

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

REQUEST OF NEW TALK, INC. TO CANCEL ITS) Case No.
DESIGNATION AS AN ELIGIBLE) 2014-00293
TELECOMMUNICATIONS CARRIER)

ORDER

On May 22, 2009, the Commission granted the request of New Talk, Inc. (“New Talk”) f/k/a Connect Paging, Inc. and d/b/a Get A Phone for designation as an Eligible Telecommunications Carrier (“ETC”).¹ New Talk was authorized to receive low-income support for the purpose of providing Lifeline service. On August 21, 2014, New Talk’s vice president submitted a letter to the Commission requesting to relinquish its ETC status in Kentucky and to discontinue the provision of wireline local exchange and interexchange services to both Lifeline and non-Lifeline customers. On September 3, 2014, the Commission issued an order requiring New Talk to have an attorney licensed to practice law in Kentucky to file an appearance in this case; otherwise, the Case would be dismissed. On September 9, 2014, an attorney licensed to practice law in Kentucky submitted a letter on behalf of New Talk requesting relinquishment of New Talk’s ETC status pursuant to 47 U.S.C. § 214(e)(4) and to deregister as a utility. The Commission will treat this as a petition.

New Talk is a non-facilities-based wireline provider using the services of BellSouth Telecommunications, LLC dba AT&T Kentucky (“AT&T Kentucky”) as its

¹ Case No. 2008-00539, *In the Matter of the Application of New Talk, Inc. for Designation as an Eligible Telecommunications Carrier in the Commonwealth of Kentucky* (Ky. PSC May 22, 2009).

underlying carrier. New Talk has not provided services in Kentucky for over 12 months and currently has no customers.²

Under 47 U.S.C. § 214(e)(4), a State commission shall permit a carrier to relinquish its ETC designation in any area served by more than one ETC. AT&T Kentucky, New Talk's underlying carrier, is designated as an ETC, and the Commission is aware that it also serves as an underlying carrier for several utilities designated as ETCs. Therefore, following relinquishment of New Talk's ETC designation, several ETCs in the study area will continue to provide Lifeline. Because other ETCs currently serve the entire area in which New Talk is designated an ETC in Kentucky and New Talk does not have any customers, notice need not be provided to those carriers to permit them to purchase or construct facilities to ensure that customers will continue to receive service.

47 U.S.C. § 214 (e)(4) states in part:

A State 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. 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 advance notice to the State commission 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 . . . 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 . . . shall establish a time, not to exceed one year after the State

² Doug Brent Letter filed September 9, 2014.

commission . . . approves such relinquishment under this paragraph, within which such purchase or construction shall be completed.

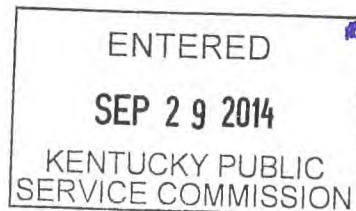
The Commission finds that, pursuant to 47 U.S.C. § 214(e)(4), there is more than one ETC in the area of relinquishment, and those carriers have sufficient facilities for the provision of service. The Commission also finds that, because New Talk does not have any customers, there is no need to provide notice to its customers to enable those customers to seek alternative service providers.

IT IS THEREFORE ORDERED that:

1. New Talk's request to withdraw as an ETC is granted.
2. New Talk's request to be deregistered as a utility is granted.
3. This case is now closed and removed from the Commission's

docket.

By the Commission



ATTEST:



Executive Director

Honorable Douglas F Brent
Attorney at Law
Stoll Keenon Ogden, PLLC
2000 PNC Plaza
500 W Jefferson Street
Louisville, KENTUCKY 40202-2828

Sara Hammond
FosterLaw
707 West Tenth Street
Austin, TEXAS 78701

Byron Young
Vice President
New Talk, Inc.
2330 Gravel Drive
Richland Hills, TX 76118