

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PETITION OF BLUEGRASS WIRELESS LLC FOR)
A PARTIAL RELINQUISHMENT OF ITS ELIGIBLE)
TELECOMMUNICATIONS CARRIER) Case No. 2015-00055
DESIGNATION)
)

ORDER

On July 8, 2005, the Commission granted the request of Bluegrass Wireless LLC d/b/a Bluegrass Cellular ("Bluegrass Cellular") for designation as an Eligible Telecommunications Carrier ("ETC").¹ Bluegrass Cellular was authorized to receive high-cost support and low-income support for the purpose of providing Lifeline service. On February 18, 2015, Bluegrass Cellular submitted a petition to the Commission for a partial relinquishment of its ETC status in Kentucky and to discontinue the provision of wireless services to both Lifeline and non-Lifeline customers in its Somerset, London, and Corbin markets ("SLC markets").

Bluegrass Cellular is a facilities-based wireless provider. Bluegrass Cellular had 4,500 subscribers in the SLC markets at the time of the petition and 45 are Lifeline subscribers.² Bluegrass Cellular has committed to providing notice to its customers that it will no longer provide service, including Lifeline service, and that customers should

¹ Case No. 2005-00017, *In the Matter of Petition of Bluegrass Wireless LLC's Petition for Designation as an Eligible Telecommunications Carrier in the Commonwealth of Kentucky* (Ky. PSC July 8, 2005).

² Application at 2.

seek a new wireless service provider.³ Bluegrass Cellular states that it has provided written notice to Lifeline customers, along with periodic text messages and phone calls to the customers' wireless numbers.⁴

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 carriers, AT&T Kentucky and Windstream Kentucky East, are designated as ETCs, 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 Bluegrass Cellular 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 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 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

³ *Id.* at 2–3.

⁴ *Id.* at 7.

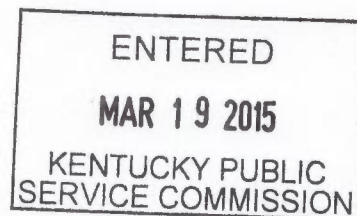
year after the State commission . . . approves such relinquishment under this paragraph, within which such purchase or construction shall be completed.

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. The Commission also finds that Bluegrass Cellular has provided sufficient notice to its customers to enable those customers to seek alternative service providers.

IT IS THEREFORE ORDERED that:

1. Bluegrass Cellular's request to withdraw as an ETC in the SLC Markets is granted.
2. This case is now closed and removed from the Commission's docket.

For the Commission



ATTEST:



Executive Director

*Bluegrass Wireless, LLC
2902 Ring Road
P. O. Box 5012
 Elizabethtown, KY 42701

*Edward T Depp
Dinsmore & Shohl, LLP
101 South Fifth Street
Suite 2500
Louisville, KENTUCKY 40202