

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

REQUEST OF NEXUS COMMUNICATIONS, INC., )	
TO RELINQUISH ELIGIBLE )	CASE NO.
TELECOMMUNICATIONS CARRIER )	2016-00123
DESIGNATION )	

ORDER

On May 16, 2013, the Commission granted the request of Nexus Communications, Inc. d/b/a ReachOut Wireless (“Nexus”) for designation as an Eligible Telecommunications Carrier (“ETC”).<sup>1</sup> Nexus was authorized to receive both federal and Kentucky low-income support for the purpose of providing Lifeline service to wireless customers. On March 18, 2016, Nexus petitioned the Commission pursuant to 47 U.S.C. § 214(e)(4) for relinquishment of its ETC status in Kentucky (“Petition”).

Nexus is a reseller of Commercial Mobile Radio Service, also known as a Mobile Virtual Network Operator, and offers prepaid wireless plans. Nexus currently serves only eight Lifeline subscribers in Kentucky.<sup>2</sup>

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. Following relinquishment of Nexus’s ETC designation, there will continue to be several ETCs in

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<sup>1</sup> Case No. 2009-00110, *Petition of Nexus Communications, Inc. for Additional Designation as an Eligible Telecommunications Carrier in Kentucky* (Ky. PSC May 16, 2013).

<sup>2</sup> Petition at 1.

the service area that provide Lifeline plans.<sup>3</sup> Because other ETCs currently serve the entire area in which Nexus is designated an ETC in Kentucky, notice need not be provided to those carriers to permit them to purchase or construct facilities to ensure that Nexus's customers will continue to receive service.

Nexus will provide 30 days' written notice by text message to each of its then-current Lifeline customers in Kentucky advising that it will no longer provide Lifeline service. The notices will inform these customers that if they wish to continue to receive Lifeline service, they should contact another provider before April 21, 2016.<sup>4</sup>

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

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<sup>3</sup> *Id.* at 2.

<sup>4</sup> *Id.* at 3.

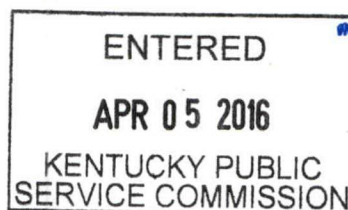
Based on the evidence and having been sufficiently advised, the Commission finds that pursuant to 47 U.S.C. § 214(e)(4), there is more than one ETC in the area of relinquishment, and those carriers have sufficient facilities for the provision of service.

The Commission also finds that the notice Nexus intends to send to its customers is sufficient to enable those customers to seek alternative service providers.

IT IS THEREFORE ORDERED that:

1. Nexus's request to withdraw as an ETC is granted.
2. This case is now closed and removed from the Commission's docket.

By the Commission



ATTEST:

  
Acting Executive Director

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