

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION

AT RICHMOND, NOVEMBER 7, 2018
SCC-CLERK'S OFFICE
DOCUMENT CONTROL CENTER
2018 NOV -7 A 9 36

181120210

APPLICATION OF
RIVERSTREET COMMUNICATIONS OF VA, INC.

CASE NO. PUR-2018-00172

For designation as an eligible
telecommunications carrier

ORDER FOR NOTICE AND COMMENT

On October 12, 2018, RiverStreet Communications of VA, Inc. ("RiverStreet" or "Company"), filed an application ("Application") with the State Corporation Commission ("Commission") pursuant to 47 U.S.C. § 214(e) and 47 C.F.R. §§ 54.101 – 54.422 seeking designation as an eligible telecommunications carrier ("ETC") to receive federal universal service fund ("USF") support.¹ Specifically, RiverStreet seeks to be designated as an ETC for Connect America Fund ("CAF")² USF support for portions of the counties of Bedford, Brunswick, Campbell, Charlotte, Halifax, King and Queen, Lunenburg, Mecklenburg, and Pittsylvania, Virginia, covering specific census blocks awarded by the Federal Communications Commission ("FCC") in a recent CAF Phase II auction.³ RiverStreet also seeks ETC designation in order to qualify for federal low income ("Lifeline") USF support for providing services to low income customers.⁴

RiverStreet is a competitive local exchange carrier authorized to provide local exchange telecommunications services in the Commonwealth of Virginia pursuant to a certificate of public

¹ Application at 1.

² Also known as the high cost program.

³ Application at 2, 6, and Attachment A.

⁴ *Id.* at 3.

convenience and necessity issued by the Commission.⁵ According to the Application, RiverStreet's parent company, Wilkes Telephone Membership Corporation, participated in the CAF Phase II auction, and has "divided" the Virginia winning bid to its wholly owned subsidiary, RiverStreet.⁶ According to the Company, after the Commission designates RiverStreet as an ETC, the Company will be eligible to receive more than \$32.1 million over a ten-year period in USF high cost support to install networks capable of providing stand-alone voice plus broadband and other advanced services.⁷ RiverStreet also asserts that it will begin offering Lifeline benefits for low income customers upon receiving ETC designation.⁸

In support of its Application, RiverStreet asserts that it will offer the services required by 47 U.S.C. § 254(c) and 47 C.F.R. § 54.101(a), and that the Company will meet the additional requirements imposed on an ETC by the FCC for CAF and Lifeline support.⁹

NOW THE COMMISSION, upon consideration of the Application and of applicable law, is of the opinion and finds that, consistent with prior orders in similar proceedings, local exchange carriers ("LECs") and other interested persons or entities should have an opportunity to file comments, objections, or requests for hearing on RiverStreet's Application.¹⁰ Therefore, we

⁵ *Id.* at 2. See *Application of RiverStreet Communications of VA, Inc., For a certificate of public convenience and necessity to provide local exchange telecommunications services in the Commonwealth of Virginia*, Case No. PUC-2015-00049, 2016 S.C.C. Ann. Rept. 162, Final Order (Feb. 26, 2016).

⁶ *Id.* at 1-2.

⁷ *Id.* at 4.

⁸ *Id.* at 4, 8.

⁹ *Id.* at 4-7.

¹⁰ See, e.g., *Commonwealth of Virginia, ex rel, State Corporation Commission, Ex Parte, in re: Implementation of Requirements of § 214 (e) of the Telecommunications Act of 1996, and Application of Cox Virginia Telcom, L.L.C., For designation as an eligible telecommunications carrier under 47 U.S.C. § 214 (e)*, Case Nos. PUC-1997-00135 and PUC-2012-00059, Doc. Con. Cen. No. 121119018, Order Requesting Comments, Objections, or Requests for Hearing (Nov. 1, 2012) (noting that the Commission established Case No. PUC-1997-00135 to consider the requests of local exchange carriers to be designated as ETCs to receive universal support pursuant to the U.S. Code and associated federal regulations).

will direct the Clerk of the Commission to mail a copy of this Order to all LECs certificated to provide service in Virginia. We also direct RiverStreet to provide a copy of its Application to anyone so requesting. Further, we find that any objections to the Company's Application should include a statement of the reasons for such opposition, and if the objection is related to a specific territory, that territory should be clearly defined. We find that requests for hearing shall state with specificity why such concerns cannot be adequately addressed in written comments or objections. Finally, we find that the Staff of the Commission ("Staff") should conduct an investigation of the Application and present its findings and recommendations in a report ("Staff Report").

Accordingly, IT IS ORDERED THAT:

(1) This case is docketed and assigned Case No. PUR-2018-00172.

(2) RiverStreet shall respond promptly to requests from interested persons or entities for copies of the Application and shall provide one copy free of charge. A copy may be obtained by submitting a written request to Eric S. Cramer, Chief Executive Officer, RiverStreet Communications of VA, Inc., 1400 River Street, Wilkesboro, North Carolina 28697; or Jerry Weikle, Weikle & Co., 151 Spring Street NW, Concord, North Carolina 28025. If acceptable to the requesting party, the Company may provide the documents by electronic means. Copies also are available for public inspection between the hours of 8:15 a.m. and 5 p.m., Monday through Friday, excluding holidays, in the Commission's Document Control Center located on the first floor of the Tyler Building, 1300 East Main Street, Richmond, Virginia 23219. Copies of the Application also may be downloaded from the Commission's website: <http://www.scc.virginia.gov/case>.

(3) On or before November 27, 2018, any person or entity may file comments on RiverStreet's Application. If not filed electronically, an original and fifteen (15) copies of the

comments shall be filed with Joel H. Peck, Clerk, State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218-2118. Filed comments shall reference Case No. PUR-2018-00172. A copy thereof shall be served on RiverStreet at either address in Ordering Paragraph (2).

(4) On or before November 27, 2018, any person or entity may file objections to RiverStreet's Application. If not filed electronically, an original and fifteen (15) copies of the objections shall be filed with the Clerk of the Commission at the address in Ordering Paragraph (3). Any objections to the Company's Application shall include a statement of the reasons for such opposition, and if the objection is related to a specific territory, that territory shall be clearly defined. Filed objections shall reference Case No. PUR-2018-00172. A copy thereof shall be served on RiverStreet at either address in Ordering Paragraph (2).

(5) On or before November 27, 2018, any person or entity may request a hearing on RiverStreet's Application. If not filed electronically, an original and fifteen (15) copies of the request for hearing shall be submitted to the Clerk of the Commission at the address in Ordering Paragraph (3). Written requests for hearing shall reference Case No. PUR-2018-00172 and shall include: (i) a precise statement of the interest of the filing party; (ii) a statement of the specific action sought to the extent then known; (iii) a statement of the legal basis for such action; and (iv) a precise statement why a hearing should be conducted in the matter. A copy thereof shall be served on RiverStreet at either address in Ordering Paragraph (2).

(6) On or before November 27, 2018, any person or entity may participate as a respondent in this proceeding by filing a notice of participation in accordance with 5 VAC 5-20-140, *Filing and service*, of the Commission's Rules of Practice and Procedure

("Rules of Practice).¹¹ If not filed electronically, an original and fifteen (15) copies of the notice of participation shall be filed with the Clerk of the Commission at the address set forth in Ordering Paragraph (3). The respondent shall serve a copy of the notice of participation on RiverStreet at either address in Ordering Paragraph (2). Pursuant to 5 VAC 5-20-80 B, *Participation as a respondent*, of the Rules of Practice, any notice of participation shall set forth: (i) a precise statement of the interest of the respondent; (ii) a statement of the specific action sought to the extent then known; and (iii) the factual and legal basis for the action. Any organization, corporation, or government body participating as a respondent must be represented by counsel as required by 5 VAC 5-20-30, *Counsel*, of the Rules of Practice. All filings shall reference Case No. PUR-2018-00172.

(7) The Staff shall investigate the Company's Application. On or before December 7, 2018, the Staff shall file with the Clerk of the Commission an original and fifteen (15) copies of a Staff Report containing its findings and recommendations.

(8) On or before December 14, 2018, RiverStreet may file responses to the Staff Report and to any comments, objections, or requests for hearing filed with the Commission. If not filed electronically, an original and fifteen (15) copies of any responses shall be submitted to the Clerk of the Commission at the address in Ordering Paragraph (3). A copy of the response shall be served upon the Staff and on any persons or entities who filed comments, objections, or requests for hearing.

(9) All documents filed with the Office of the Clerk of the Commission in this docket may use both sides of the paper. In all other respects, all filings shall comply fully with the requirements of 5 VAC 5-20-150, *Copies and format*, of the Commission's Rules of Practice.

¹¹ 5 VAC 5-20-10 *et seq.*

(10) The Commission's Rule of Practice 5 VAC 5-20-260, *Interrogatories to parties or requests for production of documents and things*, shall be modified for this proceeding as follows: responses and objections to written interrogatories and requests for production of documents shall be served within seven (7) calendar days after receipt of the same. In addition to the service requirements of 5 VAC 5-20-260 of the Rules of Practice, on the day that copies are filed with the Clerk of the Commission, a copy of the interrogatory or request for production shall be served electronically, or by facsimile, on the party to whom the interrogatory or request for production is directed or the assigned Staff attorney, if the interrogatory or request for production is directed to Staff. Except as modified above, discovery shall be in accordance with Part IV of the Commission's Rules of Practice, 5 VAC 5-20-240 *et seq.*

(11) This matter is continued.

AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to:

All LECs certificated in the Commonwealth of Virginia, as set forth in the Appendix to this Order; Eric S. Cramer, Chief Executive Officer, RiverStreet Communications of VA, Inc., 1400 River Street, Wilkesboro, North Carolina 28697; Jerry Weikle, Weikle & Co., 151 Spring Street NW, Concord, North Carolina 28025; and C. Meade Browder, Jr., Senior Assistant Attorney General, Division of Consumer Counsel, Office of the Attorney General, 202 N. 9th Street, 8th Floor, Richmond, Virginia 23219-3424. A copy also shall be delivered to the Commission's Office of General Counsel and Division of Public Utility Regulation.

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