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PUBLIC SERVICE
COMMISSION

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December 1, 2016

HAND DELIVERED

Dr. Talina R. Mathews
Executive Director
Public Service Commission
211 Sower Boulevard
P.O. Box 615
Frankfort, KY 40602-0615

Case No. 2016-00418

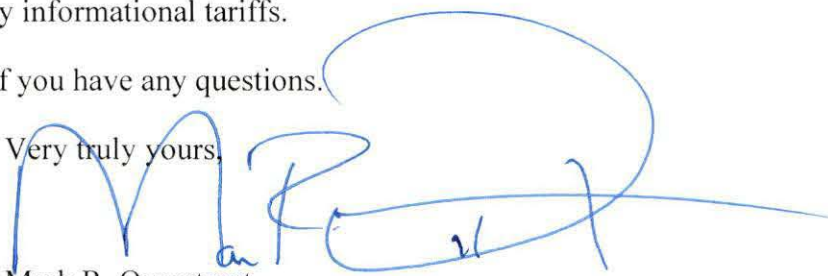
RE: Request By Total Call Mobile LLC To Relinquish Eligible Telecommunications
Carrier Status And To Withdraw Tariffs

Dear Dr. Mathews:

Enclosed please find the original and ten copies of the request by Total Call Mobile LLC
to relinquish its ETC status and withdraw any informational tariffs.

Please do not hesitate to contact me if you have any questions.

Very truly yours,


Mark R. Overstreet

MRO
Enclosure

COMMONWEALTH OF KENTUCKY
BEFORE THE KENTUCKY PUBLIC SERVICE COMMISSION

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COMMISSION

In the Matter of:

Request By Total Call Mobile, LLC To Relinquish)
Its Eligible Telecommunications Carrier Designation) Case No. 2016-00418
And For Related Relief)

**TOTAL CALL MOBILE, LLC REQUEST TO RELINQUISH ITS ELIGIBLE
TELECOMMUNICATIONS CARRIER DESIGNATION**

Total Call Mobile, LLC (“Total Call”), pursuant to 47 U.S.C. § 214(e), 47 C.F.R. § 54.205, and Kentucky Public Service Commission (the “Commission”) Order dated July 20, 2015 in Case No. 2014-00268, requests that the Commission approve this Notice and Request (the “Application”) to Relinquish its Eligible Telecommunications Carrier (“ETC”) Designation in the Commonwealth of Kentucky, effective December 31, 2016. Total Call also requests that the Commission approve the cancellation and withdrawal of any and all of Total Call’s Informational Tariffs for the service on the same date.

Total Call proposes to relinquish its ETC designation due to changes in the wireless industry and proposed modifications to the Lifeline program. As detailed below, Total Call’s subscribers will be given ample notice of the discontinuance of Total Call’s operations, and there are many other ETCs able to serve Total Call’s current Lifeline subscribers.

Total Call states as follows in support of its Request:

Background

1. Total Call is a Delaware limited liability company. Its principal place of business is 1411 190th Street, Suite 650, Gardena, CA 90248. Total Call provides wireless Lifeline

telecommunications services to consumers in Kentucky through resale of Commercial Mobile Radio Services (“CMRS”) provided by Sprint PCS (“Sprint”) and AT&T Corp. (“AT&T”).

2. By Order dated July 20, 2015, the Commission granted Total Call’s request for designation as a Lifeline-only ETC in Kentucky. *See Order, In the Matter of: Application of Total Call Mobile, Inc. for Limited Designation as an Eligible Telecommunications Carrier*, Case No. 2014-00268 (Ky. P.S.C. July 20, 2015) (the “Order”)

3. Total Call offers eligible customers in Wisconsin five (5) Lifeline prepaid wireless service choices.¹ All Total Call Lifeline service plans include a free handset, call waiting, caller identification and voicemail at no additional charge. Calls to 911 emergency services are always free, regardless availability of minutes. Total Call does not require deposits and does not have service contracts with its Lifeline customers, and thus Lifeline customers incur no early termination fees.

4. Total Call seeks to relinquish its ETC designation and to discontinue service in Kentucky due to changes in the wireless industry and proposed modifications to the Lifeline program. Total Call also intends to exit its wireless Lifeline business in every state and U.S. territory in which it currently offers wireless Lifeline service. Total Call is not currently enrolling any new Lifeline subscribers in Kentucky.

¹ Lifeline Plan 1 offers 250 free anytime minutes with an option of using text, inbound or outbound, which consumes one (1) Plan minute per text. Lifeline Plan 2 offers a 1000 Minute Talk & 1000 Text retail plan for \$19.99 (after application of the \$10.00 Lifeline discount to the regular retail price \$29.99). Lifeline Plan 3 offers a 30-day Unlimited Talk retail plan for \$19.99 (after application of the \$10.00 Lifeline discount to the regular retail price \$29.99). Lifeline Plan 4 offers a 30-day Unlimited Talk & Text retail plan for \$29.99 (after application of the \$10.00 Lifeline discount to the regular retail price \$39.99). Lifeline Plan 5 offers a 30-day Unlimited Talk, Text, & Data retail plan for \$39.99 (after application of the \$10.00 Lifeline discount to the regular retail price \$49.99).

Federal and State ETC Relinquishment Requirements

5. 47 U.S.C. § 214(e)(4) states, in pertinent part:

A State Board [...] shall permit an eligible telecommunications carrier 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 Board [...] of the 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 Board [...] 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.

Id.; see also 47 C.F.R. § 54.205. As shown below, Total Call satisfies all relevant requirements.

6. Kentucky appears to have no explicit requirements or obligations for the relinquishment of ETC designation. Nonetheless, and in keeping with Commission precedent, Total Call will be providing 30 days' advanced notice via text messaging to all customers. See Order, *In the Matter of the Request of Nexus Communications, Inc., to Relinquish Eligible Telecommunications Carrier Designation*, Case No. 2016-00123 at 3 (Ky. P.S.C. April 5, 2016) (finding that a text message sent with at least 30 days' notice is sufficient notice).

Designated Service Area

7. Total Call seeks to withdraw its ETC designation throughout its entire designated service area in Kentucky.

8. As set forth in 47 U.S.C. § 214(e)(4) and 47 C.F.R. § 54.205, federal law requires the Commission to permit the withdrawal of an ETC designation in any area served by at least one other ETC.

9. Total Call provides wireless Lifeline service to customers in approximately two hundred and ninety (290) wire centers across Kentucky. Each of these wire centers is served by an incumbent local exchange carrier (“ILEC”) that is designated as an ETC. *See Order at 7.*

10. As a consequence, following relinquishment of Total Call’s ETC designation, Total Call’s service area will continue to be served by at least one ILEC ETC. In addition, according to USAC records, Total Call’s Lifeline subscribers will have access to at least twenty-three (23) other competitive wireless Lifeline providers that provide service in at least part of Total Call’s designated service area – including Budget Mobile, Assurance Wireless, and SafeLink Wireless.²

11. Since at least one ILEC ETC already serves each of the wire centers that Total Call serves, those ETCs will not be required to purchase or construct additional facilities to ensure that Total Call’s Lifeline subscribers continue to receive service. In addition, to the best of Total Call’s knowledge, none of the competitive wireless Lifeline providers will be required to purchase or construct additional facilities to continue providing service within the wire centers comprising Total Call’s service area.

12. Because there is at least one additional ETC in each of Total Call’s designated service areas, there is no bar to prevent it from relinquishing its ETC designation in Kentucky, and 47 U.S.C. § 214(e)(4) and 47 C.F.R. § 54.205 have been met.

Customer Notice

13. Total Call currently has a total of 4 wireless Lifeline subscribers in Kentucky.

14. Total Call sent, on November 29, 2016, a customer notification via electronic means to each of its wireless Lifeline subscribers in Kentucky. This notice told each subscriber that Total Call planned to relinquish its ETC designation in Kentucky on December 31, 2016.

² See <http://www.lifelinesupport.org/lis/companies/CompanyListing.aspx?state=KY&stateName=Kentucky>.

The notice also informed each subscriber that, upon relinquishment of Total Call's ETC designation, a Lifeline discount could be obtained from an ILEC ETC or other competitive wireless Lifeline providers in Total Call's service area.

15. Upon Commission approval of this Request, Total Call will send subscribers a text message reminding customers that Total Call will discontinue service effective December 31, 2016.

16. The text message notice, which is set forth below, underscores in plain language that the subscriber must make arrangements with another carrier to avoid loss of service and provides a toll-free number that customers may call to reach Total Call's customer service representatives for assistance with this transition. The notice also provides the names of three well-established wireless Lifeline service providers.

Total Call Mobile will stop providing your service on December 31, 2016. Please contact another Lifeline provider such as Budget Mobile, Assurance Wireless, and SafeLink Wireless if you still want Lifeline service after December 31, 2016. Questions?
Call 1-800-550-5265.

17. Total Call does not require deposits, so there is no need for a plan for return of customer deposits.

Cancellation and Withdrawal of Total Call's Informational Tariff

18. Given that Total Call should be permitted to relinquish its ETC designation in Kentucky for the reasons stated above, the Commission should also permit Total Call to cancel and withdraw, as appropriate, any and all Informational Tariff or Tariffs.³

³ Upon relinquishment of its ETC status and the withdrawal or cancellation of its informational tariffs, Total Call likewise requests that it be relieved of all obligations in *In the Matter: Inquiry into the State Universal Service Fund*, Case No. 2016-00059.

Communications

19. Total Recall respectfully requests all communications be addressed electronically to the undersigned and

Bevan, Mosca & Giuditta P.C.
222 Mount Airy Road, Suite 200
Basking Ridge, NJ 07920
Phone: 908.753.8300
wmosca@bmglaw.com
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CONCLUSION

For the foregoing reasons, Total Call respectfully requests that the Commission approve Total Call's Request to relinquish its Eligible Telecommunications Carrier ("ETC") designation in the Commonwealth of Kentucky, effective December 31, 2016, and approve cancellation and withdrawal of any Informational Tariffs, effective the same date.

Respectfully submitted,

By: 

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Dated: December 1, 2016