

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

|                               |   |                     |
|-------------------------------|---|---------------------|
| SUPPLEMENTAL PETITION OF EAST | ) |                     |
| KENTUCKY NETWORK, LLC D/B/A   | ) |                     |
| APPALACHIAN WIRELESS FOR      | ) |                     |
| DESIGNATION AS AN ELIGIBLE    | ) | CASE NO. 2009-00199 |
| TELECOMMUNICATIONS CARRIER IN | ) |                     |
| ADDITIONAL SERVICE AREAS      | ) |                     |

ORDER

East Kentucky Network, LLC d/b/a Appalachian Wireless (“Appalachian Wireless”) provides wireless service through various licenses granted by the Federal Communications Commission (“FCC”). Appalachian Wireless provides wireless service using its own facilities. On January 26, 2005, Appalachian Wireless petitioned the Commission to designate Appalachian Wireless as an eligible telecommunications carrier (“ETC”), pursuant to 47 U.S.C. § 214(e) and 47 C.F.R. § 54.201, in certain exchanges within its operating area. The Commission granted that request on August 11, 2005.<sup>1</sup> Appalachian Wireless now requests that it be designated an ETC in additional exchanges within its operating area.

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<sup>1</sup> Case No. 2005-00045, Petition of East Kentucky Network, LLC d/b/a Appalachian Wireless for Designation as an Eligible Telecommunications Carrier (Ky. PSC Aug. 11, 2005).

To receive ETC status, the FCC requires a common carrier to: (1) offer services that are supported by federal universal support mechanisms throughout its designated service area;<sup>2</sup> (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.

Appalachian Wireless has requested that it be designated an ETC in both non-rural and rural Incumbent Local Exchange Carrier ("ILEC") wirecenters. In accordance with 47 U.S.C. § 214(e)(2), Appalachian Wireless is entitled to be designated an ETC in non-rural wirecenters. With regard to areas served by rural telephone companies as defined in 47 U.S.C. § 153(37), the Commission must determine that Appalachian Wireless will meet the requirements listed above and that expansion of its designation as an ETC would serve the public interest. Having previously found that Appalachian Wireless's designation as an ETC would be in the public interest, the Commission again finds that the Applicant satisfies the requirements for an ETC and the expansion of Appalachian Wireless's ETC designation will serve the public interest. Additionally, when an ETC wishes to serve within the territory of a rural ILEC, the study area of the rural ILEC must be redefined by wirecenter. In Appalachian Wireless's previous

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<sup>2</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).

application, the Commission and the FCC redefined the study areas. Therefore, it is not required in this current review of the expansion request.<sup>3</sup>

The Commission finds that Appalachian Wireless has met the standards established by the FCC. Appalachian Wireless currently provides services eligible for support by the federal Universal Service Fund in the service area for which it seeks ETC designation.<sup>4</sup> In its petition requesting ETC designation, Appalachian Wireless affirmed that it offers these services using its own facilities and facilities leased from other telecommunications carriers.<sup>5</sup> Appalachian Wireless has started advertising the availability and price of these services using media of general distribution.<sup>6</sup> Appalachian Wireless has complied fully with FCC guidelines regarding ETC designation.

Appalachian Wireless has provided sufficient evidence for this Commission to grant ETC status in the requested wirecenters. 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.

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

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<sup>3</sup> Supra.

<sup>4</sup> Appalachian Wireless's Petition at 4-7.

<sup>5</sup> Id. at 4.

<sup>6</sup> Id. at 7.

1. Appalachian Wireless is designated as an ETC for the wirecenters listed in the Appendix to this Order. Accordingly, Appalachian Wireless is eligible to receive federal Universal Service Fund support.

2. Appalachian Wireless shall offer universal support services to consumers in its service area 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.

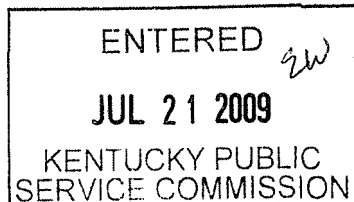
3. Appalachian Wireless shall advertise the availability of and charges for universal support services using media of general distribution.

4. Appalachian Wireless has certified to the Commission that it will comply with the FCC's criteria, in accordance with 47 U.S.C. § 254(e), and is therefore eligible to receive Universal Service Fund support for the current certification period.

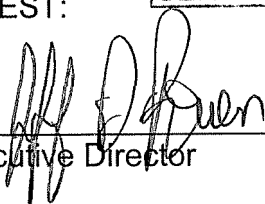
5. By September 1, 2009, and by each September 1 thereafter, Appalachian Wireless shall make its annual certification filing in Administrative Case No. 381.<sup>7</sup>

6. A copy of this Order shall be served upon the FCC and the Universal Service Administrative Company.

By the Commission



ATTEST:

  
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Executive Director

<sup>7</sup> Administrative Case No. 381, A Certification of the Carriers Receiving Federal Universal Service High-Cost Support.

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE  
COMMISSION IN CASE NO. 2009-00199 DATED **JUL 21 2009**

Areas for which East Kentucky Network, LLC d/b/a Appalachian Wireless is granted  
ETC Designation:

Rural Telephone Company Service Areas Redefined by the FCC by Wirecenter:

Leslie County Telephone Company, Inc.

BLDSKYXA  
HYDNKYXA  
STNTKYXA  
WOTNKYXA

Windstream Kentucky East, Inc. – London

BBVLKYXA  
FLLCKYXA  
CMLDKYXA  
MNCHKYXA  
EVRSKYXA  
EBRNKYAC  
ONEDKYXA  
LONDKYXA

Non-Rural Telephone Company Wirecenters:

BellSouth Telecommunications, Inc. d/b/a AT&T Kentucky

HRLNKYMA  
WLCKKYES  
PIVLKYMA  
MDBOKYMA  
CRBNKYMA  
WLBGKYMA  
JLLCTNMA  
BNLYKYMA

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