

STATE OF NEW YORK DEPARTMENT OF PUBLIC SERVICE

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November 16, 2009

VIA E-MAIL

Honorable Howard Jack
Administrative Law Judge
New York Public Service Commission
Three Empire State Plaza
Albany, New York 12223-1350

Re: Case 09-M-0527 – Proceeding to Examine Issues
Related to a Universal Service Fund

Dear Judge Jack:

Your November 9, 2009 Procedural Ruling in the above-referenced matter “call[ed] upon Department of Public Service Staff to produce a current factual status report on the availability and extent of deployment of various platforms, technologies, and opportunities in the telecommunications industry and provisions of telecommunications services in New York.” The Procedural Ruling directed Staff to 1) list specific subjects it would address in the factual status report and 2) provide a filing date for the report.

Pursuant to the Procedural Ruling, Staff will address the following matters in the factual status report:

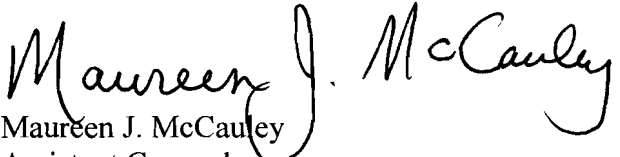
- (a) identify and count New York State residences for which no wireless service is available in the service areas of all New York State ILECs .
- (b) identify and count New York State residences for which no cable modem internet access is available in the service areas of all New York State ILECs.
- (c) identify and count New York State residences for which no wireless service or cable modem internet access is available in the service areas of all New York State ILECs.

Staff expects to file a report regarding the above-delineated matters, which will aid in determining which areas of the state lack cable and wireless facilities and how many customers live in those areas, by December 31, 2009.

In addition, Staff will further identify and count New York State residences for which no wireless or cable modem internet access is available in the service areas of the ILECs currently

receiving Transition Fund payments. This analysis, which will reconcile residences, cable coverage boundaries, and wireless coverage boundaries, will be based on alternative data sources.¹ Since some of this data is presumed confidential, viz., the Framework Proceeding, Staff requests that you issue a protective order before December 31, 2009 binding upon all active parties in this proceeding. Staff expects to file this report regarding cable/wireless boundary coverage by December 31, 2009, provided that the cable and wireless companies from whom data is requested transmit such information in a timely manner for the analysis.

Very truly yours,


Maureen J. McCauley
Assistant Counsel

cc: Hon. Eleanor Stein, ALJ
Hon. Jaclyn A. Brillling, Secretary
Active Party List

¹ These data sources may include information obtained from 1) Case 07-C-0349, Examining a Framework for Regulatory Relief (Framework Proceeding), 2) digital map files offered by American Roamer and Warren Communications' MediaPrints, 3) publicly available information from the New York State Office of Cyber Security & Critical Infrastructure Coordination (CSCIC), 4) cable and wireless coverage area mapping information provided by parties in this proceeding, or 5) querying New York State wireless and cable company websites using automated scripter software if cable and wireless mapping information is not provided as requested by Staff.