means by which eligible telecommunications carriers will be reimbursed by the Universal Service Administrative Company (USAC) for their participation in these programs. Failing to collect the information, or collecting it less frequently, would prevent the Commission from implementing sections 214 and 254 of the Act, would thwart Congress' goals of providing affordable service and access to advanced services throughout the nation, and would result in eligible telecommunications carriers not receiving universal service support reimbursements in a timely fashion.

We have estimated that each response to this collection of information will take, on average, three hours for each respondent. Our estimate includes the time to read this data request, review existing records, gather and maintain required data, and complete and review the response. If you have any comments on this estimate, or on how we can improve the collection and reduce the burden it causes you, please write the Federal Communications Commission, AMD-PERF, Washington, D.C. 20554, Paperwork Reduction Project (3060-0819). We will also accept your comments on the burden estimate via the Internet if you send them to jboley@fcc.gov. Please DO NOT SEND the data requested to this e-mail address.

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If you do not provide the information we request on the form, the FCC may delay processing of your worksheet or may return your worksheet without action.

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LIFELINE AND LINK UP WORKSHEET

USAC Service Provider Identification Number (1) 143031659

Serving Area (2) 259013

(3)		(4)	
Company Name:	Swiftel	a) Submission Date	November 20, 2008
Mailing Address:	811 Garden St. Pensacola, FL 32501	b) Data Month	September '08
Contact Name:	Chuck Campbell	c) Type of filing (Check one):	Original Revision X
Telephone Number:	678.389-6023	d) State Reporting	Alabama
Fax Number:	770.594-3878		
E-mail Address:	crcamp@cqminc.com		

Lifeline		# Lifeline Subscribers (a)		Lifeline Support/ Subscriber (b)*		Total Lifeline Support (c)
Tier 1 Low-Income Subscribers receiving federal Lifeline Support	(5)	3,914	x	\$ 6.50	=	\$ 25,441.00
Tier 2 Low-Income Subscribers receiving federal Lifeline Support	(6)	3,914	x	\$ 1.75	=	\$ 6,849.50
Tier 3 Low-Income Subscribers receiving federal Lifeline Support	(7)	3,914	x	\$ 1.75	=	\$ 6,849.50
Tier 4 Low-Income Subscribers receiving federal Lifeline Support	(8)	0	x	\$ 0.00	=	\$ 0.00

Check box to the right if **partials** or **pro rata amounts** are used. Indicate dollar amount, if applicable, on line 9. 2488.00 \$ 11,577.18 (9)
NOTE: (Do not include partials or pro rata amounts on lines 5 - 8 above)

Total federal Lifeline support claimed
(Sum of lines 5c, 6c, 7c, 8c & 9) \$ 50,717.18 (10)

* For multiple rates, use an average amount

Link Up		Non-Tribal (a)		Tribal (b)		Total Link Up (c)
Number of Connections waived	(11)	2,351		0		
Charges waived per Connection	(12) *	\$30.00	(\$30 max)	\$0.00	(\$100 max)	
Total Connection charges waived	(13)	\$70,530.00		\$0.00		
Deferred Interest	(14)	\$0.00		\$0.00		
Total Link Up dollars waived	(15)	\$70,530.00	+	\$0.00	=	\$ 70,530.00 (15c)

* For multiple rates, use an average amount

Toll-Limitation Services (TLS)				Total TLS dollars claimed	
Incremental cost of providing TLS	(16)	\$4.86254429			
Number of subscribers for whom TLS initiated	(17)	6265			\$ 30,463.84 (18)

Presubscribed Interexchange Carrier Charge (PICC)				Total PICC dollars waived	
Monthly charge per line	(19)	\$0.00			
Number of Subscribers per month	(20)	0			\$ 0.00 (21)

ETC Payment (22)					
Total Lifeline	\$	<u>50,717.18</u>	Total TLS	\$	<u>30,463.84</u>
Total Link Up	\$	<u>70,530.00</u>	Total PICC	\$	<u>0.00</u>
			Total Dollars	\$	<u>151,711.02</u>

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LIFELINE AND LINK UP WORKSHEET

CERTIFICATIONS AND SIGNATURES (23)

I certify that my company will publicize the availability of Lifeline and Linkup services in a manner reasonably designed to reach those likely to qualify for those services.

I certify that my company will pass through the full amount of all Tier Two, Tier Three, and Tier Four federal Lifeline support for which my company seeks reimbursement, as well as all applicable intrastate Lifeline support, to all qualifying low-income subscribers by an equivalent reduction in the subscriber's monthly bill for local telephone service.

I certify that my company has received any non-federal regulatory approvals necessary to implement the required rate reduction(s).

I certify that my company is _____ is not _____ subject to state regulation. (Please check one.)

Based on the information known to me or provided to me by employees responsible for the preparation of the data being submitted, I certify that the data contained in this form has been examined and reviewed and is true, accurate, and complete.

I acknowledge the Fund Administrator's authority to request additional supporting information as may be necessary.

DATE

OFFICER/EMPLOYEE SIGNATURE

OFFICER/EMPLOYEE TITLE

OFFICER/EMPLOYEE NAME

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LIFELINE AND LINK UP WORKSHEET

USAC Service Provider Identification Number (1) 143031659

Serving Area (2) 259013

(3)		(4)	
Company Name:	<u>Swiftel</u>	a) Submission Date	<u>September 20, 2008</u>
Mailing Address:	<u>811 Garden St. Pensacola, FL 32501</u>	b) Data Month	<u>August '08</u>
Contact Name:	<u>Chuck Campbell</u>	c) Type of filing (Check one):	<input checked="" type="checkbox"/> Original <input type="checkbox"/> Revision
Telephone Number:	<u>678.389-6023</u>	d) State Reporting	<u>Alabama</u>
Fax Number:	<u>770.594-3878</u>		
E-mail Address:	<u>crcamp@cgminc.com</u>		

Lifeline		# Lifeline Subscribers (a)		Lifeline Support/ Subscriber (b)*		Total Lifeline Support (c)
Tier 1 Low-Income Subscribers receiving federal Lifeline Support	(5)	2,524	x	\$ 6.50	=	\$ 16,406.00
Tier 2 Low-Income Subscribers receiving federal Lifeline Support	(6)	2,524	x	\$ 1.75	=	\$ 4,417.00
Tier 3 Low-Income Subscribers receiving federal Lifeline Support	(7)	2,524	x	\$ 1.75	=	\$ 4,417.00
Tier 4 Low-Income Subscribers receiving federal Lifeline Support	(8)	0	x	\$ 0.00	=	\$ 0.00
Check box to the right if partials or pro rata amounts are used. Indicate dollar amount, if applicable, on line 9. X (1434)						\$ 6,983.99 (9)
NOTE: (Do not include partials or pro rata amounts on lines 5 - 8 above)						
Total federal Lifeline support claimed (Sum of lines 5c, 6c, 7c, 8c & 9)						\$ 32,223.99 (10)

* For multiple rates, use an average amount

Link Up		Non-Tribal (a)		Tribal (b)		Total Link Up (c)
Number of Connections waived	(11)	1,414		0		
Charges waived per Connection	(12) *	\$30.00	(\$30 max)	\$0.00	(\$100 max)	
Total Connection charges waived	(13)	\$42,420.00		\$0.00		
Deferred Interest	(14)	\$0.00		\$0.00		
Total Link Up dollars waived	(15)	\$42,420.00	+	\$0.00	=	\$ 42,420.00 (15c)

* For multiple rates, use an average amount

Toll-Limitation Services (TLS)				Total TLS dollars claimed
Incremental cost of providing TLS	(16)	\$4,794,636.87		
Number of subscribers for whom TLS initiated	(17)	3938		\$ 18,881.28 (18)

Presubscribed Interexchange Carrier Charge (PICC) (For Price-cap companies only; prior to 7/1/2000)			Total PICC dollars waived
Monthly charge per line	(19)	\$0.00	
Number of Subscribers per month	(20)	0	\$ 0.00 (21)

ETC Payment (22)			
Total Lifeline \$	<u>32,223.99</u>	Total TLS	\$ <u>18,881.28</u>
Total Link Up \$	<u>42,420.00</u>	Total PICC	\$ _____
		Total Dollars	\$ <u>93,525.27</u>

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LIFELINE AND LINK UP WORKSHEET

CERTIFICATIONS AND SIGNATURES (23)

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I certify that my company will pass through the full amount of all Tier Two, Tier Three, and Tier Four federal Lifeline support for which my company seeks reimbursement, as well as all applicable intrastate Lifeline support, to all qualifying low-income subscribers by an equivalent reduction in the subscriber's monthly bill for local telephone service.

I certify that my company has received any non-federal regulatory approvals necessary to implement the required rate reduction(s).

I certify that my company is _____ is not _____ subject to state regulation. (Please check one.)

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I acknowledge the Fund Administrator's authority to request additional supporting information as may be necessary.

DATE

OFFICER/EMPLOYEE SIGNATURE

OFFICER/EMPLOYEE TITLE

OFFICER/EMPLOYEE NAME

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LIFELINE AND LINK UP WORKSHEET

USAC Service Provider Identification Number (1) 143031659

Serving Area (2) 259013

(3)		(4)	
Company Name:	<u>Swiftel</u>	a) Submission Date	<u>August 10, 2008</u>
Mailing Address:	<u>811 Garden St. Pensacola, FL 32501</u>	b) Data Month	<u>July '08</u>
Contact Name:	<u>Chuck Campbell</u>	c) Type of filing (Check one):	Original <input checked="" type="checkbox"/> Revision <input type="checkbox"/>
Telephone Number:	<u>678.389-6023</u>	d) State Reporting	<u>Alabama</u>
Fax Number:	<u>770.594-3878</u>		
E-mail Address:	<u>crcamp@cgminc.com</u>		

Lifeline	# Lifeline Subscribers (a)	Lifeline Support/Subscriber (b)*	Total Lifeline Support (c)
Tier 1 Low-Income Subscribers receiving federal Lifeline Support (5)	1,490	x \$ 6.50 =	\$ <u>9,685.00</u>
Tier 2 Low-Income Subscribers receiving federal Lifeline Support (6)	1,490	x \$ 1.75 =	\$ <u>2,607.50</u>
Tier 3 Low-Income Subscribers receiving federal Lifeline Support (7)	1,490	x \$ 1.75 =	\$ <u>2,607.50</u>
Tier 4 Low-Income Subscribers receiving federal Lifeline Support (8)	0	x \$ 0.00 =	\$ <u>0.00</u>
Check box to the right if partials or pro rata amounts are used. Indicate dollar amount, if applicable, on line 9. X (1039)			\$ <u>4,594.77</u> (9)
NOTE: (Do not include partials or pro rata amounts on lines 5 - 8 above)			Total federal Lifeline support claimed (Sum of lines 5c, 6c, 7c, 8c & 9) \$ <u>19,494.77</u> (10)

* For multiple rates, use an average amount

Link Up	Non-Tribal (a)	Tribal (b)	Total Link Up (c)
Number of Connections waived (11)	1,034	0	
Charges waived per Connection (12) *	\$30.00	(\$30 max) \$0.00	(\$100 max)
Total Connection charges waived (13)	\$31,020.00	\$0.00	
Deferred Interest (14)	\$0.00	\$0.00	
Total Link Up dollars waived (15)	\$31,020.00	\$0.00	\$ <u>\$31,020.00</u> (15c)

* For multiple rates, use an average amount

Toll-Limitation Services (TLS)		Total TLS dollars claimed	
Incremental cost of providing TLS (16)	\$2.88115924		
Number of subscribers for whom TLS initiated (17)	2355		\$ <u>\$6,785.13</u> (18)

Presubscribed Interexchange Carrier Charge (PICC) (For Price-cap companies only; prior to 7/1/2000)		Total PICC dollars waived	
Monthly charge per line (19)	\$0.00		
Number of Subscribers per month (20)	0		\$ <u>\$0.00</u> (21)

ETC Payment (22)			
Total Lifeline \$	<u>19,494.77</u>	Total TLS \$	<u>\$6,785.13</u>
Total Link Up \$	<u>\$31,020.00</u>	Total PICC \$	<u> </u>
		Total Dollars \$	<u>\$57,299.90</u>

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LIFELINE AND LINK UP WORKSHEET

CERTIFICATIONS AND SIGNATURES (23)

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I certify that my company will pass through the full amount of all Tier Two, Tier Three, and Tier Four federal Lifeline support for which my company seeks reimbursement, as well as all applicable intrastate Lifeline support, to all qualifying low-income subscribers by an equivalent reduction in the subscriber's monthly bill for local telephone service.

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OFFICER/EMPLOYEE SIGNATURE

OFFICER/EMPLOYEE TITLE

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LIFELINE AND LINK UP WORKSHEET

USAC Service Provider Identification Number (1) 143031659

Serving Area (2) 259013

<p>(3)</p> <p>Company Name: <u>SwiftTel</u></p> <p>Mailing Address: <u>811 Garden St.</u> <u>Pensacola, FL 32501</u></p> <p>Contact Name: <u>Chuck Campbell</u></p> <p>Telephone Number: <u>678.389-6023</u></p> <p>Fax Number: <u>770.594-3878</u></p> <p>E-mail Address: <u>crcamp@cgminc.com</u></p>	<p>(4)</p> <p>a) Submission Date <u>July 1, 2008</u></p> <p>b) Data Month <u>June 1, 2008</u></p> <p>c) Type of filing (Check one): Original <input checked="" type="checkbox"/> Revision <input type="checkbox"/></p> <p>d) State Reporting <u>Alabama</u></p>
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Lifeline	# Lifeline Subscribers (a)	Lifeline Support/ Subscriber (b)*	Total Lifeline Support (c)
Tier 1 Low-Income Subscribers receiving federal Lifeline Support (5)	835	x \$ 6.50	= \$ 5,427.50
Tier 2 Low-Income Subscribers receiving federal Lifeline Support (6)	835	x \$ 1.75	= \$ 1,461.25
Tier 3 Low-Income Subscribers receiving federal Lifeline Support (7)	835	x \$ 1.75	= \$ 1,461.25
Tier 4 Low-Income Subscribers receiving federal Lifeline Support (8)	0	x \$ 0.00	= \$ 0.00
Check box to the right if partials or pro rata amounts are used. Indicate dollar amount, if applicable, on line 9. X (660)			\$ 3,478.00 (9)
NOTE: (Do not include partials or pro rata amounts on lines 5 - 8 above)			
Total federal Lifeline support claimed (Sum of lines 5c, 6c, 7c, 8c & 9)			\$ <u>11,828.00</u> (10)

* For multiple rates, use an average amount

Link Up	Non-Tribal (a)	Tribal (b)	Total Link Up (c)
Number of Connections waived (11)	660	0	
Charges waived per Connection (12) *	\$30.00	(\$30 max) \$0.00	(\$100 max)
Total Connection charges waived (13)	\$19,800.00	\$0.00	
Deferred Interest (14)	\$0.00	\$0.00	
Total Link Up dollars waived (15)	\$19,800.00	+ \$0.00	= \$ <u>19,800.00</u> (15c)

* For multiple rates, use an average amount

Toll-Limitation Services (TLS)	(a)	(b)	(c)
Incremental cost of providing TLS (16)	\$3.58336550		
Number of subscribers for whom TLS initiated (17)	829	Total TLS dollars claimed	\$ <u>2,970.61</u> (18)
Presubscribed Interexchange Carrier Charge (PICC) (For Price-cap companies only; prior to 7/1/2000)			
Monthly charge per line (19)	\$0.00		
Number of Subscribers per month (20)	0	Total PICC dollars waived	\$ 0.00 (21)

ETC Payment (22)			
Total Lifeline \$	<u>11,828.00</u>	Total TLS \$	<u>2,970.61</u>
Total Link Up \$	<u>19,800.00</u>	Total PICC \$	<u>0.00</u>
Total Dollars		\$ <u>34,598.61</u>	

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LIFELINE AND LINK UP WORKSHEET

Avg. Burden Est. per Respondent: 3.0 Hrs.

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DATE

OFFICER/EMPLOYEE SIGNATURE

OFFICER/EMPLOYEE TITLE

OFFICER/EMPLOYEE NAME

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FCC 497
October 2000

LIFELINE AND LINK UP WORKSHEET

Approved by OMB
3660-0819

Avg. Burden Est. per Respondent: 3.0 Hrs.

USAC Service Provider Identification Number (1) 143031659

Serving Area (2) 259613

(3)		(4)	
Company Name:	<u>SWIFTEL</u>	a) Submission Date	<u>JUNE 1, '08</u>
Mailing Address:	<u>911 GARDEN STREET MOBILE, AL 36688</u>	b) Date Month	<u>June, 2008</u>
Contact Name:	<u>CHUCK CAMPBELL</u>	c) Type of filing (Check one):	Original <input checked="" type="checkbox"/> Revision <input type="checkbox"/>
Telephone Number:	<u>(678) 389-6023</u>	d) State Reporting	<u>ALABAMA</u>
Fax Number:	<u>770-594-3878</u>		
E-mail Address:	<u>CCAMP@SWIFTEL.COM</u>		

Lifeline	# Lifeline Subscribers	Lifeline Support/Subscriber	Total Lifeline Support
Tier 1 Low Income Subscribers receiving federal Lifeline Support (5)	<u>132</u>	x \$ <u>6.50</u>	= \$ <u>858.00</u>
Tier 2 Low Income Subscribers receiving federal Lifeline Support (6)	<u>132</u>	x \$ <u>1.75</u>	= \$ <u>231.00</u>
Tier 3 Low Income Subscribers receiving federal Lifeline Support (7)	<u>132</u>	x \$ <u>1.75</u>	= \$ <u>231.00</u>
Tier 4 Low Income Subscribers receiving federal Lifeline Support (8)	<u>0</u>	x \$ <u>0</u>	= \$ <u>0</u>

Check box to the right if partials or pro rata amounts are used. Indicate dollar amount, if applicable, on line 9. (20) \$ 3524.83 (9)

NOTE: (Do not include partials or pro rata amounts on lines 5 - 8 above)

Total federal Lifeline support claimed (Sum of lines 5a, 6a, 7a, 8a & 9) \$ 4844.83 (10)

Link Up	Non-Tribal (a)	Tribal (b)	Total Link Up (c)
Number of Connections waived (11)	<u>705</u>		
Charges waived per Connection (12) * (\$30 max)	\$ <u>30.00</u>	\$ _____ (\$100 max)	
Total Connection charges waived (13)	\$ <u>21,150</u>	\$ _____	
Deferred Interest (14)	\$ _____	\$ _____	
Total Link Up dollars waived (15)	\$ <u>21,150</u>	\$ _____	= \$ <u>21,150.00</u> (15c)

Toll-Limitation Services (TLS)	Total TLS dollars claimed
Incremental cost of providing TLS (16) \$ <u>71.41</u>	
Number of subscribers for whom TLS initiated (17) <u>23</u>	Total TLS dollars claimed \$ <u>71.41</u> (18)

Presubscribed Interexchange Carrier Charge (PICC) (For Price-cap companies only; prior to 7/1/2000)	Total PICC dollars waived
Monthly charge per line (19) \$ _____	
Number of Subscribers per month (20) _____	Total PICC dollars waived \$ <u>0.00</u> (21)

ETC Payment (22)	
Total Lifeline \$ <u>4844.83</u>	Total TLS \$ <u>71.41</u>
Total Link Up \$ <u>21,150.00</u>	Total PICC \$ <u>0.00</u>
Total Dollars \$ <u>26,066.24</u>	

If you have any questions, please call USAC at (866) 879(USF)-4727 Toll Free

FCC 497
October 2008

LIFELINE AND LINK UP WORKSHEET

Approved by OMB
5080-0818
Avg. Burden Est. per Respondent: 3.0 Hrs.

USAC Service Provider Identification Number (1) 143031659

Serving Area (2) 259013

(3)		(4)	
Company Name:	<u>SWIFTEL</u>	a) Submission Date:	<u>May 1, '08</u>
Mailing Address:	<u>811 W. GARDNER ST. PENSACOLA, FL 32501</u>	b) Data Month:	<u>APRIL 2008</u>
Contact Name:	<u>CHUCK CAMPBELL</u>	c) Type of filing (Check one):	Original <input checked="" type="checkbox"/> Revision <input type="checkbox"/>
Telephone Number:	<u>(978) 399-6023</u>	d) State Reporting:	<u>ALABAMA</u>
Fax Number:	<u>(770) 594-3878</u>		
E-mail Address:	<u>CCAMP@COMLINE.COM</u>		

Lifelines	# Lifeline Subscribers	Lifeline Support/Subscriber	Total Lifeline Support
	(a)	(b)*	(c)
Tier 1 Low Income Subscribers receiving federal Lifeline Support	(5) <u>0</u>	x \$ _____ = \$ <u>0</u>	<u>0</u>
Tier 2 Low-Income Subscribers receiving federal Lifeline Support	(6) <u>0</u>	x \$ _____ = \$ <u>0</u>	<u>0</u>
Tier 3 Low-Income Subscribers receiving federal Lifeline Support	(7) <u>0</u>	x \$ _____ = \$ <u>0</u>	<u>0</u>
Tier 4 Low Income Subscribers receiving federal Lifeline Support	(8) <u>0</u>	x \$ _____ = \$ <u>0</u>	<u>0</u>

Check box to the right if partials or pro rata amounts are used. Indicate dollar amount, if applicable, on line 9. \$ 252.67 (9)
 NOTE: (Do not include partials or pro rata amounts on lines 5 - 8 above)
 Total federal Lifeline support claimed (Sum of lines 5c, 6c, 7c, 8c & 9) \$ 252.67 (10)

Link Up	None Initial	Initial	Total Link Up
	(a)	(b)	(c)
Number of Connections waived	(11) <u>140</u>	<u>0</u>	
Charges waived per Connection	(12) * \$ <u>30.00</u> (\$30 max)	\$ _____ (\$100 max)	
Total Connection charges waived	(13) \$ <u>4200.00</u>	\$ _____	
Deferred interest	(14) \$ _____	\$ _____	
Total Link Up dollars waived	(15) \$ <u>4200.00</u>	\$ <u>0</u>	\$ <u>4200.00</u> (15c)

Toll-Limitation Services (TLS)		Total TLS dollars claimed
Incremental cost of providing TLS	(16) \$ _____	\$ <u>0.00</u> (18)
Number of subscribers for whom TLS initiated	(17) _____	

Pre-subscribed Interexchange Carrier Charge (PICG)	(For Price-cap companies only; prior to 7/1/2006)	Total PICG dollars waived
Monthly charge per line	(19) \$ _____	\$ <u>0.00</u> (21)
Number of Subscribers per month	(20) _____	

ETC Payment (22)		Total Dollars
Total Lifeline	\$ <u>252.67</u>	\$ <u>4452.67</u>
Total Link Up	\$ <u>4200.00</u>	
Total TI	\$ <u>0.00</u>	
Total PICG	\$ <u>0.00</u>	

If you have any questions, please call USAC at (866) 873(USF)-4727 Toll Free

AL RESALE ORDERS BY MONTH 2008

Sunday, December 21, 2008
8:47 PM

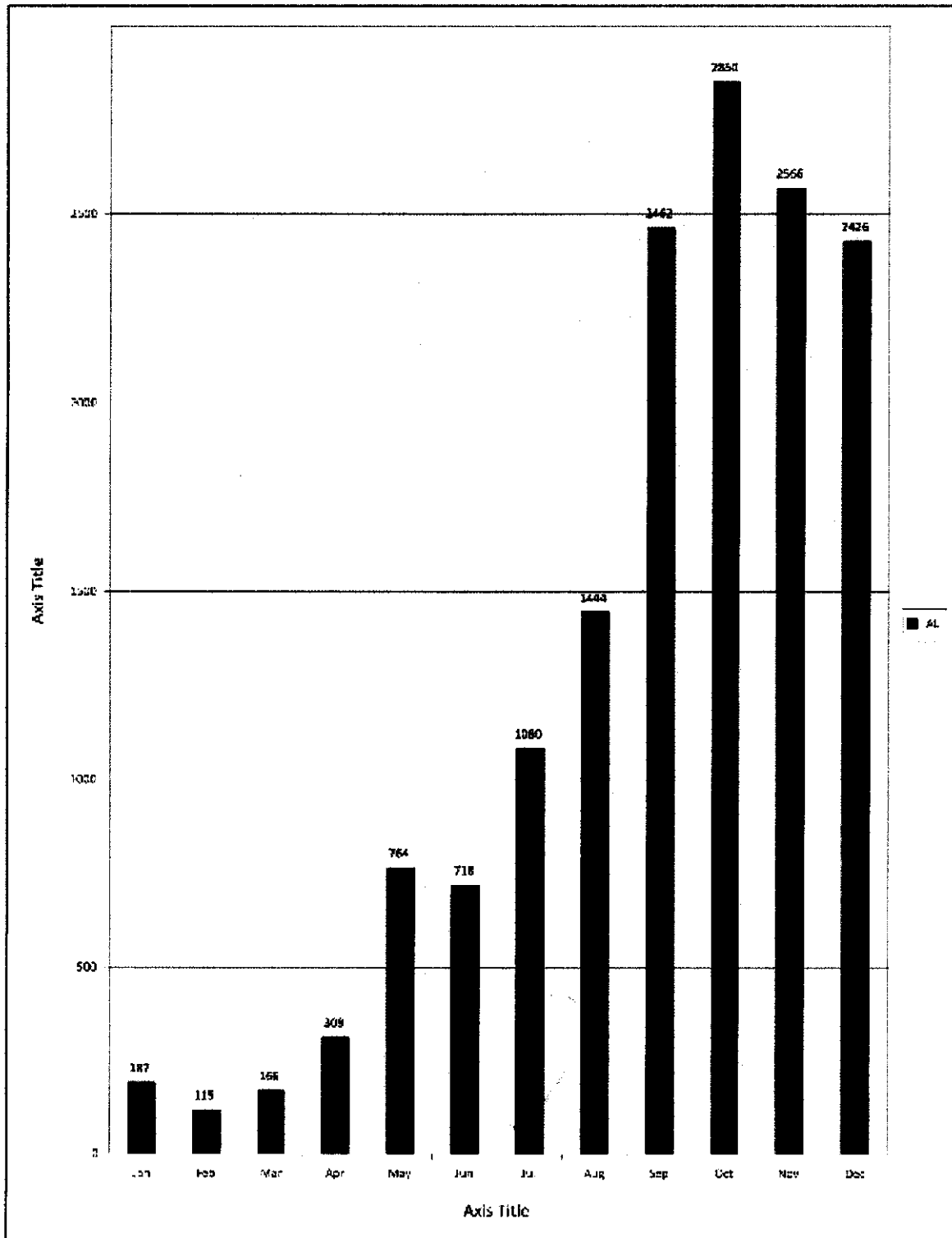
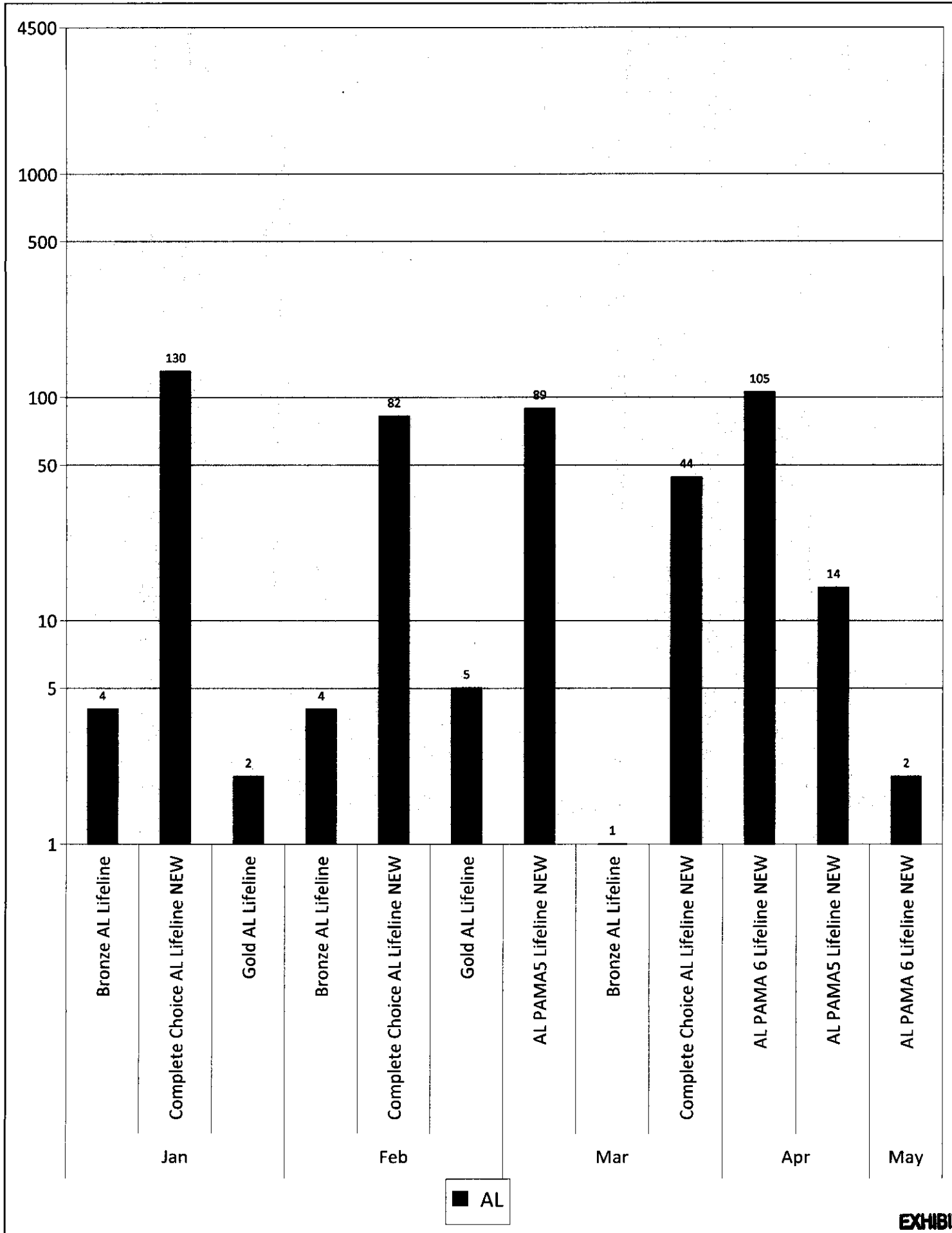
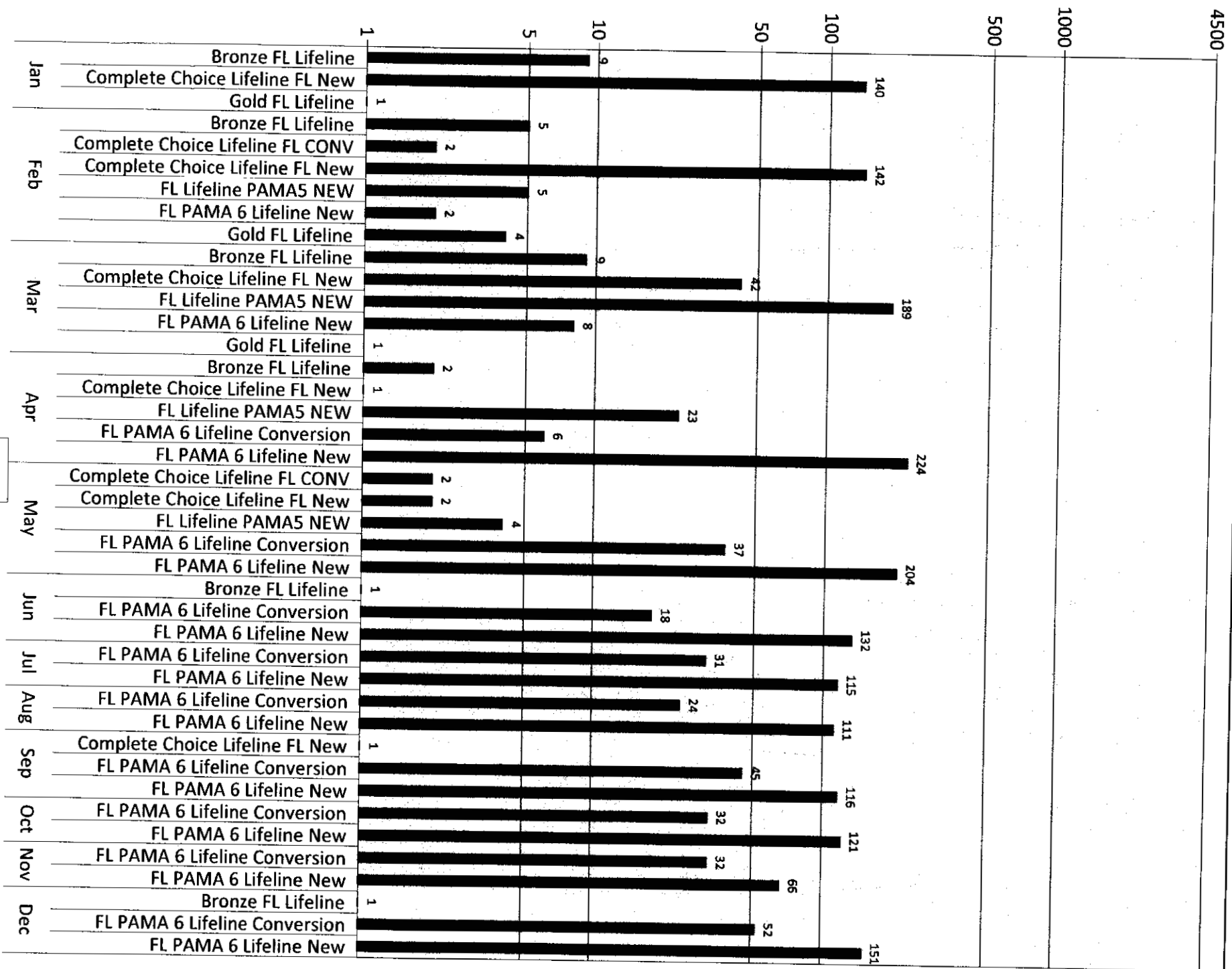


EXHIBIT
B





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EXHIBIT

D

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PETITION OF SWIFTEL, LLC FOR)
DESIGNATION AS AN ELIGIBLE) CASE NO.
TELECOMMUNICATIONS CARRIER IN THE) 2008-00356
COMMONWEALTH OF KENTUCKY)

O R D E R

On August 28, 2008, Swiftel, LLC ("Swiftel"), a competitive local exchange carrier, filed a petition under 47 U.S.C. § 214(e)(2) seeking designation as an Eligible Telecommunications Carrier ("ETC") to receive federal universal service support for service offered throughout its service area in the state of Kentucky.¹ Swiftel is seeking only low-income support and is not seeking high-cost support.²

The petition states that: (1) Swiftel meets all the requirements for designation as an ETC to serve the designated areas in the state of Kentucky;³ (2) Swiftel requests designation throughout each of the designated areas within its service coverage;⁴ (3) in accordance with 47 U.S.C. § 214(e)(2), Swiftel is entitled to be designated as an ETC in

¹ Swiftel requests ETC designation in the service territory of BellSouth Telecommunications, Inc. d/b/a AT&T Kentucky. Petition at 1 and Exhibit 1.

² Id. at 1.

³ Id. at 3.

⁴ Id. at 1.

non-rural wirecenters;⁵ and (4) designation of Swiftel as an ETC for the designated areas served in Kentucky will serve the public interest.⁶

On September 15, 2008, the Commission set forth a procedural schedule that included opportunity for public comment, discovery, and opportunity to request a hearing. The procedural schedule is now complete. No request for a public hearing in this matter has been received by the Commission. For these reasons, the Commission finds that this matter is now ripe for a decision.

DISCUSSION

47 U.S.C. § 254(e) provides that “only an eligible telecommunications carrier designated under 47 U.S.C. § 214(e) shall be eligible to receive specific Federal universal service support.” Pursuant to 47 U.S.C. § 214(e)(1), a common carrier designated as an ETC must offer and advertise the services supported by the federal universal service mechanisms throughout the designated service area.

47 U.S.C. § 214(e)(2) provides state commissions with the primary responsibility for performing ETC designations. Pursuant to 47 U.S.C. § 214(e)(2), the Commission may, with respect to an area served by a rural telephone company, and shall, in all other cases, designate more than one common carrier as an ETC for a designated service area, consistent with the public interest, convenience, and necessity, so long as the requesting carrier meets the requirements of 47 U.S.C. § 214(e)(1). Also, before designating an additional ETC for an area served by a rural telephone company, the Commission must determine that the designation is in the public interest.

⁵ Id. at 8.

⁶ Id.

As outlined under 47 C.F.R. § 54.201(d), an ETC petition must contain the following: (1) a certification that the petitioner offers or intends to offer all services designated for support by the Commission pursuant to 47 U.S.C. § 254(c); (2) a certification that the petitioner offers or intends to offer the supported services "either using its own facilities or a combination of its own facilities and resale of another carrier's services"; (3) a description of how the petitioner "advertise[s] the availability of [supported] services and the charges therefore using media of general distribution"; and (4) if the petitioner meets the definition of a "rural telephone company" pursuant to 47 U.S.C. § 153(37), the petitioner must identify its study area, or, if the petitioner is not a rural telephone company, it must include a detailed description of the geographic service area for which it requests an ETC designation from the Commission.

OFFERING THE SERVICES DESIGNATED FOR SUPPORT

Swiftel has demonstrated through the required certifications and related filings that it now offers, or will offer upon designation as an ETC, the services supported by the federal universal service mechanism. Swiftel certifies that it now provides or will provide throughout its designated service area the services and functionalities enumerated in 47 C.F.R. § 54.101(a). Swiftel has also certified that, in compliance with 47 C.F.R § 54.405, it will make available and advertise Lifeline service to qualifying low-income consumers.

ADVERTISING SUPPORTED SERVICES

Swiftel has demonstrated that it satisfies the requirement of 47 U.S.C. § 214(e)(1)(B) to advertise the availability of the supported services and the charges therefor using media of general distribution. In its petition, Swiftel states that it currently

advertises the availability of its services, and will do so for each of the supported services on a regular basis in newspapers, magazines, television, and radio, in accordance with 47 C.F.R. § 54.201(d)(2).

NON-RURAL STUDY AREAS

The Federal Communications Commission ("FCC") has previously found designation of additional ETCs in areas served by non-rural telephone companies to be *per se* in the public interest based upon a demonstration that the requesting carrier complies with the statutory eligibility obligations of 47 U.S.C. § 214(e)(1).⁷

OFFERING THE SUPPORTED SERVICES USING A CARRIER'S OWN FACILITIES

Swiftel's petition contains a unique request in that this carrier states that it is only seeking support for the provision of Lifeline and Link-Up services and, specifically, is not requesting high-cost support. Typically, ETC petitions before this Commission state that a carrier is seeking an ETC designation so it may receive federal universal service support for a combination of both low-income and high-cost support. Swiftel states that its target market is Lifeline and Link-up customers and it will offer all of the services outlined under 47 U.S.C. § 254(c) through facilities obtained as unbundled network elements ("UNEs"), or the equivalents thereof. Swiftel does not have its own network infrastructure within the state of Kentucky. It provides services to its customers by reselling service purchased from other carriers and through UNEs, which allow for the end-to-end switching and delivery of telephone calls. Swiftel contends that its use of

⁷ See, e.g., Cellco Partnership d/b/a Bell Atlantic Mobile Petition for Designation as an Eligible Telecommunications Carrier, Memorandum Opinion and Order, CC Docket No. 96-45, 16 FCC Rcd 39 (2000).

UNEs, including loops, as defined in 47 U.S.C § 251, or the equivalents, commingled with 47 U.S.C. § 271 elements,⁸ meets the federal regulation definition of “facilities”.⁹

As discussed previously in this Order, 47 C.F.R. § 54.201(d) defines the requirements that a carrier must fulfill in order to be granted ETC status. Under section (d), the carrier must provide the supported services by “either using its own facilities or a combination of its own facilities and resale of another carrier's services (including the services offered by another eligible telecommunications carrier).” The next section, 47 C.F.R. § 54.201(e), defines the term “facilities” to mean “any physical components of the telecommunications network that are used in the transmission or routing of the service that are designated for support pursuant to subpart B of this part.” 47 C.F.R. § 54.201(f) provides that “the term ‘own facilities’ includes, but is not limited to, facilities obtained as unbundled network elements pursuant to part 51 of this chapter, provided that such facilities meet the definition of the term ‘facilities’ under this subpart.”¹⁰

Swiftel has requested to become an ETC but is only seeking authorization to receive low-income support and is not requesting high-cost support. The Commission has not found any evidence that the FCC, either by statute or regulation, restricts the certification and designation of ETC status to carriers who agree to multiple areas of support. Although Swiftel’s petition is unique, there is no basis for denying the request for ETC designation simply on the basis that it seeks only one form of support. For the

⁸ This combination of UNEs and loops would be provided pursuant to an agreement between Swiftel and another carrier. See 47 U.S.C. § 271.

⁹ See footnote 9 of the petition at 4.

¹⁰ See, e.g., 47 C.F.R. § 51.307, 47 C.F.R. through 47 C.F.R. § 51.318, which outline the requirements for carrier access to and use of unbundled network elements.

purposes of being designated with ETC status, the FCC explicitly prohibits a carrier from being designated as eligible to receive federal universal service funding if that carrier offers the supported services solely through resale.¹¹ Swiftel has stated that it provides service to Kentucky telephone customers through resale and through the purchase or lease of UNEs owned by other carriers.¹² As the FCC defines a carrier's purchase or lease of UNEs as a satisfactory method of having its "own facilities" under 47 C.F.R. § 54.201(f), and having considered all other requirements for the petition, the Commission finds that Swiftel's request for an ETC designation should be granted. However, as Swiftel has certified the use of universal service funding to one specific area, the Commission will only grant an ETC designation limited to low-income support. Should Swiftel seek to receive high-cost funds, it will be required to file certification with this Commission under 47 U.S.C. § 254(e) in order to be granted extension of its ETC designation.

The Commission, having reviewed the evidence of record and being otherwise sufficiently advised, HEREBY ORDERS that:

1. Swiftel is designated as an ETC for the entire service area of AT&T Kentucky, a non-rural incumbent local exchange carrier.
2. During the current certification period, Swiftel shall be eligible to receive federal Universal Service Fund support only for low-income support, as provided herein.
3. Swiftel shall offer low-income universal support services to consumers in its service area.

¹¹ 47 C.F.R. § 54.201(i).

¹² Petition at 2, 3, 4.

4. Swiftel shall offer these services using its own facilities or a combination of its own facilities and resale of another carrier's services, including the services offered by another ETC.

5. Pursuant to 47 C.F.R. § 54.201(i), Swiftel shall be precluded from offering universal service support exclusively through the resale of another carrier's services.

6. Swiftel shall advertise the availability of and charges for these services using media of general distribution.

7. As provided herein, Swiftel shall file a separate petition for the extension of its ETC designation for other areas of universal service support if it desires such additional support in the future.

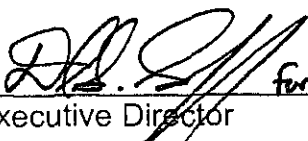
8. By September 1, 2009, and by each September 1 thereafter, Swiftel shall make its annual certification filing in Administrative Case No. 381.¹³

9. A copy of this Order shall be served upon the FCC and the Universal Service Administrative Company.

Done at Frankfort, Kentucky, this 6th day of January, 2009.

By the Commission

ATTEST:


for Jeff Desour
Executive Director

¹³ Administrative Case No. 381, A Certification of the Carriers Receiving Federal Universal Service High-Cost Support.

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STATE OF FLORIDA



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Public Service Commission

ACKNOWLEDGEMENT

DATE: January 8, 2009

TO: James A. Mckee, Foley Law Firm

FROM: Ruth Nettles, Office of Commission Clerk

RE: Acknowledgement of Receipt of Confidential Filing

This will acknowledge receipt of a **CONFIDENTIAL DOCUMENT** filed in Docket Number 070348 or, if filed in an undocketed matter, concerning response to staff's 12/12/08 Data Request, and filed on behalf of Swiftel, Llc. The document will be maintained in locked storage.

If you have any questions regarding this document, please contact Marguerite Lockard, Deputy Clerk, at (850) 413-6770.

DOCUMENT NUMBER - DATE
00161 JAN-7 09
FPSC-COMMISSION CLERK

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