|  |  |  |
| --- | --- | --- |
| PUC logo | COMMONWEALTH OF PENNSYLVANIAPENNSYLVANIA PUBLIC UTILITY COMMISSIONP.O. BOX 3265, HARRISBURG, PA 17105-3265 | **IN REPLY PLEASE REFER TO OUR FILE** |

August 15, 2013

Docket No. R-2013-2367129

 Utility Code: 3111651

MICHAEL A GRUIN

STEVENS & LEE

LAWERS & CONSULTANTS

17 NORTH SECOND STREET

16TH FLOOR

HARRISBURG PA 17101

Re: Lumos Networks of West Virginia, Inc.

Intrastate Switched Access Services Tariff Telephone Pa. P.U.C. No. 2

Dear Mr. Gruin:

On June 3, 2013, Lumos Networks of West Virginia, Inc., (the Company) submitted a letter and supporting calculations evidencing compliance with the Pennsylvania Public Utility Commission’s (Commission) Order that was entered on April 18, 2013,[[1]](#footnote-1) to implement certain provisions of the November 18, 2011 FCC Order.[[2]](#footnote-2)

The Company’s proposed intrastate switched carrier access service revenue and rate reductions amount to $0.00.

Commission Staff has reviewed this filing. Suspension or further investigation does not appear warranted at this time. However, this does not constitute a determination that the Company’s rates are just, lawful, and reasonable, but only that suspension or further investigation does not appear warranted at this time. This is without prejudice to any timely-filed formal complaints, and the Company’s rates may be subject to true-up to the extent they are subsequently found to be unlawful, unjust, or unreasonable. Furthermore, in accordance with our April 18 Order, the Company’s filings and supporting data are potentially subject to “any joint state-federal investigation or enforcement action.”[[3]](#footnote-3)

We note that the Commission has filed an appeal of the FCC Order that directed the submission of these tariff filings.[[4]](#footnote-4) Commission Staff’s review of this tariff filing is without prejudice to the impact that the federal appeal or related developments may have on this filing, and the effective rates in this tariff filing may be subject to true-up, including refunds in accordance with Section 1312 of the Public Utility Code (66 Pa. C.S. § 1312). All local exchange carriers (LECs) should maintain records sufficient to comply with the Commission’s record keeping requirements and, in addition, those set forth by the FCC. Any LECs failure to do so may impact its ability to address the interplay of the tariff filing addressed in this Secretarial Letter and any subsequent developments.

In addition, the Commission reminds all LECs that their migration information should be checked for accuracy. You can find this information at <http://www.puc.state.pa.us/utility_industry/telecommunications/local_service_migration.aspx>. If this contact is no longer current or needs updated contact Cyndi Page of the Commission’s Communications Office at (717) 787-5722 or cypage@pa.gov.

 **Further, please be advised that Commission Staff makes no determination whether the Company’s switched access rates are in compliance with Act 183, P.L. 1398 (66 Pa. C.S. § 3017(c)).**

If you are dissatisfied with the resolution of this matter, you may, as set forth in 52 Pa. Code § 5.44, file a petition with the Commission within 20 days of the date of this letter. If you have any questions in this matter, please contact Eric Jeschke, Telco Section, Bureau of Technical Utility Services at (717) 783-3850 or ejeschke@pa.us.

 Sincerely,

##  Rosemary Chiavetta

##  Secretary

cc: Melissa Derr, TUS

1. *Implementation of the Federal Communications Commission’s Order of November 18, 2011 As Amended or Revised and Coordination with Certain Intrastate Matters*, Docket No. M-2012-2291824, Order Entered April 18, 2013 (April 18 Order). [↑](#footnote-ref-1)
2. *See* FCC Order adopted October 27, 2011, and Released November 18, 2011, and further revised and clarified by Order February 3, 2012: *In the Matter of Connect America Fund*, WC Docket No. 10-90; *A National Broadband Plan for Our Future*, GN Docket No. 09-51; *Establishing Just and Reasonable Rates for Local Exchange Carriers*, WC Docket No. 07-135; *High-Cost Universal Service Support*, WC Docket No. 05-337; *Developing an Unified Intercarrier Compensation Regime*, CC Docket No. 01-92; *Federal-State Joint Board on Universal Service,* CC Docket No. 96-45; *Lifeline and Link-Up*, WC Docket No. 03‑109; *Universal Service Reform - Mobility Fund*, WT Docket No. 10-208. The FCC has issued additional reconsideration and clarification Orders in the same proceeding and the issuance of further such FCC rulings is anticipated (FCC Order). [↑](#footnote-ref-2)
3. April 18 Order at 8. [↑](#footnote-ref-3)
4. This appeal is currently pending before the U.S. Court of Appeals for the 10th Circuit. *Commonwealth of Pennsylvania, Pennsylvania Public Utility Commission* v. *Federal Communications Commission and the United States of America*, Docket Nos. 11-9900 and 11-9585 (10th Cir. filed December 5, 2011). [↑](#footnote-ref-4)