

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

REQUEST OF BUDGET PREPAY, INC.)	
TO RELINQUISH ELIGIBLE)	CASE NO.
TELECOMMUNICATIONS CARRIER)	2017-00166
DESIGNATION)	

ORDER

On December 8, 2011, the Commission granted the request of Budget Prepay, Inc. (“Budget”) for designation as an Eligible Telecommunications Carrier (“ETC”).¹ Budget was authorized to receive federal Universal Support for Lifeline wireless customers. On April 7, 2017, Budget petitioned the Commission pursuant to 47 U.S.C. § 214(e)(4) for relinquishment of its ETC status in Kentucky. On April 12, 2017, Budget filed an amended request to relinquish its ETC status in Kentucky (“Amended Petition”).

Budget is a reseller of Commercial Mobile Radio Service, also known as a Mobile Virtual Network Operator, and has requested to relinquish its ETC designation and to discontinue providing service in Kentucky due to changes in the wireless industry and proposed modifications to the Lifeline Program.² Budget currently serves a limited number of Lifeline subscribers in Kentucky.³

¹ Case No. 2011-00169, *Application of Budget Prepay, Inc. for Limited Designation as a Non-rural Wireless Eligible Telecommunications Carrier* (Ky. PSC Dec. 8, 2011).

² Amended Petition at page 1.

³ *Id.*

Under 47 U.S.C. § 214(e)(4), a State commission shall permit a carrier to relinquish its ETC designation in any area served by more than one ETC. Following relinquishment of Budget's ETC designation, there will continue to be several ETCs in the service area that provide Lifeline service.⁴ The incumbent Local Exchange Carriers are designated as ETCs in the area served by Budget, and the Commission is aware that other utilities are designated as ETCs in the area. Because other ETCs currently serve the entire area in which Budget is designated as an ETC in Kentucky, notice need not be provided to those carriers to permit them to purchase or construct facilities to ensure that customers will continue to receive service. Budget states that it will send customer notification via electronic means to each of its wireless Lifeline customers in Kentucky no later than April 30, 2017.⁵ The notice will advise each customer that Budget plans to discontinue service on May 31, 2017, and that service can be obtained from other providers.⁶

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

A State 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. 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 commission . . . of such 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 commission . . . shall require the remaining eligible telecommunications carrier or carriers to ensure that all customers served by the

⁴ *Id.* at page 2.

⁵ *Id.* at page 3. Budget asserts that written notice by text message is customary and, in Budget's experience, the most effective form of customer communication.

⁶ *Id.*

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. The State commission . . . shall establish a time, not to exceed one year after the State commission approves such relinquishment under this paragraph, within which such purchase or construction shall be completed.

Based on the evidence and having been sufficiently advised, the Commission finds that, pursuant to 47 U.S.C. § 214(e)(4), there is more than one ETC in the area of relinquishment, and those carriers have sufficient facilities for the provision of service. The Commission also finds that Budget will provide sufficient notice to its customers to enable those customers to seek alternative service providers.

IT IS THEREFORE ORDERED that:

1. Budget shall send customer notification via electronic means to each of its customers in Kentucky no later than April 30, 2017, advising them that Budget plans to discontinue service on May 31, 2017, and that service can be obtained from other providers.
2. Budget's request to withdraw as an ETC as of May 31, 2017, is granted.
3. Budget's request to cancel its authority to operate in Kentucky as of May 31, 2017, is granted.
4. This case is now closed and removed from the Commission's docket.

By the Commission

ENTERED
APR 25 2017
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:



Executive Director

Case No. 2017-00166

*Honorable C. Kent Hatfield
Attorney at Law
Stoll Keenon Ogden, PLLC
2000 PNC Plaza
500 W Jefferson Street
Louisville, KENTUCKY 40202-2828

*Budget PrePay, Inc. dba Budget Mobile
1325 Barksdale Blvd, Suite 200
Bossier City, LA 71111