STATE OF SOUTH CAROLINA

(Caption of Case)

State Universal Service Support of Basic Local Service Included in a Bundled Service Offering or Contract Offering

BEFORE THE PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA

COVER SHEET

DOCKET NUMBER: 2009 - 326 - C

(Please type or print)

Submitted by: Margaret M. Fox, Esquire

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DOCKETING INFORMATION (Check all that apply)

☐ **Emergency Relief demanded in petition**

☐ **Request for item to be placed on Commission's Agenda expeditiously**

☐ **Other:**

INDUSTRY (Check one)	NATURE OF ACTION (Check all that apply)		
☐ Electric	☐ Affidavit	☐ Letter	☐ Request
☐ Electric/Gas	☐ Agreement	☐ Memorandum	☐ Request for Certification
☐ Electric/Telecommunications	☐ Answer	☐ Motion	☐ Request for Investigation
☐ Electric/Water	☐ Appellate Review	☐ Objection	☐ Resale Agreement
☐ Electric/Water/Telecom.	☐ Application	☐ Petition	☐ Resale Amendment
☐ Electric/Water/Sewer	☐ Brief	☐ Petition for Reconsideration	☐ Reservation Letter
☐ Gas	☐ Certificate	☐ Petition for Rulemaking	☒ Response
☐ Railroad	☐ Comments	☐ Petition for Rule to Show Cause	☐ Response to Discovery
☐ Sewer	☐ Complaint	☐ Petition to Intervene	☐ Return to Petition
☒ Telecommunications	☐ Consent Order	☐ Petition to Intervene Out of Time	☐ Stipulation
☐ Transportation	☐ Discovery	☐ Prefiled Testimony	☐ Subpoena
☐ Water	☐ Exhibit	☐ Promotion	☐ Tariff
☐ Water/Sewer	☐ Expedited Consideration	☐ Proposed Order	☐ Other:
☐ Administrative Matter	☐ Interconnection Agreement	☐ Protest	
☐ Other:	☐ Interconnection Amendment	☐ Publisher's Affidavit	
	☐ Late-Filed Exhibit	☐ Report	

Print Form Reset Form

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October 20, 2009

Charles L. A. Terreni
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South Carolina Public Service Commission
101 Executive Center Drive
Suite 100
Columbia, South Carolina 29210

Re: State Universal Service Support of Basic Local Service Included in a Bundled Service Offering or Contract Offering
Docket No. 2009-326-C

Dear Mr. Terreni

Enclosed for filing on behalf of the South Carolina Telephone Coalition please find the Reply to the Response of South Carolina Cable Television Association, et al. in the above-referenced docket. By copy of this letter and Certificate of Service, a copy is being served on all parties of record.

Thank you for your assistance.

Sincerely,

McNAIR LAW FIRM, P.A.

Margaret M. Fox

Margaret M. Fox

MMF:rwm
Enclosure

cc: Parties of Record

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BEFORE THE

PUBLIC SERVICE COMMISSION OF

SOUTH CAROLINA

Docket No. 2009-326-C

State Universal Service Support of Basic Local Service Included in a Bundled Service Offering or Contract Offering	)))	REPLY

This Reply is filed on behalf of the South Carolina Telephone Coalition ("SCTC") to the Response of South Carolina Cable Television Association, CompSouth, tw telecom of south carolina llc, and Nuvox Communications Incorporated (collectively "CLECs") to the Joint Motion for Review filed by the Office of Regulatory Staff ("ORS") and the SCTC.

In their response, CLECs claim that the information they seek "has not been consistently protected as confidential" by the carriers of last resort ("COLRs"). See CLEC Response at p. 5. To support this allegation, CLECs attach information that was filed by certain rural local exchange carriers in January and February 2004. See Exhibit B to CLEC Response.

This Reply is being filed to make it clear that the information contained in CLECs' Exhibit B was filed by the rural COLRs before the SCTC requested and the Commission issued a protective order, Order No. 2005-139 dated March 31, 2005, specifically covering the USF data sheets at issue here.

More importantly, the information contained in CLECs' Exhibit B was filed well before the rural COLRs in question faced facilities-based competition from Time Warner Cable and others in the rural telephone company service areas. Because there was little, if any, facilities-

based competition in their service areas in 2004, the rural COLRs did not have the same level of concern that they have today with protecting such information from disclosure to competitors.

Time Warner Cable Information Services, Inc., obtained a certificate of public convenience and necessity from the Commission, subject to a stipulation with the SCTC, by Order No. 2004-213, dated May 24, 2004, in Docket No. 2003-362-C. That order allowed Time Warner to compete in non-rural areas, as well as in rural areas where the incumbent LEC no longer had a federal rural telephone company exemption (after July 1, 2004). Time Warner did not actually begin competing in the rural areas covered by its certificate until at least June 28, 2006 (Effective date of interconnection agreement with Hargray Telephone Company). Time Warner only recently obtained a certificate to operate in the service areas of Farmers Telephone Cooperative, Fort Mill Telephone Company, Home Telephone Company, PBT Telecom, and Rock Hill Telephone Company. See Order No. 2009-325(A) in Docket Nos. 2008-325-C through 2008-329-C, dated June 11, 2009.

WHEREFORE, for the reasons stated in the Joint Motion and other pleadings filed by the SCTC and ORS, we respectfully request that the Commission overrule the Hearing Officer's directive dated October 7, 2009, and confirm that the information sought by CLECs is protected from disclosure to actual and potential competitors by prior Commission Order; that releasing such information to actual and potential competitors would harm SCTC members; and that CLECs have not shown that the requested information is relevant or necessary to their case.

Respectfully submitted,

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Columbia, South Carolina

October 20, 2009

BEFORE
THE PUBLIC SERVICE COMMISSION
OF
SOUTH CAROLINA

DOCKET NO. 2009-326-C

IN RE: State Universal Service Support of Basic Local Service Included in a Bundled Service Offering or Contract Offering	))))	**CERTIFICATE OF SERVICE**

I, Rebecca W. Martin, do hereby certify that I have this date served one (1) copy of the attached Reply in the above-referenced matter to the persons named below by causing said copy to be deposited with the United States Postal Service, first class postage prepaid and affixed thereto, and addressed as shown below.

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October 20, 2009

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