

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC PETITION OF IM TELECOM, LLC)	
D/B/A INFINITI MOBILE TO AMEND ITS ELIGIBLE)	CASE NO.
TELECOMMUNICATIONS CARRIER)	2022-00415
DESIGNATION IN THE COMMONWEALTH OF)	
KENTUCKY TO INCLUDE ADDITIONAL AREAS)	

ORDER

On December 6, 2022, IM Telecom, LLC d/b/a Infiniti Mobile (Infiniti Mobile) filed an application seeking to expand its eligible telecommunications carrier (ETC) service area for the purpose of providing Lifeline service. Infiniti Mobile is a reseller of Commercial Mobile Radio Service, also known as Mobile Virtual Network Operator. Infiniti Mobile was granted ETC designation by the Commission in Case No. 2016-00276 for the purpose of receiving both federal and Kentucky Lifeline support.¹ The Commission granted Infiniti Mobile limited ETC designation in Kentucky subject to the non-rural coverage area of its underlying carriers. Infiniti Mobile seeks to expand its ETC designated service area to be statewide, subject to the coverage area of its underlying carriers, AT&T Mobility (AT&T), T-Mobile US, Inc. (T-Mobile), and Verizon Wireless (Verizon), including rural areas. Infiniti Mobile does not seek high-cost support.

Infiniti Mobile continues to use the T-Mobile and Verizon networks as underlying carriers. Infiniti Mobile has also added AT&T as its underlying carrier and seeks to expand its designated service to statewide subject to the wireless network coverage of its

¹ Case No. 2016-00276, *Petition of IM Telecom, LLC dba Infiniti Mobile for Designation as an Eligible Telecommunications Carrier in the Commonwealth of Kentucky* (Ky. PSC June 6, 2019).

underlying carriers. Infiniti Mobile attests in its application that it continues to meet all the federal requirements for Lifeline ETCs, including those that have been promulgated since receiving its ETC designation.

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

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

Infiniti Mobile 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.

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).

Accordingly, the Commission finds that the public interest supports such expansion of Infiniti Mobile's service area, subject to Infiniti Mobile's continued compliance with the representations and commitments made in its application and the Federal Communication Commission's rules.

IT IS THEREFORE ORDERED that:

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

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PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioher

ENTERED
MAR 30 2023
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SERVICE COMMISSION

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