

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF AIR VOICE)	CASE NO.
WIRELESS, LLC FOR EXPANSION OF ITS)	2021-00215
ETC SERVICE AREA)	

ORDER

On May 10, 2021, Air Voice Wireless, LLC (Air Voice) filed an application seeking to expand its eligible telecommunications carrier (ETC) service area for the purpose of providing Lifeline service. Air Voice is a reseller of Commercial Mobile Radio Service, also known as a Mobile Virtual Network Operator. Air Voice was granted ETC designation by the Commission in Case No. 2013-00136 for the purpose of receiving both federal and Kentucky Lifeline support.¹ The Commission granted Air Voice ETC designation in Kentucky subject to the coverage area of its underlying carrier AT&T Wireless.

Air Voice continues to use the AT&T Wireless network as an underlying carrier. Air Voice has also added T-Mobile USA, Inc. as its underlying carrier and seeks to expand its designated service to statewide subject to the wireless network coverage of its underlying carriers. Air Voice attests in its application that it continues to meet the all federal requirements for Lifeline ETCs including those that have been promulgated since receiving its ETC designation.

47 USC § 214(e)(2) provides in pertinent part that:

¹ Case No. 2013-00136, *Application of Air Voice Wireless, LLC for Designation as an Eligible Telecommunications Carrier in the Commonwealth of Kentucky* (Ky. PSC Sept. 4, 2013).

A State commission shall upon its own motion or upon request designate a common carrier . . . as an eligible telecommunications carrier for a service area designated by the State commission. Upon request and consistent with the public interest, convenience, and necessity, the State commission may, in the case of an area served by a rural telephone company, and shall, in the case of all other areas, designate more than one common carrier as an eligible telecommunications carrier for a service area designated by the State commission, so long as each additional requesting carrier meets the requirements of paragraph (1). Before designating an additional eligible telecommunications carrier for an area served by a rural telephone company, the State commission shall find that the designation is in the public interest.

The Commission, prior to designating an ETC pursuant to 47 U.S.C. § 214(e)(6), must determine whether such designation is in the public interest, the same consideration is given for expanding the service area of an ETC. In determining the public interest, the Commission historically has considered the benefits of increased consumer choice and the unique advantages and disadvantages of the petitioner's service offering.²

Air Voice has provided the Commission with the information required for amending its service area in which it is designated as an ETC, namely that, to the extent it did not before, will provide service statewide, and which will necessarily entail that it will provide service in the territories of some rural carriers. Such expanded coverage will increase consumer choice and increase competitive pressure on existing ETC. Accordingly, the Commission finds that the public interest supports such expansion of Air Voice's service area, subject to Air Voice's continued compliance with the representations and commitments made in its application and the Federal Communication Commission's rules.

² See, e.g., Case No. 2012-00473, *Application of Q Link Wireless LLC for Designation as an Eligible Telecommunications Carrier in the Commonwealth of Kentucky* (Ky. PSC Mar. 3, 2013).

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

1. Air Voice's designation as a Lifeline ETC is amended to permit Air Voice to offer Lifeline service statewide subject to its underlying wireless carrier's coverage.
2. The case is now closed and removed from the Commission's docket.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

By the Commission



ATTEST:


Executive Director

*Air Voice Wireless, LLC
2425 Franklin Road
Bloomfield Hill, MI 48302

*Honorable Lance Steinhart
Attorney At Law
1725 Windward Concourse
Suite 150
Alpharetta, GEORGIA 30005

*Honorable Matthew R Malone
Attorney at Law
Hurt, Deckard & May
The Equus Building
127 West Main Street
Lexington, KENTUCKY 40507