

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

REVOCATION OF PHONEAID)
COMMUNICATIONS CORP. DESIGNATION)
AS AN ELIGIBLE TELECOMMUNICATIONS) Case No. 2015-00257
CARRIER)

ORDER

On March 27, 2015, the Commission opened Case No. 2015-00117¹ after receiving a letter from Angela Lemke, Owner and President of PhoneAid Communications Corp. ("PhoneAid"), requesting that the Commission revoke PhoneAid's status as an eligible telecommunications carrier ("ETC"). Pursuant to 807 KAR 5:001, Section 4(4), a person cannot file with the Commission a paper on behalf of another person unless the person is an attorney licensed to practice law in Kentucky. Based upon information and the belief that Ms. Lemke is not an attorney licensed to practice law in Kentucky, the Commission issued an Order on May 5, 2015, directing PhoneAid to have an attorney file an entry of appearance or the case would be dismissed. PhoneAid did not comply with the Order and Case No. 2015-00117 was closed without revoking PhoneAid's ETC status.

Being otherwise sufficiently advised, the Commission, on its own motion, opens this case to revoke PhoneAid's ETC status.

¹ Case No. 2015-00117, *Request of PhoneAid Communications Corp. to Withdraw Designation as an Eligible Telecommunications Carrier* (Ky. PSC filed Mar. 27, 2015).

On November 24, 2009, the Commission granted the request of PhoneAid for designation as an ETC.² PhoneAid was authorized to receive low-income support for the purpose of providing Lifeline and Link-Up service.

In its March 27, 2015 letter in Case No. 2015-00117, PhoneAid requests that its ETC designation be relinquished immediately. PhoneAid states that it has ceased operations. PhoneAid further states that it filed a corporate dissolution with the state of Florida, where it was incorporated, and filed a certificate of withdrawal of its authority to transact business in Kentucky with the Kentucky Secretary of State. A copy of the certificate of withdrawal filed with the Kentucky Secretary of State is attached as an appendix to the Order. PhoneAid states that it has no customers.³

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. The incumbent Local Exchange carrier, AT&T Kentucky, is designated as ETC, and the Commission is aware that other utilities are designated as ETCs in the area. Because other ETCs currently serve the entire area in which PhoneAid is designated as an ETC in Kentucky, it is unnecessary to provide notice 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

² Case No. 2009-00212, *Petition of PhoneAid Communications Corp. for Designation as an Eligible Telecommunications Carrier in the Commonwealth of Kentucky* (Ky. PSC Nov. 24, 2009).

³ Case No 2015-00117, *PhoneAid Communications Corp.* (Ky. PSC filed Mar. 27, 2015).

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

Based on the evidence and having been sufficiently advised, 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.

IT IS THEREFORE ORDERED that:

1. This proceeding is opened to revoke PhoneAid's status as an ETC.
2. PhoneAid's status as an ETC is revoked effective as of the date of this Order.
3. PhoneAid shall not provide telecommunication service in Kentucky without first requesting and receiving Commission approval to do so.
4. This case is now closed and removed from the Commission's docket.

By the Commission

ENTERED
AUG 18 2015
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:



Executive Director

Case No. 2015-00257

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2015-00257 DATED **AUG 18 2015**

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WTH

Allison Lundergan Grimes
Kentucky Secretary of State
Received and Filed:
11/19/2014 9:19 AM
Fee Receipt: \$40.00



COMMONWEALTH OF KENTUCKY
ALISON LUNDERGAN GRIMES, SECRETARY OF STATE

Division of Business Filings
Business Filings
PO Box 718
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Certificate of Withdrawal
(Foreign Business Entity)

WFE

Pursuant to the provisions of KRS 14A and KRS 271B, 273, 274, 275, 362 or 386 the undersigned applies for a certificate of withdrawal on behalf of the business entity named below and, for that purpose, submits the following statements:

- The name of the business entity is PhoneAid Communications Corp
(The name must be identical to the name on record with the Secretary of State.)
- The state or country of formation is Florida
- The date the business entity was authorized to do business in Kentucky is 04-22-2009

4. The Secretary of State may forward to the business entity at the following street address any process served on the Secretary of State and commits to notify the Secretary of State of any future changes to this address:

1103 Panferio Drive Pensacola Beach FL 32561-2251

Street Address (No Post Office Box Numbers) City State Zip Code

5. The business entity is not transacting business in the Commonwealth and surrenders its authority to transact business in the Commonwealth.

6. The business entity revokes the authority of its registered agent to accept service of process on its behalf and appoints the Secretary of State as its agent for service of process in any proceeding based on a cause of action arising during the time it was authorized to transact business in the Commonwealth. The business entity shall notify the Secretary of State in the future of any change in its mailing address.

7. This application will be effective upon filing, unless a delayed effective date and/or time is provided. The effective date or the delayed effective date cannot be prior to the date the application is filed. The date and/or time is (immediate upon filing date)
(Delayed effective date and/or time)

I declare under penalty of perjury under the laws of Kentucky that the forgoing is true and correct.

 Angela Lemke 11/12/14
Signature of Authorized Representative Printed Name Date

*Angela Lemke
CEO
Phoneaid Communications Corp.
1103 Panferio Drive
Pensacola Beach, FL 32561

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