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January 12, 2015

*Via Hand-Delivery*

Mr. Jeff DeRouen, Executive Director  
Kentucky Public Service Commission  
211 Sower Boulevard  
Frankfort, Kentucky 40602

Case No. 2015-00016

RE: *Nexus Communications, Inc.; Case No. 2005-00474*

Dear Mr. Derouen:

Please find attached for filing an original and ten (10) copies of Nexus Communications, Inc. request to relinquish Wireline ETC designation and discontinue wireline services.

Regards,



Matthew Malone

C: File

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PUBLIC SERVICE  
COMMISSION

**COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION**

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JAN 13 2015

PUBLIC SERVICE  
COMMISSION

In the Matter of:

PETITION OF NEXUS COMMUNICATIONS, )  
INC. FOR DESIGNATION AS A )  
COMPETITIVE ELIGIBLE ) Case No. 2005-00474  
TELECOMMUNICATIONS CARRIER )  
PURSUANT TO SECTION 214(E) OF THE )  
TELECOMMUNICATIONS ACT OF 1996 )

**Request of Nexus Communications, Inc. to  
Relinquish Wireline ETC Designation and Discontinue Wireline Services**

Nexus Communications, Inc. d/b/a TSI (“Nexus”), by counsel, hereby gives notice to the Kentucky Public Service Commission (“Commission”) that it intends to discontinue its **wireline** services in Kentucky on March 17, 2015. Nexus’s wireless services will not be affected by this discontinuance.

As detailed below, Nexus is making this request to discontinue its wireline services, to relinquish its authority to provide services as a competitive local exchange carrier (“CLEC”) and as an interexchange carrier (“IXC”), to withdraw its tariff for wireline services, and to relinquish its designation as an eligible telecommunications carrier (“ETC”) for wireline services only.

The impact of this discontinuance will be minimal because Nexus currently provides service to only nine (9) wireline subscribers, and those consumers have multiple options for alternative service providers in the Commonwealth and ample time to transfer service to another provider.

In connection with this filing, Nexus submits the following information:

**I. REQUEST TO DISCONTINUE WIRELINE SERVICES**

Nexus currently provides facilities-based resold local exchange services to 9 subscribers in Kentucky pursuant to authority granted by the Commission. Nexus is currently authorized to

provide services as a CLEC and as an IXC. Nexus's utility identification number for CLEC authority is **5053480** and its utility identification number for IXC authority is **22205348**.

Nexus has determined that the market conditions make it unfeasible to continue provision of wireline Lifeline-supported services. Consequently, Nexus proposes to discontinue these service offerings and respectfully requests cancellation of both its CLEC and IXC authority.

Nexus has on file with the Commission its Kentucky P.S.C. Tariff No. 3, its Telecommunications Access Services Tariff. Nexus requests the withdrawal of this tariff.

Nexus also provides wireless service in the Commonwealth, and intends to continue doing so after the discontinuance of its local exchange services.

**A. Proposed Date of Discontinuance**

Subject to receipt of necessary regulatory approvals, Nexus plans to discontinue the affected services on March 17, 2015. Consistent with guidance from Commission staff, all subscribers will have received written notice more than sixty (60) days in advance of this date, which provides the subscribers ample time to find a new service provider.

**B. Subscriber Notice**

No later than January 12, 2015, Nexus will send written notice by first-class mail to affected customers, notifying them that Nexus will cease providing the prepaid local exchange and prepaid Lifeline local exchange services that they currently receive, effective March 17, 2015. The notice clearly underscores that the subscriber must make arrangements with another carrier to avoid loss of service and provides a toll-free telephone number that customers may call to reach Nexus's customer service representatives for assistance with this transition. A sample

copy of this notice, which also complies with the requirements of the Federal Communications Commission (“FCC”), is appended as Exhibit A.<sup>1</sup>

## II. REQUEST TO RELINQUISH WIRELINE ETC DESIGNATION

On August 29, 2006, the Commission designated Nexus as a Lifeline-only ETC for wireline services in Case No. 2005-00474. Nexus hereby asks to relinquish this authority.

On May 16, 2013, the Commission designated Nexus as a Lifeline-only ETC for wireless services in Case No. 2009-00110. Nexus intends to continue its provision of wireless Lifeline-supported services to qualified low-income consumers in Kentucky. Accordingly, Nexus does not wish to relinquish its wireless ETC designation.<sup>2</sup>

Federal law specifies that the 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.”<sup>3</sup> The federal requirements for relinquishment of ETC designation can be summarized as the following: (1) there must be more than one ETC serving in the area of the ETC seeking relinquishment; (2) the ETC seeking relinquishment must provide advance notice to the relevant public service commission; (3) the subscribers served by the relinquishing ETC must continue to be served by an ETC; and (4) to the extent that additional facilities are required to serve any of the relinquishing ETC's customers, sufficient notice shall be provided to

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<sup>1</sup> Nexus has filed an application with the FCC under 47 C.F.R. § 63.71 to discontinue the domestic interstate services provided as part of these service offerings. A copy of that filing has been served on the Commission. Nexus does not provide international services.

<sup>2</sup> The Universal Service Administrative Company (“USAC”) has assigned Nexus two study area codes (“SACs”) for its Lifeline-supported services in Kentucky: 269039 for wireless services and 269012 for wireline services. Nexus will ask USAC to cancel SAC 269012.

<sup>3</sup> 47 U.S.C. § 214(e)(4).

ensure that the construction or purchase can be timely completed.<sup>4</sup> As detailed below, Nexus's request complies with each of these requirements.

**A. Other ETCs Serve Nexus's ETC Service Area**

Nexus's wireline ETC service area is served by more than one ETC, including multiple wireline providers (e.g., AT&T Kentucky, Budget PrePay, Inc., etc.), as well as approximately twenty wireless ETC's, including Nexus itself.<sup>5</sup> Because at least one other ETC (in addition to Nexus) serves in Nexus's service area, applicable federal law provides that the Commission should permit Nexus to relinquish its ETC designation.

**B. Nexus Is Providing Advance Notice to the Commission**

Consistent with 47 USC § 214(e)(4) and 47 CFR § 54.205(a), Nexus is filing this notice more than two months in advance of the requested effective date of relinquishment of its ETC designation.

**C. The Remaining ETCs Will Serve Consumers**

To the best of Nexus's knowledge, Nexus's wireline Lifeline subscribers will have a variety of alternative ETCs from which to choose, including other well established wireline providers (e.g., AT&T Kentucky, Budget PrePay, Inc.) and approximately twenty wireless Lifeline service providers, including Nexus itself. Thus, all low income consumers residing in Nexus's service area will continue to be served by an ETC consistent with 47 USC § 214(e).

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<sup>4</sup> See 47 U.S.C. § 214(e)(4) and 47 C.F.R. § 54.205(a).

<sup>5</sup> See <http://www.lifelinesupport.org/ls/companies/CompanyListing.aspx?state=KY&stateName=Kentucky>

**D. No Additional Facilities Must Be Purchased or Constructed by the Remaining ETCs**

To the best of Nexus's knowledge, none of the remaining ETCs will be required to purchase or construct additional facilities to continue to serve consumers within the applicable service area.<sup>6</sup>

**III. PUBLIC INTEREST CONSIDERATIONS**

Nexus's proposed discontinuance is consistent with the public interest. The services offered by Nexus are available from other providers in the Commonwealth, including AT&T Kentucky. Consequently, Nexus's subscribers will not be unduly harmed as they will be able to transition to new providers and continue to receive Lifeline discounts. Consistent with Commission and FCC requirements, Nexus's subscribers have been given sufficient advance notice of the need to select a new provider such that they will be able to do so in a thoughtful and informed manner. Nexus's representatives will be available throughout the transition period to assist subscribers with this process.

**IV. CONCLUSION**

Wherefore, Nexus respectfully requests that the Commission permit Nexus to: (i) discontinue its wireline services, (ii) relinquish its CLEC and IXC authority; (iii) withdraw its tariff for wireline services, and (iv) relinquish its designation as a Lifeline-only ETC for wireline services.

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<sup>6</sup> Because the remaining ETCs currently serve the entire area in which Nexus is designated as a wireline ETC in Kentucky, the Commission need not provide notice to these carriers to permit them to purchase or construct facilities to ensure that Nexus's subscribers will continue to receive service.

Respectfully submitted,



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January 12, 2015

**Exhibit A**  
**Sample Subscriber Notice Letter**





Nexus Communications, Inc. d/b/a TSI  
P.O. Box 247168  
Columbus, OH 43224

January 12, 2015

Subscriber Name  
Subscriber Address

Dear TSI Home Phone Subscriber:

We regret to inform you that Nexus Communications, Inc. d/b/a TSI ("TSI") will be discontinuing home phone service in your state on March 17, 2015. Your action is required! You must select a new provider if you wish to continue to have home phone service. In order to ensure a smooth transition to your new provider – including keeping your current telephone number – you should find a new provider of home phone service by March 17, 2015.

Find New Provider By:                      by March 17, 2015

TSI Service Will be Shut Down:        by March 17, 2015

Other providers of home phone service in your state include AT&T. Additional providers may be listed in your local telephone book. You will need to contact the other company to set up a new account.

**FCC Notice**

The FCC will normally authorize this proposed discontinuance of service (or reduction or impairment) unless it is shown that customers would be unable to receive service or a reasonable substitute from another carrier or that the public convenience and necessity is otherwise adversely affected. If you wish to object, you should file your comments as soon as possible, but no later than 15 days after the Commission releases public notice of the proposed discontinuance. Address them to the Federal Communications Commission, Wireline Competition Bureau, Competition Policy Division, Washington, DC 20554, and include in your comments a reference to the § 63.71 Application of Nexus Communications, Inc. d/b/a TSI. Comments should include specific information about the impact of this proposed discontinuance (or reduction or impairment) upon you or your company, including any inability to acquire reasonable substitute service.

TSI regrets any inconvenience these changes may cause you.

Sincerely,

Nexus Communications, Inc. d/b/a TSI Customer Service Department  
1-866-392-7123