

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

|                               |   |            |
|-------------------------------|---|------------|
| PETITION OF CINERGY           | ) |            |
| COMMUNICATIONS COMPANY FOR    | ) |            |
| DESIGNATION AS AN ELIGIBLE    | ) | CASE NO.   |
| TELECOMMUNICATIONS CARRIER IN | ) | 2004-00131 |
| THE COMMONWEALTH OF KENTUCKY  | ) |            |

ORDER

On April 12, 2004, Cinergy Communications Company (“CCC”) petitioned the Commission to designate CCC as an eligible telecommunications carrier (“ETC”) pursuant to 47 U.S.C. § 214(e) and 47 C.F.R. § 54.201.

On April 23, 2004, the Commission issued an Order requesting written comments from the parties and other interested persons. No comments were received.

CCC is a competitive local exchange carrier (“CLEC”) with its corporate address at 8829 Bond St., Overland Park, Kansas 66218 and headquarters located in Evansville, Indiana. CCC provides local exchange service using a combination of its own facilities, unbundled network elements, and resale. CCC’s proposed service area will include the study area currently served by BellSouth Telecommunications, Inc. (“BellSouth”).

To receive ETC status, the Federal Communications Commission (“FCC”) requires a common carrier to: (1) offer services that are supported by federal universal

support mechanisms<sup>1</sup> throughout its designated service area; (2) provide these services using its own facilities (including unbundled network elements) or a combination of its own facilities and resale of another carrier's facilities; and (3) advertise the availability of these services through media of general distribution.

The Commission finds that CCC has met the standards established by the FCC. CCC currently provides services eligible for support by the federal universal service fund in the service area for which it seeks ETC designation.<sup>2</sup> In its petition requesting ETC designation, CCC affirmed that it offers these services using a combination of its own facilities, unbundled network elements, and resale.<sup>3</sup> CCC has begun advertising the availability and price of these services using media of general distribution.<sup>4</sup> CCC has compiled fully with FCC guidelines regarding ETC designation.

CCC has provided sufficient evidence for this Commission to grant ETC status. This designation will benefit consumers in Kentucky by expanding the range of competitive choices and by providing an incentive for incumbent telephone companies to improve their existing networks.

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<sup>1</sup> These services are: (1) voice grade access to the public switched network; (2) local usage; (3) dual tone multi-frequency signaling or its functional equivalent; (4) single-party service or its functional equivalent; (5) access to emergency services; (6) access to operator services; (7) access to interexchange services; (8) access to directory assistance services; and (9) toll limitation for qualifying low-income consumers. 47 C.F.R. § 54.101(a).

<sup>2</sup> CCC's Petition at 3 and 5.

<sup>3</sup> Id. at 3 and 9.

<sup>4</sup> Id. at 11.

The Commission, having reviewed the evidence of record and having been otherwise sufficiently advised, HEREBY ORDERS that:

1. CCC is designated as an ETC for the current service territory of BellSouth. Accordingly, CCC is eligible to receive federal Universal Service Fund support.
2. CCC shall offer universal support services to consumers in its service area.
3. CCC shall offer these services using its own facilities or a combination of its own facilities and resale of another carrier's services, including the services offered by another ETC.
4. CCC shall advertise the availability of and charges for these services using media of general distribution.
5. A copy of this Order shall be served upon the FCC and the Universal Service Administrative Company.

Done at Frankfort, Kentucky, this 14<sup>th</sup> day of June, 2004.

By the Commission

ATTEST:

*Robert A. Amato*  
DEPUTY Executive Director