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June 30, 2003

VIA FEDERAL EXPRESS

Luly E. Massaro, Commission Clerk
Rhode Island Public Utilities Commission
89 Jefferson Boulevard
Warwick, RI 02888

Re: Designation as an Eligible Telecommunications Carrier

Dear Ms. Massaro:

On behalf of Cox Rhode Island Telcom, L.L.C., enclosed please find an original and nine copies of the Petition for designation as an Eligible Telecommunications Carrier.

Please time and date-stamp the extra copy of this letter and return it to me in the enclosed self-addressed, stamped envelope.

If you have any questions regarding this filing, please contact me.

Respectfully submitted,



Brian T. FitzGerald (#6568)

BTF/rsb

Enclosure

cc: Jennifer J. Marrapese, Esq.

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
PUBLIC UTILITIES COMMISSION**

-----)	
Petition of Cox Rhode Island Telcom,)	
L.L.C. for Certification as a)	
Telecommunications Carrier "Eligible")	Docket No.
To Receive Payments from the)	
Federal Universal Service Fund)	
-----)	

PETITION OF
COX RHODE ISLAND TELCOM, L.L.C.

NOW COMES Cox Rhode Island Telcom, L.L.C. ("Cox"), through its undersigned counsel, and files this Petition for designation as an "Eligible Telecommunications Carrier" throughout its service area in the State of Rhode Island, pursuant to 47 U.S.C. Section 214(e). Cox respectfully requests designation as an Eligible Telecommunications Carrier ("ETC") in order to receive funding and/or reimbursement from the available Federal universal support mechanisms. In support of this Petition, Cox respectfully submits the following:

APPLICANT

Cox is a Rhode Island limited liability company with its principal Rhode Island offices located at 9 J.P. Murphy Highway, West Warwick, Rhode Island 02893. Cox is a competitive local exchange company ("CLEC") authorized to provide telecommunications services throughout the State of Rhode Island pursuant to a Certificate of Public Convenience and Necessity granted by the Rhode Island Public Utilities Commission ("the Commission") on April 22, 1997 in Docket Number 2535.

ALLEGATIONS OF FACT

1. Section 214(e) of the Federal Telecommunications Act of 1996 (“the Act”) requires state commissions, upon request, to designate more than one common carrier as an ETC in areas not served by a rural telephone company if the common carrier, throughout the service area for which that designation is sought: (i) offers the services that are supported by Federal universal service support mechanisms, and (ii) advertises the availability of such services.
2. Cox is a common carrier as defined in 47 U.S.C. § 153(10).¹
3. Cox is a Certified Local Exchange Carrier and is authorized to provide local exchange service throughout the state of Rhode Island pursuant to the Commission’s April 22, 1997 Order in Docket No. 2535.
4. Cox will provide the universal services required by 47 U.S.C. § 254 utilizing a combination of facilities owned, leased and maintained by Cox and services purchased at wholesale from Verizon and resold by Cox.
5. 47 U.S.C. § 214(e) provides that ETC designations shall be made for a “service area” determined by the state commission. Section 214(e) provides further that the “service area” shall be a geographic area established by the state commission. The Rhode Island Public Utilities Commission has determined that for companies such as Cox, whose operating authority was granted on February 8, 1996 or later, the service area shall be the entire state.
6. In its Universal Service Order implementing 47 U.S.C. § 214(e) and § 254, the Federal Communications Commission (“FCC”) identified specific services that a

¹ A common carrier is defined in 47 U.S.C. § 153(10) as “any person engaged as a common carrier for hire in interstate or foreign communications by wire or radio or interstate or foreign radio transmission of energy,”

carrier must provided to be designated as an ETC and receive universal support.² The Commission also identified these services as state-required services for companies seeking designation as an ETC within Rhode Island. Cox offers all services required by the Universal Service Order and by the Commission throughout the areas for which it seeks ETC designation pursuant to its tariffs on file with the Commission. Those services are identified as follows:

<u>Service Offered</u>	<u>Yes/No</u>
1. Voice-grade access to public switched network	Yes
2. Local usage	Yes
3. Dual tone multi-frequency (DTMF) signaling or its functional equivalent	Yes
4. Single-party service or its functional equivalent	Yes
5. Access to emergency services, i.e., E911	Yes
6. Access to operator services	Yes
7. Access to interexchange services	Yes
8. Access to directory assistance	Yes
9. Toll blocking for qualifying low-income customers	Yes
10. Toll control for qualifying low-income customers ³	N/A
11. Lifeline and Linkup service	Yes

² *Federal-State Joint Board on Universal Service*, 12 FCC Rcd. 8776, 8809-25 (1997) (“*Universal Service Order*”); see 47 C.F.R. § 54.101(a). Cox offers all services required by the Universal Service Order throughout the areas for which it seeks ETC designation pursuant to its tariffs on file with the Commission.

³ On December 30, 1997, the FCC issued an order clarifying its definition of “toll limitation” services as either toll blocking or toll control and required carriers to offer only one, not necessarily both, of these services to be designated as an ETC. *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45 at Par. 115, Fourth order on Reconsideration, FCC 97-420 (rel. Dec. 31, 1997).

7. Cox advertises the availability of its services in media of general circulation throughout the State of Rhode Island.

8. Cox provides discounted services to schools, libraries, and rural health care providers in accordance with federal and state regulation, including 47 C.F.R. §§ 54.501-54.623.

9. Moreover, Cox's sister Telcom affiliate in Oklahoma has been deemed an "Eligible Telecommunications Carrier" for the purpose of receiving funding and/or reimbursement from the federal Universal Service Fund. See Application of Cox Oklahoma Telcom, L.L.C. Seeking Certification as an Eligible Carrier Pursuant to the Telecommunications Act of 1996 and the Oklahoma Telecommunications Act of 1997, Order No. 464785, June 21, 2002.

LEGAL AUTHORITY

Cox submits this petition pursuant to Section 214 of the Telecommunications Act of 1997, and pursuant to the Commission's Rules and Regulations Governing Certification of Telecommunications Carriers as "Eligible" to Receive Payments from the Federal Universal Service Fund, dated June 9, 1998.

PROPOSED PROCEDURAL SCHEDULE

Cox believes that the best, most efficient means of considering this Petition would be through a notice and comment period. Accordingly, pursuant to Section 1.10(a) of the Commission's Rules of Procedure and Practice, Cox proposes the following procedural schedule, and requests that its petition be acted upon within thirty (30) days:

<u>Date</u>	<u>Action</u>
June 30, 2003	Cox files petition with Rhode Island Public Utilities Commission for ETC designation
July 14, 2003	Interested parties/intervenors (if applicable) file comments on Cox's petition
July 21, 2003	Cox files reply comments in response to comments filed by interested parties/intervenors
July 30, 2003	Commission issues final decision on Cox's petition

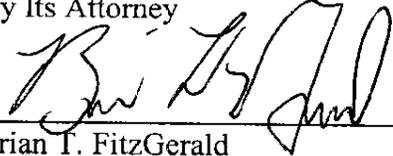
RELIEF SOUGHT

Cox respectfully requests that the Commission issue an order designating Cox as an Eligible Telecommunications Carrier throughout the State of Rhode Island.

Respectfully submitted,

COX RHODE ISLAND TELCOM, L.L.C.

By Its Attorney



 Brian T. FitzGerald
 R.I.Bar No. 6568

from federal universal service, including the Lifeline fund, each of which Cox fully satisfies. A description of each requirement and an explanation of how Cox satisfies it follows:

Requirement 1: Applicant must be a carrier as defined in 47 U.S.C. § 153(10), which states that a carrier is, “any person engaged as a common carrier for hire, in interstate or foreign communications by wire or interstate or foreign communications by wire or radio or interstate or foreign radio transmission of energy”

Explanation: Cox is a common carrier. The Commission granted Cox a Certificate of Public Convenience and Necessity to operate as a competitive local exchange carrier on April 22, 1997 in Docket No. 2535.

Requirement 2: Applicant must have a service area established by the state regulatory commission.

Explanation: Cox’s service area was established in Docket No. 2535, which granted Cox certification to provide competitive local exchange services statewide.

Requirement 3: Applicant must offer the services that are supported by Federal universal service support mechanisms under 47 U.S.C. § 254(c) throughout its service territory. These services are:

- Single-party service;
- Voice-grade access to the public switched network;
- Dual-tone multi-frequency (“DTMF”) signaling or its functional equivalent (“Touchtone”);
- Access to emergency services (i.e., 911 or E911);
- Access to operator services;
- Access to interexchange service;
- Access to directory assistance;
- Toll limitation for qualifying low-income customers; and
- Lifeline and Linkup service.

Explanation: Cox offers all nine of the services that are supported by Federal universal service support mechanisms under 47 U.S.C. § 254(c) throughout the service area for which it seeks ETC designation. Cox's initial tariffs for the provision of local exchange telecommunications services were approved in Docket No. 2535 and are on file in the Commission's offices. All nine of the services specified in 47 U.S.C. § 254(c) are provided for in these tariffs.

Requirement 4: Applicant must not base its request for designation as an eligible carrier solely on resold services, but must have physical facilities in place.

Explanation: Cox is a facilities-based competitive local exchange carrier, providing telecommunications within the state primarily using its own facilities. In limited circumstances, Cox may resell the services of the incumbent provider if necessary.

Requirement 5: Applicant must advertise the availability of such services and the charges therefore using media of general distribution.

Explanation: Cox already uses media of general circulation to advertise the availability of, and the charges for, its local telephone service.

Requirement 6: The Commission must find that the designation of the Applicant as an eligible carrier is in the public interest if the designation is for an area served by a rural telephone company.

Explanation: Cox has not requested designation as an ETC within an area served by a rural telephone company.

6) In addition to meeting these six federal requirements, Cox meets all state-specific requirements set forth by the Commission in its Order, dated June 9, 1998, adopting rules and regulations pertaining to the certification of telecommunications carriers as "eligible" to receive payments from the Federal Universal Service Fund. Specifically, Cox provides discounted services to schools, libraries, and rural health care providers in accordance with federal and state regulation, including 47 C.F.R. § 54.501-54.623.

7) Cox's sister Telcom affiliate in Oklahoma has been deemed an "Eligible Telecommunications Carrier" for the purpose of receiving funding and/or reimbursement from

the federal Universal Service Fund. See Application of Cox Oklahoma Telcom, L.L.C. Seeking Certification as an Eligible Carrier Pursuant to the Telecommunications Act of 1996 and the Oklahoma Telecommunications Act of 1997, Order No. 464785, June 21, 2002.

8) Based on the facts outlined above, Cox requests designation by the Commission as an Eligible Telecommunications Carrier ("ETC") in order to receive support and/or reimbursement from the Federal Universal Service Fund.



Jennifer J. Marrapese

State of Rhode Island
County of Providence

Subscribed and sworn to before me this 25th day of June, 2003, in the Town of West Warwick, County of Kent, State of Rhode Island.



Deborah A. Montanaro
Notary Public, ID #26744
My Commission Expires: 7/31/05