

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF BALLARD RURAL TELEPHONE)	CASE NO.
COOPERATIVE CORPORATION, INC. FOR A)	2016-00042
GENERAL ADJUSTMENT IN RATES)	

ORDER

On March 3, 2016, Ballard Rural Telephone Cooperative Corporation, Inc. (“Ballard”) tendered for filing an application for a general adjustment of its rates for basic local exchange service (“Application”). In its Application, Ballard informed the Commission of its intent to place its proposed rates into effect on and after June 1, 2016, in order to meet the rate floor mandated 47 C.F.R. § 54.318. With its Application, Ballard filed a motion requesting Commission approval to deviate from certain filing requirements. By Order, the Commission granted Ballard’s motion for deviation, and the Application was deemed filed on March 16, 2016.

Ballard filed its proposed increased rates to comply with the 2011 directive of the Federal Communications Commission (“FCC”) that, *inter alia*, comprehensively reformed intercarrier compensation.¹ In addition to establishing a glide path to reduce access charges to zero, the FCC’s ICC/USF Order also established a rate floor for local exchange rates.² The FCC required that Local Exchange Carriers, such as Ballard, be eligible to receive high-cost support in a study area only if their rates for local exchange

¹ See *In the Matter of Connect America Fund et. al., Report and Order and Further Notice of Proposed Rulemaking*, FCC 11-161 (Nov. 18, 2011) (“FCC’s ICC/USF Order”).

² *Id.*, paragraph 238.

service are at or above the rate floor on June 1 of every subsequent year. Failure to meet the rate floor will result in forfeiture of the high-cost support that the carrier would have otherwise received for that year.³ On March 20, 2014, the FCC released the results of its urban rate floor survey that established the 2014 rate floor of \$20.46 and also sought comment on a petition to extend the deadline for compliance with the 2014 rate floor.⁴ On June 10, 2014, the FCC issued an order on reconsideration that modified the schedule for imposition of rate floor penalties and allowed for a phase-in of the residential floor.⁵ The revised schedule allowed for a four-year period to meet the rate floor of \$20.46.⁶ The first phase of the modified schedule required that the residential rates of companies be no lower than \$16.00 beginning December 1, 2014. The second phase of the modified schedule required that the residential rates of companies be no lower than \$18.00 beginning July 1, 2016.

The Commission is cognizant that Ballard's ability to receive High Cost Loop Support ("HCLS") will be jeopardized if its rates for basic local exchange service are not at or above the \$18.00 rate floor mandated in the FCC's ICC/USF Order. The loss of HCLS would necessitate even larger rate increases in the future to offset loss of federal funding.

³ *Id.*, paragraph 239.

⁴ *Wireline Competition Bureau Announces Results of Urban Rate Survey for Voice Services; Seeks Comment on Petition for Extension of Time to Comply with New Rate Floor*, Public Notice, DA 14-84, released Mar. 20, 2014.

⁵ *In the Matter of Connect America Fund et. al.*, Report and Order, Declaratory Ruling, Order, Memorandum Opinion and Order, Seventh Order on Reconsideration, and Further Notice of Proposed Rulemaking, FCC 14-54 (June 10, 2014).

⁶ *Id.*, paragraph 80.

Ballard is a rural incumbent local exchange carrier serving individuals and businesses within all of Ballard County and the western part of McCracken County, Kentucky (“service territory”). Ballard was established in 1951 as a member-owned cooperative to provide local telephone service to business and individual customers within the exchanges of Bandana, LaCenter, Barlow, Wickliffe, Gage, Heath, and Kevil. Ballard provides service to approximately 3,480 residential lines and 1,019 business lines. Ballard is an eligible telecommunications carrier in the communities it serves and is also the carrier of last resort (“COLR”) in its service territory. In 2015, Ballard received approximately \$1,518,156 from the HCLS to support its COLR responsibilities in its service territory and anticipates receiving the same in 2016.

Ballard has not had a general rate increase since 1976; however, Ballard increased its rates in 2012,⁷ 2013,⁸ and 2014⁹ to meet the rate floor. Ballard states it would not otherwise make this filing if not for the FCC’s ICC/USF Order. Ballard has provided ample notice to its members and is fearful that the increase will result in service abandonment. Because Ballard’s rates are below the July 1, 2016 rate floor established by the FCC, Ballard has to increase its rate in order to avoid a loss of HCLS. Based on its current access line count, failure to meet the FCC’s \$18.00 rate floor would deprive Ballard of \$81,264 in HCLS to which the company would otherwise be entitled. To meet the \$18.00 residential rate floor established by the FCC, Ballard

⁷ Ballard increased its rates in 2012 to meet the \$10.00 residential rate floor. See TFS 2012-00304 (Ky. PSC June 1, 2012).

⁸ Ballard increased its rates in 2013 to meet the \$14.00 residential rate floor. See Case No. 2013-00190, *Tariff Filing of Ballard Rural Telephone Cooperative Corporation, Inc.* (Ky. PSC Mar. 26, 2014).

⁹ Ballard increased its rates in 2014 to meet the \$16.00 residential rate floor. See Case No. 2014-00330, *Application of Ballard Rural Telephone Cooperative Corporation, Inc. for a General Adjustment in Rates* (Ky. PSC Nov. 26, 2014).

proposes to increase its residential service rate by \$2.00, which will produce an annual increase in revenue of \$81,264.¹⁰ Rather than introduce an inexplicable rate disparity with residential customers paying more for basic local service than business subscribers, Ballard is also proposing to increase its business rates by \$2.00 so that the rates remain at parity, producing an increase in revenue of \$19,464.¹¹ When combined with the increase in the local service charge, Ballard will experience an annual increase in revenue of \$100,728.¹²

Additionally, as part of the FCC's ICC/USF Order, the FCC established that the intercarrier compensation collected in 2011 fiscal year, from October 1, 2010, to September 30, 2011, was the maximum amount of allowed revenues from intercarrier compensation. In addition, the FCC's ICC/USF Order established a phase-down schedule of those maximum amounts allowed, requiring that the maximum intercarrier compensation amount be reduced by 5 percent for the 2012 fiscal year and each year thereafter for five years. With this change, Ballard cannot collect more than the maximum intercarrier compensation revenue amount established by the FCC. The cumulative reduction in intercarrier compensation has grown larger each fiscal year,¹³ and when this reduction in revenue is combined with the increase in revenue from the proposed rate increase, Ballard's revenue will be lower than its level prior to the FCC's ICC/USF Order.

¹⁰ Application, Exhibit 1 at 4. $3,386 \times \$2.00 \times 12 = \$81,264$.

¹¹ *Id.* $811 \times \$2.00 \times 12 = \$19,464$.

¹² Application, paragraph 14 at 8.

¹³ Application, Exhibit 1 at 5.

The Commission also notes that the telecommunications market has gone through and continues to go through major changes. The Kentucky General Assembly has enacted significant changes to the authority of the Commission in light of competitive choices and options available to consumers.¹⁴ For example, the Commission, with the exceptions enumerated in KRS 278.5435, has jurisdiction only over basic service rates of telecommunication companies, which includes only a single business or residential service line.¹⁵ All other retail rates of the telecommunications companies are not subject to the Commission's rate regulation. The Commission also notes that in the case of Ballard, it is a cooperative organization subject to the board of directors of the cooperative and its member owners.

The Commission finds that, based on the foregoing information submitted by Ballard and the potential loss of high-cost support, the rate increase should be granted. Ballard has demonstrated that the proposed rate increase is necessitated by the FCC's ICC/USF Order and is reasonable.

IT IS THEREFORE ORDERED that:

1. Ballard's proposed increases in basic local exchange residential and business service rates, as set forth in the tariffs attached to its Application filed March 16, 2016, and shown in the Appendix attached to this Order, are approved.
2. Within 20 days of the date of this Order, Ballard shall file, using the Commission's electronic Tariff Filing System, its revised tariff sheets containing the rates approved herein and signed by an officer of the utility authorized to issue tariffs.

¹⁴ See, e.g., KRS 278.541–544 and KRS 278.5435.

¹⁵ KRS 278.541(1).

The tariff sheets shall reflect that they were approved pursuant to this Order and shall contain an effective date of June 1, 2016.

3. Any future increases to basic local exchange rates necessitated by the FCC's ICC/USF Order shall be filed as an Application in compliance with Commission regulations.

By the Commission

ENTERED APR 14 2016 KENTUCKY PUBLIC SERVICE COMMISSION

ATTEST:



Acting Executive Director

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE COMMISSION IN CASE NO. 2016-00042 DATED **APR 14 2016**

The following Basic Service Rates are prescribed for the customers in the area served by Ballard Rural Telephone Cooperative Corporation, Inc. for service rendered on and after June 1, 2016. All other rates and charges not specifically mentioned herein shall remain the same as those in effect under authority of the Commission prior to the effective date of this Order.

Basic Exchange Monthly Rates

A.	Bandana, Barlow, Gage, LaCenter, Wickliffe		
		One-Party Service	
		<u>Residence</u>	<u>Business</u>
	Network Access Charge	\$18.00	\$18.00
B.	Heath		
		One-Party Service	
		<u>Residence</u>	<u>Business</u>
	Network Access Charge	\$18.00	\$18.00
C.	Kevil		
		One-Party Service	
		<u>Residence</u>	<u>Business</u>
	Network Access Charge	\$18.00	\$18.00

Key System Rates

A.	Capacity, 4 Trunks and 9 Stations	
	Key Trunk: By Exchange Rates	
		<u>Monthly Rate</u>
	Bandana	\$18.00
	Barlow	\$18.00
	Gage	\$18.00
	Heath	\$18.00
	Kevil	\$18.00
	LaCenter	\$18.00
	Wickliffe	\$18.00

B. Capacity, 4 Trunks and 19 Stations
Key Trunk: By Exchange Rates

	<u>Monthly Rate</u>
Bandana	\$18.00
Barlow	\$18.00
Gage	\$18.00
LaCenter	\$18.00
Wickliffe	\$18.00

C. Capacity, 4 Trunks and 19 Stations, 4 Intercom Links
Key Trunk: By Exchange Rates

	<u>Monthly Rate</u>
Bandana	\$18.00
Barlow	\$18.00
Gage	\$18.00
LaCenter	\$18.00
Wickliffe	\$18.00

D. Capacity, 12 Trunks and 36 Stations, 4 Intercom Links
Key Trunk: By Exchange Rates

	<u>Monthly Rate</u>
Bandana	\$18.00
Barlow	\$18.00
Gage	\$18.00
LaCenter	\$18.00
Wickliffe	\$18.00

E. Capacity, 4 Trunks and 9 Stations (Touchtone)
Key Trunk: By Exchange Rates

	<u>Monthly Rate</u>
Bandana	\$18.00
Barlow	\$18.00
Gage	\$18.00
Heath	\$18.00
Kevil	\$18.00
LaCenter	\$18.00
Wickliffe	\$18.00

F. Capacity, 12 Trunks and 19 Stations (Touchtone)
Key Trunk: By Exchange Rates

	<u>Monthly Rate</u>
Bandana	\$18.00
Barlow	\$18.00
Gage	\$18.00
LaCenter	\$18.00
Wickliffe	\$18.00

*John E Selent
Dinsmore & Shohl, LLP
101 South Fifth Street
Suite 2500
Louisville, KENTUCKY 40202

*Randy C Grogan
General Manager/CEO
Ballard Rural Telephone Cooperative Corporation,
159 W 2nd Street
P. O. Box 209
La Center, KY 42056-0209

*Ballard Rural Telephone Cooperative
159 W 2nd Street
P. O. Box 209
La Center, KY 42056-0209