

Founded in 1852
by Sidney Davy Miller

MILLER CANFIELD

THERESA A. G. STALEY
TEL (517) 483-4988
FAX (517) 374-6304
E-MAIL staley@millercanfield.com

Miller, Canfield, Paddock and Stone, P.L.C.
One Michigan Avenue, Suite 900
Lansing, Michigan 48933
TEL (517) 487-2070
FAX (517) 374-6304
www.millercanfield.com

MICHIGAN: Ann Arbor
Detroit • Grand Rapids
Kalamazoo • Lansing • Troy

FLORIDA: Tampa

ILLINOIS: Chicago

NEW YORK: New York

OHIO: Cincinnati

CANADA: Toronto • Windsor

CHINA: Shanghai

MEXICO: Monterrey

POLAND: Gdynia

Warsaw • Wroclaw

February 26, 2015

Ms. Mary Jo Kunkle
Executive Secretary
Michigan Public Service Commission
7109 West Saginaw Highway
Lansing MI 48917

RECEIVED

FEB 26 2015

EXECUTIVE SECRETARY



Re: Chippewa County Telephone Company
MPSC Case No. U-11548

Dear Ms. Kunkle:

Enclosed for filing, please find **Chippewa County Telephone Company's Notice of Relinquishment of its Eligible Telecommunications Designation Pursuant to 47 USC § 214(e)(4)** in the above-mentioned matter.

If you should have any questions, please kindly advise.

Very truly yours,

Miller, Canfield, Paddock and Stone, P.L.C.

By: _____

Theresa A. G. Staley

TAGS/cla
cc: Barry Harmon (via e-mail)

23935780.1\088888-04504

RECEIVED

FEB 26 2015

Executive Secretary

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

* * * * *

In the matter of the application of)
Chippewa County Telephone Company)
for designation as an eligible telecommunications)
carrier pursuant to Section 214(c) of the)
Communications Act of 1934, as amended)
_____)

Case No. U- 11548

**CHIPPEWA COUNTY TELEPHONE COMPANY'S
NOTICE OF RELINQUISHMENT OF ITS ELIGIBLE
TELECOMMUNICATIONS DESIGNATION
PURSUANT TO 47 USC § 214(e)(4)**

Pursuant to 47 USC § 214(e)(4), 47 CFR § 54.205(a), and Sections 201 and 203 of the Michigan Telecommunications Act ("MTA"), MCL 484.2101 *et seq.*, Chippewa County Telephone Company (hereinafter "Chippewa" or the "Company") hereby submits this Notice of Relinquishment of its eligible telecommunications carrier ("ETC") designation in the State of Michigan, effective January 1, 2015. As explained herein, this relinquishment of Chippewa's ETC designation meets all applicable requirements and should be expeditiously granted. This Notice applies only to Chippewa, and not to any other entity that has been granted ETC status in this docket.

I. COMMUNICATIONS REGARDING THIS NOTICE

All pleadings, correspondence and communications regarding this Notice should be addressed as follows:

Michael C. Rampe, Legal Counsel
Theresa A.G. Staley, Legal Counsel
Miller, Canfield, Paddock & Stone, PLC
One Michigan Avenue, Suite 900
Lansing, Michigan 48933
Phone: (517) 483-4941
Fax: (517) 374-6304
E-mail: rampe@millercanfield.com
staley@millercanfield.com

II. BACKGROUND

On November 25, 1997, the Michigan Public Service Commission ("Commission") designated Chippewa, a member of the Michigan Exchange Carriers Association, Inc. ("MECA"), as an ETC for purposes of receiving Lifeline and other universal service support for the wire center identified in its study area, known as the Brimley exchange.¹ Subsequent to being designated an ETC in Michigan, Chippewa has filed annually with the Commission Annual Reports for ETC Recertification, in compliance with various Commission Orders, the most recent of which being *In re on the Commission's own motion, to receive eligible telecommunications carrier filings for 2014*, MPSC Case No. U-17545. The Commission has certified Chippewa to the Federal Communications Commission ("FCC") each year-to-date, and most recently with its Minute Action of September 11, 2014, in Case No. U-17545.

¹ The Universal Service Administration Company ("USAC") has assigned study area code ("SAC") 310680 to Chippewa to represent its ETC Service Area in Michigan. Chippewa was a subsidiary of Hiawatha Communications, Inc., which also owns Hiawatha Telephone Company. Although Chippewa and Hiawatha Telephone Company operated independently of each other, their SACs were combined. Chippewa, thus, has two SACs associated with it – 310680 and 310713 (Hiawatha's SAC). For reporting requirements, Chippewa used 310680.

III. CHIPPEWA'S REQUEST FOR RELINQUISHMENT OF ITS ELIGIBLE TELECOMMUNICATIONS CARRIER DESIGNATION

As an ETC eligible to receive Lifeline and other universal service support in Michigan, Chippewa used universal service support to make Lifeline discounted services available to eligible consumers. Chippewa now requests to relinquish its ETC designation in Michigan. Chippewa merged with its affiliate Hiawatha Telephone Company ("Hiawatha") on December 31, 2014, with Hiawatha as the surviving entity. As a result, Chippewa no longer provides services to any customers. Instead, Hiawatha, which obtained an amendment to its license to provide basic local exchange service to include the Brimley exchange, formerly served by Chippewa, as well as ETC designation in the Brimley exchange (see Commission Orders dated November 24, 2014, in Case Nos. U-17706 and U-17743), serves the Brimley exchange. Thus, former Chippewa customers, as well as future subscribers receiving service in the Brimley exchange, can and will continue to receive Lifeline discounts service from Hiawatha.

A. Chippewa's Relinquishment of ETC Designation Complies With Federal Law

The Commission "shall permit an eligible telecommunications carrier to relinquish its designation as such a carrier in any area served by more than one eligible telecommunications carrier." 47 USC § 214(e)(4). The statute states, in relevant part,

(4) Relinquishment of universal service.

A State commission (or the commission in the case of a common carrier designated under paragraph (6)) shall permit an eligible telecommunications carrier to relinquish its designation as such a carrier in any area served by more than one eligible telecommunications carrier. An eligible telecommunications carrier that seeks to relinquish its eligible telecommunications carrier designation for an area served by more than one eligible telecommunications carrier shall give advanced notice to the State commission (or the Commission in the case of a common carrier designated under paragraph (6)) of such relinquishment. Prior to permitting a telecommunications carrier designated as an eligible

telecommunications carrier to cease providing universal service in an area served by more than one eligible telecommunications carrier, the State commission (or the Commission in the case of a common carrier designated under paragraph (6)) shall require the remaining eligible telecommunications carrier or carriers to ensure that all customers served by the relinquishing carrier will continue to be served, and shall require sufficient notice to permit the purchase or construction of adequate facilities by any remaining eligible telecommunications carrier. The State commission (or the Commission in the case of a common carrier designated under paragraph (6)) shall establish a time, not to exceed one year after the State commission (or Commission in the case of a common carrier designated under paragraph 6)) approves such relinquishment under this paragraph, within which such purchase or construction shall be completed.

To summarize the above requirements: (1) there must be more than one ETC serving in the area of the ETC seeking relinquishment; (2) the ETC seeking relinquishment must provide advanced notice to the relevant state commission; (3) the customers served by the relinquishing ETC must continue to be served by an ETC; and (4) to the extent that additional facilities are required to serve any of the relinquishing ETC's customers, sufficient notice shall be provided to ensure that the construction or purchase can be timely completed. The relevant FCC rule essentially reiterates the same requirements.²

Chippewa's application for relinquishment of its ETC designation in Michigan complies with federal law and must be granted because: (1) there is currently more than one ETC serving the ETC Area (*i.e.* Hiawatha); (2) Chippewa has provided advanced notice to the Commission of such relinquishment (via the instant filing); (3) Chippewa's customers in the Brimley exchange will be served by Hiawatha; and (4) no additional facilities will need to be purchased or constructed by the remaining ETC (Hiawatha).

² 47 CFR § 54.205(a).

1. There Is More Than One ETC Currently Serving the ETC Service Area

Chippewa's ETC Service Area is currently served by Hiawatha as an ETC. As discussed above, Chippewa merged with Hiawatha on December 31, 2014. Hiawatha, as the surviving entity with ETC designation, will continue to serve the customers in the Brimley exchange, formerly serviced by Chippewa. Because at least one other ETC (in addition to Chippewa) serves Chippewa's ETC Service Area, the Commission should permit Chippewa to relinquish its ETC designation.

2. Chippewa Provided Advanced Notice to the Commission

Consistent with 47 USC § 214(e)(4) and 47 CFR § 54.205(a), the Commission not only received advanced notice that Hiawatha would become the ETC in the Brimley exchange in its ETC Application in Case No. U-17743, Chippewa is providing notice to the Commission with this Notice. This Notice satisfies the requirement to provide advance notice to the Commission of Chippewa's intent to relinquish its ETC designation.

3. Hiawatha, which has an ETC Designation, Provides Lifeline Discounts to Qualifying Customers in the Brimley Exchange

As Chippewa's successor-in-interest, Hiawatha will continue to serve customers in the Brimley exchange that were formerly serviced by Chippewa. In addition, under Michigan law, each provider of residential basic local exchange service is required to offer certain low income customers the availability of basic local exchange service. *See* MCL 484.2316(1). Consistent with this requirement, Chippewa's approximately 12 Lifeline customers were transferred to Hiawatha effective January 1, 2015, and they continued to receive their Lifeline discounts. All customers within Chippewa's former ETC Service Area, *i.e.*, the Brimley exchange, will continue to be served by Hiawatha, consistent with 47 USC § 214(e).

4. No Additional Facilities Will Need to Be Purchased or Constructed by Hiawatha

Hiawatha will not be required to purchase or construct additional facilities to continue to serve consumers within the ETC Service Area. Hiawatha currently serves the Brimley exchange in which Chippewa is designated as an ETC and, thus, the Commission need not provide notice to Hiawatha to permit it to purchase or construct facilities to ensure that Chippewa's customers will continue to receive service.

Through this Notice, Chippewa has complied with all requirements of 47 USC § 214(e)(4) and 47 CFR § 54.205. There is no barrier to prevent Chippewa from relinquishing its ETC designation in Michigan. The Commission should, therefore, accept Chippewa's notice of relinquishment.

Because Chippewa will not be seeking certification as an ETC going forward, Chippewa will not be filing further annual ETC Certification Reports with the Commission.

IV. CONCLUSION

Consistent with all applicable requirements, Chippewa respectfully requests the Commission accept its notice of relinquishment of its ETC designation in Michigan. Chippewa has demonstrated that it meets the requirements for relinquishment of its ETC designation.

Respectfully submitted,

CHIPPEWA COUNTY TELEPHONE COMPANY

Dated: 2/26, 2015

By: _____

Its Attorneys

Michael C. Rampe (P58189)

Theresa A.G. Staley (P56998)

Miller, Canfield, Paddock, and Stone, PLC

One Michigan Avenue, Suite 900

Lansing, Michigan 48933

(517) 487-2070

23786131.1\088888-04504