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COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION PUBLIC SERVICE COMMISSION

In the Matter of:

PETITION OF AT&T KENTUCKY FOR ORDER)	
CONFIRMING RELINQUISHMENT OF)	
ELIGIBLE TELECOMMUNICATIONS CARRIER)	CASE NO. 2017-00416
DESIGNATION IN SPECIFIED AREAS)	
)	

MOTION TO INTERVENE

Airvoice Wireless, American Broadband and Telecommunications Company, Boomerang Wireless, i-wireless LLC, Ready Wireless, SI Wireless, LLC, and Telrite Corporation, through counsel, (collectively, “Wireless ETCs”) respectfully move for full intervention in the above-referenced proceeding pursuant to KRS § 278.310, 807 KAR 5:001, § 4(11) and the Commission's February 12, 2018 Order establishing a procedural schedule in this case. The Wireless ETCs are CMRS providers operating generally as mobile virtual network operators throughout Kentucky.¹ Their participation will assist staff in this proceeding with complicating or disrupting it.

By its Petition, BellSouth Telecommunications, LLC (“AT&T” or “AT&T Kentucky”) intends to relinquish its ETC designation for all areas in Kentucky where AT&T is not receiving CAF II funding. Petition at 2. As AT&T explains, federal law allows an ETC to relinquish its ETC designation “in any area” so long as the area is served by more than one ETC. *Id.* at 3, citing 47 U.S.C. § 214(e)(4). AT&T further asserts that every wire center in the relinquishment area is served by multiple ETCs, and in some cases by as many as 19 other ETCs. Exhibit C to the Petition refers to the Wireless ETCs as competitive eligible telecommunications carriers (“CETCs”) in AT&T Kentucky’s current ETC Service Area.

¹ SI Wireless is a wireless licensee providing service within its licensed coverage area in Western Kentucky.

The Wireless ETCs agree with AT&T that an ETC is free to relinquish ETC status when it meets the statutory standard. And as AT&T notes in its Petition, the Commission has previously allowed numerous competitive ETCs (including other MVNOs) to relinquish their ETC designations. Petition at 10, n. 17.

Here, however, the Commission has not automatically granted AT&T's petition but has set a schedule for further review. If the Commission is changing its process for evaluating relinquishment petitions, the Wireless ETCs have a direct, substantial interest and must be granted intervention.

Alternatively, there may be questions about whether AT&T is eligible to relinquish its ETC status under federal law. One inquiry may be confirming that competitive ETCs are serving the relinquishment area. Moreover, the Commission may be considering how granting the petition may affect the Commission's Universal Service goals.

Regardless of the issues that inform the Commission's decision not to automatically grant AT&T's petition, the Wireless ETCs are proper intervenors. Like AT&T, the Wireless ETCs have been active participants in the Commission's ongoing inquiry into the Kentucky Universal Service Fund in Case No. 2016-00059. In that case the Wireless ETCs, after correctly assuming that AT&T Kentucky would seek to relinquish its ETC status, requested the Commission to consider an informal conference for all stakeholders to discuss the best ways to promote universal service in a changing telecommunications environment.² As AT&T's Petition is to be resolved while the KUSF investigation is pending, the Wireless ETCs are proper participants in each case.

² AT&T Kentucky made a similar request in its April 3, 2017 Petition for Rehearing, stating "this case may lend itself to a workshop during which interested parties and Staff could discuss the respective concerns . . ."

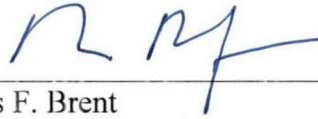
The Wireless ETCs do not oppose the relief AT&T is seeking. Their interest is limited to the Commission's review under the applicable federal standard, including identification of the competitive ETCs that can serve end users eligible for Lifeline service from AT&T Kentucky. The Wireless ETCs individually seek full intervenor status pursuant to 807 KAR 5:001 § 4(11) to allow them to fully participate and to be served with documents related to the Petition. The Wireless ETCs pledge to adhere to all Commission rules and procedures applicable to party intervenors. The Wireless ETCs intend to send minimal discovery³ and to join in any data requests to AT&T, as each of the ETCs has the same interests. Consequently, the Wireless ETC's intervention will promote the efficient progress of this proceeding by reducing the burden on other parties and on the Commission.

The undersigned attorney is authorized to represent the Wireless ETCs in this proceeding and to take service of all documents.

³ As requests for information are to be filed no later than February 15, which is likely before the Commission will have granted this motion to intervene, the Wireless ETCs' requests for information to AT&T are being filed contemporaneously with this Motion.

WHEREFORE, Airvoice Wireless, American Broadband and Telecommunications Company, Boomerang Wireless, i-wireless LLC, Ready Wireless, SI Wireless, LLC, and Telrite Corporation move for full intervention in the above proceeding.

Respectfully submitted,



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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing motion has been served by first class mail on those persons whose names appears below this 14th day of February, 2018.

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