

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF GEARHEART)	
COMMUNICATIONS COMPANY, INC. DBA)	
COALFIELDS TELEPHONE COMPANY FOR A)	CASE NO.
CERTIFICATE OF PUBLIC CONVENIENCE)	2016-00037
AND NECESSITY FOR THE CONSTRUCTION)	
OF FIBER-TO-THE-PREMISE AND)	
ADDITIONAL NETWORK UPGRADES IN)	
FLOYD AND PIKE COUNTIES, KENTUCKY)	

ORDER

On January 8, 2016, Gearheart Communications, Inc., d/b/a Coalfields Telephone Company (“Coalfields Telephone”) tendered its application requesting a certificate of public convenience and necessity (“CPCN) for the construction of fiber-to-the-premises (“FTTP”) and network upgrades. In its application, Coalfields Telephone requested a waiver from 807 KAR 5:001, Section 15(2)(e),¹ which requires the filing of “[t]he manner in detail in which the applicant proposes to finance the proposed construction or extension.” The Commission will treat the request as a motion for deviation.

As a basis for its request, Coalfields Telephone states that it plans to finance the proposed FTTP and network upgrades through a Rural Utilities Service (“RUS”) loan. Coalfields Telephone further states that it has received interim financing approval, but is

¹ In its application, Coalfields Telephone requested a waiver from 807 KAR 5:001, Section 15(e), but there is no such numbered administrative regulation. Based upon the language in the application, Coalfields Telephone is requesting a waiver from the filing requirements of 807 KAR 5:001, Section 15(2)(e).

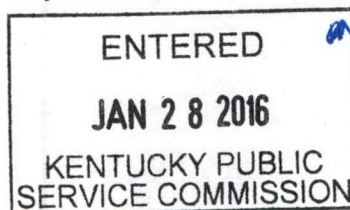
still working with RUS to complete the loan documents. Coalfields Telephone cannot state with certainty the information typically provided in compliance with 807 KAR 5:001, Section 15(2)(e), until it completes the execution of the loan document. Coalfields Telephone provided general information regarding the loan and provided evidence of RUS interim financing approval, which was attached as Exhibit 3 to the application. Coalfields Telephone states that it can provide information regarding the terms of the loan when it becomes available.

Based on a review of Coalfields Telephone's request, the Commission finds that Coalfields Telephone has shown good cause to permit it to deviate from the filing requirement of 807 KAR 5:001, Section 15(2)(e), and its request should be granted.

IT IS THEREFORE ORDERED that:

1. Coalfields Telephone's request for deviation from the filing requirement of 807 KAR 5:001, Section 15(2)(e), is granted.
2. Coalfields Telephone's application is deemed filed as of the date of this Order.

By the Commission



ATTEST:



Executive Director

*Eileen M Bodamer
Bodamer Consulting, LLC
415 Hepplewhite Drive
Johns Creek, GEORGIA 30022

*Heather M Gearheart
General Counsel
Gearheart Communications Company, Inc. dba
20 Laynesville Road
P. O. Box 160
Harold, KY 41635

*Gearheart Communications Company, Inc. dba
20 Laynesville Road
Harold, KY 41635