

BEFORE THE MISSISSIPPI PUBLIC SERVICE COMMISSION

01-UA-198

DIXIENET COMMUNICATIONS, LLC

**IN RE: PETITION OF DIXIENET
COMMUNICATIONS, LLC FOR
DESIGNATION AS AN ELIGIBLE
TELECOMMUNICATIONS CARRIER
UNDER THE TELECOMMUNICATIONS
ACT OF 1996**

ORDER

THIS DAY, there came on for consideration by the Mississippi Public Service Commission ("Commission"), the Petition of DixieNet Communications, LLC ("DixieNet") for designation as a carrier eligible for federal universal service support pursuant to Section 214(e) of the Telecommunications Act of 1996 ("TA96"). The Commission, being fully apprised in the premises and having considered the documents, responses of DixieNet to data requests submitted by the Mississippi Public Utilities Staff ("MPUS"), and the record before it, as authorized by law and upon the recommendation of the MPUS, finds as follows, to-wit:

1. On December 20, 2000, DixieNet filed with the Commission its Petition pursuant to Section 214(e) of TA96 and Sections 54.101 through 54.207 of the Rules of the Federal Communications Commission ("FCC") requesting designation as an Eligible Telecommunications Carrier ("ETC") for its current certificated area which includes the entire State of Mississippi.
2. The Commission has jurisdiction to enter this Order, and entry hereof is in the public interest.
3. Due and proper notice of the Petition was given to all interested persons as required by law and the Commission's Public Utilities Rules of Practice and Procedure.
4. BellSouth Telecommunications, Inc. ("BellSouth") intervened and became a party of record in this matter.

5. DixieNet provides local exchange and exchange access services in predominately rural areas of Mississippi.

6. Pursuant to Section 214(e) of TA96 and 47 C.F.R. §§ 54.101 – 54.207, to qualify under federal law as a telecommunications carrier eligible for universal service funding, carriers must satisfy certain requirements or qualify for a waiver of those requirements. An ETC must offer the following services:

- a. Voice grade access to the public switched network;
- b. Access to free of charge “local usage” defined as an amount of minutes of use of exchange service;
- c. Dual tone multi-frequency signaling or its functional equivalent;
- d. Single-party service or its functional equivalent;
- e. Access to emergency services;
- f. Access to operator services;
- g. Access to interexchange services;
- h. Access to directory assistance; and
- i. Toll limitations services for qualifying low-income customers.

7. Qualified ETCs must offer these services either using their own facilities or a combination of their own facilities and the resale of services of another facilities-based carrier. Further, ETCs must advertise the availability of, and the prevailing prices for, the universal services throughout the area in which they have been designated as an ETC. DixieNet shall comply with each of these provisions regarding service provision and offering with the exception of toll limitation services which it resells.

8. DixieNet shall implement a program to advertise the availability of the above-referenced services and related charges using media of general distribution in its service area as required by Section 254(e)(1)(B) of TA96 and Section 54.201(d)(2) of the FCC's Rules.

9. The Commission finds that DixieNet is capable of providing the services required for ETC designation, with the exception of toll limitation which is not technically feasible at this time and which warrants the granting of a waiver pursuant to Section 54.101(c) of the FCC's Rules. The Commission, however, reserves the right to reconsider this waiver if in the future it can be demonstrated that the capability is technically and economically feasible.

10. The Commission finds that DixieNet has committed to serve all subscribers upon request in its designated service area. DixieNet has committed to provide service either through its own facilities or a combination of its own facilities and resale.

11. DixieNet has not requested ETC designation for the exchanges of small rural carriers (independent telephone companies).

12. The Commission finds that an ETC designation to DixieNet can at a future time be modified, or changed by subsequent Order of this Commission.

13. The Commission finds that ETC designation cannot be granted solely based on resale. Therefore, the Commission finds that DixieNet shall provide service either through its own facilities or a combination of its own facilities and resale to all subscribers upon request in its designated service area within 180 days of this Order. If this condition of time is not complied with, DixieNet's designation as an ETC shall be forfeited ipso facto. Also, if the information supplied by DixieNet in this docket was inaccurate, DixieNet's ETC designation may be revoked.

14. The Commission finds that DixieNet shall file a certification no later than April 30, 2002, showing that it has met the 180 day time period for providing service either through its own

facilities or a combination of its own facilities and resale. DixieNet's certification shall also show that it continues to satisfy all of the requirements set forth in federal law for designation as an ETC. DixieNet shall furnish a copy of this certification to the Executive Director of the MPUS and to Counsel for BellSouth Telecommunications, Inc. At that time, the Commission will assess the certification and determine the continuing designation of DixieNet as an Eligible Telecommunications Carrier (ETC).

15. DixieNet shall also offer Lifeline and Linkup services. DixieNet shall file a tariff change to offer these services within 30 business days from the date of this Order.

The Commission, having jurisdiction of the parties and the subject matter, and having considered DixieNet's Petition and the evidence in support thereof, and upon recommendation of the Public Utilities Staff, finds that DixieNet is entitled to be granted a designation as an eligible telecommunications carrier throughout its current service area in Mississippi based on timely complying with all conditions expressed in this Order.

IT IS, THEREFORE, ORDERED:

1. DixieNet is conditionally designated an Eligible Telecommunications Carrier throughout its current service area in Mississippi. DixieNet shall timely comply with all conditions expressed in this Order and shall provide service either through its own facilities or a combination of its own facilities and resale to all subscribers upon request in its designated service area within 180 days of this Order. A failure by DixieNet to comply with this condition will result in the designation of DixieNet as an ETC being forfeited ipso facto. Also, if information supplied by DixieNet in this Docket was inaccurate, the designation of DixieNet as an ETC may be revoked.

2. DixieNet's request for an exemption from the requirement of providing toll limitation is well taken and is hereby granted.

3. DixieNet shall file, as described herein, a certification no later than April 30, 2002 showing that it has met the conditions placed upon it in this Order and that it continues to satisfy all requirements set out in federal law for designation as an ETC.

4. This Commission retains continuing jurisdiction to review, modify, or revoke its designation of DixieNet as an ETC.

5. DixieNet shall file a tariff within 30 business days from the date of this Order showing that it offers Lifeline and Linkup services.

6. The entire file of the Commission, as well as all responses to the three (3) sets of data requests of the MPUS, are specifically made a part of the record in this matter.

7. This Order is effective as of the date hereof.

SO ORDERED, this the 19th day of October, 2001.

Chairman Nielsen Cochran voted Aye; Vice Chairman Michael Callahan voted Aye;

Commissioner Bo Robinson voted Aye

MISSISSIPPI PUBLIC SERVICE COMMISSION



Michael Cochran
NIELSEN COCHRAN, Chairman

Michael Callahan
MICHAEL CALLAHAN, Vice Chairman

Bo Robinson
BO ROBINSON, Commissioner

ATTEST: A TRUE COPY

Brian U. Ray
BRIAN U. RAY

Executive Secretary