

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)	
)	
Federal-State Joint Board on)	
Universal Service)	CC Docket No. 96-45
)	
Virginia PCS Alliance, L.C. and Richmond 20)	
MHz LLC d/b/a NTELOS)	
)	
Petition for Designation as an Eligible)	
Telecommunications Carrier in the)	
Commonwealth of Virginia)	
)	

ORDER

Adopted: June 14, 2005

Released: June 14, 2005

By the Acting Chief, Wireline Competition Bureau:

I. INTRODUCTION

1. In this Order, we grant the petition of Virginia PCS Alliance, L.C. and Richmond 20 MHz LLC d/b/a/ NTELOS (NTELOS) to be designated as an eligible telecommunications carrier (ETC) for the requested service areas in Virginia, pursuant to section 214(e)(6) of the Communications Act of 1934, as amended (the Act).¹ We conclude that NTELOS, a broadband personal communication service (PCS) provider, has satisfied the statutory eligibility requirements of section 214(e)(1) to be designated as an ETC.²

II. BACKGROUND

A. The Act

2. Section 254(e) of the Act provides that “only an eligible telecommunications carrier designated under section 214(e) shall be eligible to receive specific Federal universal service support.”³ Pursuant to section 214(e)(1), a common carrier designated as an ETC must offer and advertise the

¹ See Petition of Virginia PCS Alliance, L.C. and Richmond 20 MHz LLC d/b/a/ NTELOS for Designation as an Eligible Telecommunications Carrier in the State of Virginia, filed November 10, 2003 (NTELOS Petition); Supplement to the Petition of Virginia PCS Alliance, L.C. and Richmond 20 MHz LLC d/b/a/ NTELOS for Designation as an Eligible Telecommunications Carrier in the State of Virginia, filed May 14, 2004 (NTELOS Supplement); Second Supplement to Supplement to the Petition of Virginia PCS Alliance, L.C. and Richmond 20 MHz LLC d/b/a/ NTELOS for Designation as an Eligible Telecommunications Carrier in the State of Virginia, filed January 28, 2005 (NTELOS Second Supplement).

² 47 U.S.C. § 214(e)(1).

³ 47 U.S.C. § 254(e).

services supported by the federal universal service mechanisms throughout the designated service area.⁴

3. Section 214(e)(2) of the Act provides state commissions with the primary responsibility for performing ETC designations.⁵ Section 214(e)(6), however, directs the Commission, upon request, to designate as an ETC “a common carrier providing telephone exchange service and exchange access that is not subject to the jurisdiction of a State commission.”⁶ Under section 214(e)(6), 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 section 214(e)(1).⁷ 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.⁸ The Wireline Competition Bureau (Bureau) has delegated authority to perform ETC designations.⁹

B. Commission Requirements for ETC Designation

4. An ETC petition must contain the following: (1) a certification and brief statement of supporting facts demonstrating that the petitioner is not subject to the jurisdiction of a state commission; (2) a certification that the petitioner offers or intends to offer all services designated for support by the Commission pursuant to section 254(c); (3) 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;” (4) a description of how the petitioner “advertise[s] the availability of [supported] services and the charges therefor using media of general distribution;” and (5) if the petitioner meets the definition of a “rural telephone company” pursuant to section 3(37) of the Act, 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.¹⁰

5. On June 30, 2000, the Commission released the *Twelfth Report and Order* which, among other things, set forth how a carrier seeking ETC designation from the Commission must demonstrate that the state commission lacks jurisdiction to perform the ETC designation.¹¹ Carriers seeking designation as an ETC for service provided on non-tribal lands must provide the Commission with an “affirmative

⁴ 47 U.S.C. § 214(e)(1).

⁵ 47 U.S.C. § 214(e)(2). *See also Promoting Deployment and Subscribership in Unserved Areas, Including Tribal and Insular Areas*, Twelfth Report and Order, Memorandum Opinion and Order, and Further Notice of Proposed Rulemaking, CC Docket No. 96-45, 15 FCC Rcd 12208, 12255, para. 93 (2000) (*Twelfth Report and Order*).

⁶ 47 U.S.C. § 214(e)(6). *See, e.g., Virginia Cellular, LLC Petition for Designation as an Eligible Telecommunications Carrier for the Commonwealth of Virginia*, Memorandum Opinion and Order, CC Docket No. 96-45, 19 FCC Rcd 1563 (2004) (*Virginia Cellular Order*); *Highland Cellular, Inc. Petition for Designation as an Eligible Telecommunications Carrier for the Commonwealth of Virginia*, Memorandum Opinion and Order, CC Docket No. 96-45, 19 FCC Rcd 6422 (2004) (*Highland Cellular Order*).

⁷ 47 U.S.C. § 214(e)(6).

⁸ *Id.*

⁹ *See Procedures for FCC Designation of Eligible Telecommunications Carriers Pursuant to Section 214(e)(6) of the Communications Act*, Public Notice, CC Docket No. 96-45, 12 FCC Rcd 22947, 22948 (1997) (*Section 214(e)(6) Public Notice*). The Wireline Competition Bureau was previously named the Common Carrier Bureau.

¹⁰ *See Section 214(e)(6) Public Notice*, 12 FCC Rcd at 22948-49 (1997); 47 U.S.C. § 3(37). *See also Western Wireless Corporation Petition for Preemption of an Order of the South Dakota Public Utilities Commission*, Declaratory Ruling, CC Docket No. 96-45, 15 FCC Rcd 15168 (2000) (*Declaratory Ruling*), recon. pending.

¹¹ *See Twelfth Report and Order*, 15 FCC Rcd at 12255-65, paras. 93-114.

statement” from the state commission or a court of competent jurisdiction that the carrier is not subject to the state commission’s jurisdiction.¹² The requirement to provide an “affirmative statement” ensures that the state commission has had “a specific opportunity to address and resolve issues involving a state commission’s authority under state law to regulate certain carriers or classes of carriers.”¹³

6. On January 22, 2004, the Commission released the *Virginia Cellular Order*, which granted in part and denied in part the petition of Virginia Cellular, LLC (Virginia Cellular) to be designated as an ETC throughout its licensed service area in the Commonwealth of Virginia.¹⁴ In that Order, the Commission utilized a new public interest analysis for ETC designations and imposed ongoing conditions and reporting requirements on Virginia Cellular.¹⁵ The Commission stated that the framework in the *Virginia Cellular Order* would apply to all ETC designations for rural areas, pending further action by the Commission.¹⁶

7. On April 12, 2004, the Commission released the *Highland Cellular Order*, which granted in part and denied in part the petition of Highland Cellular, Inc. to be designated as an ETC in portions of its licensed service area in the Commonwealth of Virginia.¹⁷ In the *Highland Cellular Order*, the Commission concluded, among other things, that a telephone company in a rural study area may not be designated as a competitive ETC below the wire center level.¹⁸ In light of the new ETC designation framework established in the *Virginia Cellular Order*, the Bureau released a public notice inviting all parties to update the record pertaining to pending ETC petitions, including the petition filed by NTELOS.¹⁹

8. On March 17, 2005, the Commission released a Report and Order generally affirming the holdings of the *Virginia Cellular Order* and *Highland Cellular Order* and adopting additional requirements for ETC designation proceedings in which the Commission acts pursuant to section 214(e)(6) of the Act.²⁰ Specifically, consistent with the recommendation of the Federal-State Joint Board on Universal Service (Joint Board), the Commission found that an ETC applicant must demonstrate: (1) a commitment and ability to provide services, including providing service to all customers within its proposed service area; (2) how it will remain functional in emergency situations; (3) that it will satisfy consumer protection and service quality standards; (4) that it offers local usage comparable to that offered by the incumbent LEC; and (5) an understanding that it may be required to provide equal access if all other ETCs in the designated service area relinquish their designations pursuant to section 214(e)(4) of the Act.²¹ These additional requirements are mandatory for all ETCs designated

¹² *Id.* at 12255, para. 93.

¹³ *Id.*

¹⁴ See *Virginia Cellular Order*, 19 FCC Rcd at 1564, para. 1.

¹⁵ See *id.* at 1565, 1575-76, 1584-85, paras. 4, 27, 28, 46.

¹⁶ See *id.* at 1565, para. 4.

¹⁷ See *Highland Cellular Order*, 19 FCC Rcd at 6422, para. 1.

¹⁸ See *id.* at 6438, para. 33.

¹⁹ See *Parties are Invited to Update the Record Pertaining to Pending Petitions for Eligible Telecommunications Carrier Designations*, Public Notice, CC Docket 96-45, 19 FCC Rcd 6409 (Wireline Comp. Bur. 2004) (*Bureau Public Notice*). Applicants were allowed to supplement their petitions by May 14, 2004. Comments were due on May 28, 2004 and reply comments were due on June 4, 2004.

²⁰ See *Federal-State Joint Board on Universal Service*, Report and Order, CC Docket No. 96-45, 20 FCC Rcd 6371 (2005) (*ETC Designation Order*); 70 Fed. Reg. 29960 (May 25, 2005).

²¹ See *id.* at 6380, para. 20, citing *Federal-State Joint Board on Universal Service*, Recommended Decision, CC Docket No. 96-45, 19 FCC Rcd 4259, para. 5 (2004) (*Recommended Decision*).

by the Commission. ETCs designated by the Commission prior to the *ETC Designation Order* will be required to make such showings when they submit their annual certification filing on October 1, 2006.²² Carriers that had ETC petitions pending before the *ETC Designation Order* took effect, such as NTELOS, will also be required to make such showings when they submit their annual certification filing no later than October 1, 2006.²³

C. NTELOS Petition

9. Pursuant to section 214(e)(6) of the Act, NTELOS filed with this Commission a petition seeking designation as an ETC in study areas served by non-rural incumbent local exchange carriers (LECs) in the state of Virginia.²⁴ On May 14, 2004, pursuant to the *Bureau Public Notice*, NTELOS filed a supplement to its petition.²⁵ No party filed comments or reply comments directly addressing the NTELOS petition. Verizon, however, filed general comments addressing all of the updated ETC petitions.²⁶

III. DISCUSSION

10. We find that NTELOS has met all the requirements set forth in section 214(e)(1) and (e)(6) to be designated as an ETC for portions of its licensed service area described herein. NTELOS's ETC designation for the non-rural service areas of Virginia is effective immediately. We note, however, that NTELOS is required to make the additional showings set forth in the *ETC Designation Order* when it submits its annual certification filing on October 1, 2006.²⁷

A. Commission Authority to Perform the ETC Designation

11. We find that NTELOS has demonstrated that the Commission has authority to consider NTELOS's petitions under section 214(e)(6) of the Act.²⁸ NTELOS's petition includes an affirmative statement from the Virginia State Corporation Commission that designation as an eligible telecommunications carrier should be sought from the Commission.²⁹

B. Offering and Advertising the Supported Services

12. Offering the Services Designated for Support. NTELOS 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. NTELOS is authorized to provide PCS service in Virginia.³⁰ NTELOS certifies that it now provides or will provide throughout its designated service area the services and functionalities enumerated in section 54.101(a) of the Commission's rules.³¹

²² See *ETC Designation Order*, 20 FCC Rcd at 6380, para. 20.

²³ See *ETC Designation Order*, 20 FCC Rcd at 6418-6421, Appendix A – Final Rules, 47 C.F.R. § 54.202(b); 70 Fed. Reg. 29960 (May 25, 2005).

²⁴ See NTELOS Petition.

²⁵ See NTELOS Supplement.

²⁶ See Verizon Comments, filed May 28, 2004 (Verizon Comments).

²⁷ See *ETC Designation Order*, 20 FCC Rcd at 6380, para. 20.

²⁸ 47 C.F.R. § 214(e)(6).

²⁹ NTELOS Petition at 5-6 and Exhibit D.

³⁰ *Id.* at 4.

³¹ *Id.* at 6.

NTELOS has also certified that, in compliance with rule section 54.405, it will make available and advertise Lifeline service to qualifying low-income consumers.³² Furthermore, NTELOS made commitments that closely track those set forth in the *Virginia Cellular Order* and the *Highland Cellular Order*, including: (1) annual reporting of progress towards buildout plans, unfulfilled service requests, and complaints per 1,000 handsets; (2) specific commitments to provide service to requesting customers in the area for which it is designated, including those areas outside existing network coverage; and (3) specific commitments to construct new cell sites in areas outside its existing network coverage.³³

13. Offering the Supported Services Using a Carrier's Own Facilities. NTELOS has demonstrated that it satisfies the requirement of section 214(e)(1)(A) that it offer the supported services using either its own facilities or a combination of its own facilities and resale of another carrier's services.³⁴ NTELOS states that it has sufficient facilities and capacity to provide supported services throughout its service area in Virginia. NTELOS also states that it may provide supported services using a combination of its own facilities and resale of another carrier's facilities.³⁵

14. Advertising Supported Services. NTELOS has demonstrated that it satisfies the requirements of section 214(e)(1)(B) to advertise the availability of the supported services and the related charges "using media of general distribution."³⁶ NTELOS currently advertises by means of newspapers, television, radio, billboards, its website (www.NTELOS.com), and targeted advertising.³⁷ Upon designation as an ETC in Virginia, NTELOS agrees to continue to advertise the availability of its services, including all USF supported services, throughout its ETC designated territory. NTELOS also states that it will advertise the availability and terms and conditions of Lifeline and Link-up programs so that eligible consumers can determine whether they are eligible to receive discounts and/or subsidies from these programs.³⁸ Thus, NTELOS plans to use advertising to insure that consumers within its designated service area are fully informed of its universal service offering.³⁹ NTELOS will also locally publicize the construction of new facilities and the expansion of service coverage, so that customers may be advised

³² See *id.* at 6-8; NTELOS Supplement at 5-6 and Exhibit 1; 47 C.F.R. § 54.405. ETCs must comply with state requirements in states that have Lifeline programs. See *Lifeline and Link-Up*, Report and Order and Further Notice of Proposed Rulemaking, WC Docket No. 03-109, 19 FCC Rcd 8302, 8320 at para. 29 (2003).

³³ NTELOS Petition at Exhibit B; NTELOS Supplement at 2-6. Specifically, NTELOS provided the location of 15 new cell sites and the estimated cost of its build-out plans, which NTELOS projected in its 2004 capital budget. See NTELOS Supplement at 4-5 and Exhibit 1. NTELOS will submit annual progress reports to the Commission and USAC. See NTELOS Supplement at 5. Pursuant to the *ETC Designation Order*, the first report would be filed with the Commission on October 1, 2006, and thereafter annually on October 1 of each year. See *ETC Designation Order*, 20 FCC Rcd at 6401-6403. See also 47 C.F.R. § 52.209(b). The *ETC Designation Order* and rules will be effective on June 24, 2005. See 70 Fed. Reg. 29960 (May 25, 2005) (All rules effective except as noted in the Federal Register Notice.). In addition, NTELOS committed to providing the Commission and USAC with an annual report of the number of complaints per 1,000 handsets for the preceding year. This report will be filed with the Commission on October 1 of each year, following NTELOS's designation as an ETC in Virginia. See NTELOS Supplement at 3. NTELOS also outlined its commitment to service provisioning. See *id.* at 3-4.

³⁴ 47 C.F.R. § 214(e)(1)(A).

³⁵ NTELOS Petition at 5.

³⁶ 47 C.F.R. § 214(e)(1)(B).

³⁷ NTELOS Petition at 9; NTELOS Supplement at 5-6.

³⁸ NTELOS Supplement at 5-6.

³⁹ NTELOS Petition at 9. NTELOS plans to advertise its universal service offerings at least quarterly throughout the service area for which it is designated as an ETC.

when NTELOS improves its service, or makes service available to customers in new localities.⁴⁰

C. Public Interest Analysis

15. As explained below, we conclude that it is consistent with the public interest, convenience, and necessity to designate NTELOS as an ETC throughout its licensed non-rural service areas in the state of Virginia.⁴¹ In determining whether the public interest is served, the Commission places the burden of proof upon the ETC applicant.⁴² We conclude that NTELOS has satisfied the burden of proof in establishing that its universal service offering in Virginia will provide benefits to non-rural consumers.

16. In the *Virginia Cellular Order* and the *Highland Cellular Order*, the Commission determined that designation of an additional ETC in a non-rural telephone company's study area based merely upon a showing that the requesting carrier complies with section 214(e)(1) of the Act does not necessarily satisfy the public interest in every instance.⁴³ We conclude that NTELOS's public interest showing is sufficient because of the detailed commitments NTELOS has made, including (1) that it will provide high quality service throughout the proposed non-rural service areas, (2) NTELOS's specific plan for responding to requests for service, (3) NTELOS's agreement to provide the Commission with data on how high-cost support funds were used, and (4) NTELOS's commitment to inform customers of its services, including Lifeline and Link-Up, through a variety of media.⁴⁴ These commitments are the same or similar to those deemed sufficient for carriers seeking ETC designation in areas served by rural carriers. The public interest standard for designating an ETC in an area served by a rural carrier is at least as stringent as the standard for designating an ETC in an area served by a non-rural carrier.⁴⁵

17. We reject Verizon's request that we delay ruling on any pending ETC petitions until the Commission addresses issues raised in the high cost proceeding pending before the Joint Board. According to Verizon, the number of outstanding potential ETC designations could overwhelm the universal service fund.⁴⁶ In February 2005, the Commission adopted an order setting forth requirements for a carrier seeking ETC designation from the Commission.⁴⁷ Although the Commission recognized that the proceeding before the Joint Board might have an impact on determining support for ETCs, the Commission did not find that it should delay acting on ETC petitions pending conclusion of the Joint Board proceeding.⁴⁸ The *ETC Designation Order* set forth the framework for designating ETCs and indicated an intent to move forward with petitions for ETC designation. Moreover, in the *ETC Designation Order* proceeding, the Commission declined to adopt a specific test concerning whether the

⁴⁰ See NTELOS Supplement at 6.

⁴¹ 47 U.S.C. § 214(e)(6). See Appendix, attached (listing wire centers).

⁴² See *Virginia Cellular Order*, 19 FCC Rcd at 1574-75, para. 26; *Highland Cellular Order*, 19 FCC Rcd at 6431, para. 20.

⁴³ See *Virginia Cellular Order*, 19 FCC Rcd at 1575, para. 27; *Highland Cellular Order*, 19 FCC Rcd at 6431-32, para. 21.

⁴⁴ NTELOS Petition at 9, NTELOS Supplement at 3-6 and Exhibit 1.

⁴⁵ Section 241(e)(6) of the Act provides that, consistent with the public interest, convenience and necessity, the Commission *may* designate more than one carrier as an ETC in an area served by a rural telephone company and *shall* do so in the case of all other areas. See 47 U.S.C § 241(e)(6).

⁴⁶ See Verizon Comments at 1-6. See also *Federal-State Joint Board on Universal Service Seeks Comment on Certain of the Commission's Rules Relating to High-Cost Universal Service Support*, Public Notice, CC Docket No. 96-45, 19 FCC Rcd 16083, 16085-86, para. 7 (2004).

⁴⁷ See *ETC Designation Order*, 20 FCC Rcd at 6379-80, paras. 17-20.

⁴⁸ *Id.* at 6395-96, para. 54.

designation of an ETC would affect the size and sustainability of the high cost fund.⁴⁹ Therefore, we decline to delay ruling on pending ETC petitions.

18. We also reject Verizon's argument that additional competitive ETCs could have a significant impact on the access charge plan established by the *CALLS Order*.⁵⁰ As we have previously determined, the *CALLS Order* contemplated that support would be provided to competitive ETCs as part of the \$650 million interstate access support target. Thus the *CALLS* plan is functioning as contemplated.⁵¹

D. Designated Service Areas

19. We designate NTELOS as an ETC in the requested service areas in Virginia served by non-rural telephone companies, as listed in the Appendix to this Order. This designation is effective as of the release date of this Order.

E. Regulatory Oversight

20. We note that NTELOS is obligated under section 254(e) of the Act to use high-cost support "only for the provision, maintenance, and upgrading of facilities and services for which support is intended" and is required under section 54.313 of the Commission's rules to certify annually that it is in compliance with this requirement.⁵² NTELOS has certified to the Commission that, consistent with section 54.313 of the Commission's rules, all federal high-cost support will be "used for the provision, maintenance and upgrading of facilities and services for which the support is intended, pursuant to Section 254(e)" of the Act in the area for which NTELOS is designated as an ETC.⁵³

21. Separate and in addition to its annual certification filing under rule section 54.313, NTELOS has committed to submit records and documentation on an annual basis detailing: (1) its progress towards meeting its build-out plans; (2) the number of complaints per 1,000 handsets; and (3) information detailing how many requests for service from potential customers were unfulfilled for the past year.⁵⁴ We require NTELOS to submit these additional data to the Commission and USAC on October 1 of each year, beginning October 1, 2006.⁵⁵ We find that reliance on NTELOS's commitments is reasonable and is consistent with the public interest, the Act, and the Fifth Circuit decision in *Texas Office of Public Utility Counsel v. FCC*.⁵⁶ We conclude that fulfillment of these additional reporting

⁴⁹ *Id.*

⁵⁰ See generally Verizon Comments. See *Access Charge Reform*, Sixth Report and Order, CC Docket Nos. 96-262 and 94-1, Report and Order, CC Docket No. 99-249, Eleventh Report and Order, CC Docket No. 96-45, 15 FCC Rcd 12962 (2000) (*subsequent history omitted*) (*CALLS Order*).

⁵¹ See *Public Service Cellular, Inc.*, CC Docket No. 96-45, Order, 20 FCC Rcd 6854, 5864, para. 32 (Wireline Comp. Bur. 2005); *Advantage Cellular Systems, Inc.*, CC Docket No. 96-45, Order, 19 FCC Rcd 20985, 20997, para. 26 (Wireline Comp. Bur. 2004); *ALLTEL Communications, Inc.*, CC Docket No. 96-45, Order, 19 FCC Rcd 20496, 20503-04, para. 17 (Wireline Comp. Bur. 2004).

⁵² 47 C.F.R. § 54.313.

⁵³ NTELOS Petition at 10 and Exhibit A.

⁵⁴ See NTELOS Supplement at 2-5.

⁵⁵ NTELOS's initial submission concerning consumer complaints per 1,000 handsets and unfulfilled service requests will include data from the date ETC designation is granted through June 30, 2005. Future submissions concerning consumer complaints and unfulfilled service requests will include data from July 1 of the previous calendar year through June 30 of the reporting calendar year.

⁵⁶ *Texas Office of Public Utility Counsel v. FCC*, 183 F.3d 393, 417-18 (5th Cir. 1999).

requirements will further the Commission's goal of ensuring that NTELOS satisfies its ongoing obligation under section 214(e) of the Act to provide supported services throughout its designated service area.

22. We note that the Commission may institute an inquiry on its own motion to examine any ETC's records and documentation to ensure that the high-cost support it receives is being used "only for the provision, maintenance, and upgrading of facilities and services" in the areas where it is designated as an ETC.⁵⁷ NTELOS will be required to provide such records and documentation to the Commission and USAC upon request. We further emphasize that if NTELOS fails to fulfill the requirements of the statute, the Commission's rules, or the terms of this Order after it begins receiving universal service support, the Commission has authority to revoke its ETC designation.⁵⁸ The Commission also may assess forfeitures for violations of Commission rules and orders.⁵⁹

IV. ANTI-DRUG ABUSE ACT CERTIFICATION

23. Pursuant to section 5301 of the Anti-Drug Abuse Act of 1988, no applicant is eligible for any new, modified, or renewed instrument of authorization from the Commission, including authorizations issued pursuant to section 214 of the Act, unless the applicant certifies that neither it, nor any party to its application, is subject to a denial of federal benefits, including Commission benefits.⁶⁰ This certification must also include the names of individuals specified by section 1.2002(b) of the Commission's rules.⁶¹ NTELOS has provided a certification consistent with the requirements of the Anti-Drug Abuse Act of 1988.⁶² We find that NTELOS's certification satisfies the requirements of the Anti-Drug Abuse Act of 1988, as codified in sections 1.2001-1.2003 of the Commission's rules.⁶³

V. ORDERING CLAUSES

24. Accordingly, IT IS ORDERED that, pursuant to the authority contained in section 214(e)(6) of the Communications Act, 47 U.S.C. § 214(e)(6), and the authority delegated in sections 0.91 and 0.291 of the Commission's Rules, 47 C.F.R. §§ 0.91, 0.291, Virginia PCS Alliance, L.C. and Richmond 20 MHz, LLC (d/b/a NTELOS) IS DESIGNATED AN ELIGIBLE TELECOMMUNICATIONS CARRIER throughout its licensed non-rural service area in the state of Virginia to the extent described herein.

25. IT IS FURTHER ORDERED that Virginia PCS Alliance, L.C. and Richmond 20 MHz, LLC (d/b/a NTELOS) will submit additional information in support of its ETC status, consistent with the *ETC Designation Order*, with its annual certification filing on October 1, 2006.

26. IT IS FURTHER ORDERED that a copy of this Order SHALL BE transmitted by the

⁵⁷ 47 U.S.C. §§ 220, 403; 47 C.F.R. § 54.313.

⁵⁸ See *Declaratory Ruling*, 15 FCC Rcd at 15174, para. 15. See also 47 U.S.C. § 254(e).

⁵⁹ See 47 U.S.C. § 503(b).

⁶⁰ 47 U.S.C. § 1.2002(a); 21 U.S.C. § 862.

⁶¹ See *ETC Procedures PN*, 12 FCC Rcd at 22949. Section 1.2002(b) provides that a "party to the application" shall include: "(1) If the applicant is an individual, that individual; (2) If the applicant is a corporation or unincorporated association, all officers, directors, or persons holding 5% or more of the outstanding stock or shares (voting/and or non-voting) of the petitioner; and (3) If the applicant is a partnership, all non-limited partners and any limited partners holding a 5% or more interest in the partnership." 47 C.F.R. § 1.2002(b).

⁶² See NTELOS Petition at 10 and Exhibit A.

⁶³ 47 C.F.R. §§ 1.2001-2003.

Wireline Competition Bureau to the Virginia State Corporation Commission and the Universal Service Administrative Company.

FEDERAL COMMUNICATIONS COMMISSION

Thomas J. Navin
Acting Chief, Wireline Competition Bureau

Appendix

Non-Rural Wire Centers for Inclusion in NTELOS's Virginia ETC Service Area

SPRINT (CENTEL)

ALTVVAXA	COVLVAXA	RCMTVAXA
AXTNVAXA	CRZTVAXA	RSBGVAXA
BCHLVAXA	FLDLVAXA	SDVLVAXA
BNMLVAXA	FRRYVAXA	SHNDVAXA
BNVSVAXA	LXTNVAXA	BLNDVAXA
BSSTVAXA	MTVIVAXA	WYVLVAXA
CHVLVAXA	NTBRVAXA	
CHVLVAXB	PLMYVAXA	

VERIZON SOUTH (CONTEL)

AMHRVAXA	FKLNVAXB	LDYSVAXA
APMTVAXA	GLCSVAXA	MGVLVAXA
BRWRVAXA	GRBRVAXA	PRANVAXA
BRWYVAXA	GRBRVAXB	PRANVAXB
CHKTVAXA	GRTSVAXA	PUNGVAXA
CRTDVAXA	HAYSVAXA	RRHNVAXA
DSPAVAXA	HCKRVAXA	SMFDVAXA
DSWLVAXA	HLLDVAXA	STCKVAXA
DYTNVAXA	HRBGVAXA	WKFDVAXA
EDOMVAXA	IVORVAXA	WNDSVAXA
EKTNVAXA	KZTWVAXA	WVCYVAXA

VERIZON SOUTH (GTE)

BLFDVAXA	RCGPVAXA	
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VERIZON

ASLDVAAS	MDLTVAMD	RCMDVATC
BCHNVABH	MDSNVAMA	RDFRVARA
BDFRVABD	MNKNVAMN	RONKVABK
BEVLVABV	NRFLVABL	RONKVABS
BLBGVABB	NRFLVABS	RONKVACS
CHESVACR	NRFLVAGS	RONKVACV
CHHMVACH	NRFLVAOV	RONKVAGC
CHSKVACD	NRFLVASP	RONKVALK
CHSKVADC	NRFLVAWC	SALMVAFI
CHSKVAGU	NWNWVAHU	SALMVAMC
CLHGVACO	NWNWVAHV	SALMVASA
CRBGVACB	NWNWVAJF	SFFLVASK
DAVLVADA	NWNWVAND	SNTNVASS

DAVLVAFP	NWNVVAYKD	STCYVASC
DAVLVAWE	PNRVVAPR	STDRVASD
DBLNVADU	PTBGVACD	STTNVAST
DRVRVADR	PTBGVAPB	STTNVAVE
FRBGVAFB	PTMOVAHF	TOANVATO
FRBGVALH	PTMOVAHS	VARNVAVR
GNWDVAGW	PWHTVAPW	VRBHVACC
HMPNVAAB	RCMDVACG	VRBHVACT
HMPNVADC	RCMDVAGK	VRBHVAGN
HMPNVAQN	RCMDVAGR	VRBHVAIL
HMPNVAWD	RCMDVAGY	VRBHVAIR
HPWLVAHW	RCMDVAHL	VRBHVAPT
LVTNVALN	RCMDVAHR	VRBHVARC
LYBGVACH	RCMDVAHS	VRBHVASR
LYBGVACV	RCMDVAIT	VRBHVAVB
LYBGVAMH	RCMDVALS	WLBGVAWM
LYBGVANL	RCMDVAPE	WNCHVANM
LYBGVAOF	RCMDVAPS	WNCHVAWC
LYBGVATM	RCMDVARA	WNTRVAWG
LYBGVAYB	RCMDVASN	WVRLVAWV
MCHVVAMV	RCMDVASR	