

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PETITION OF NEXUS COMMUNICATIONS,)	
INC. FOR ADDITIONAL DESIGNATION AS AN)	CASE NO.
ELIGIBLE TELECOMMUNICATIONS CARRIER)	2009-00110
IN KENTUCKY)	

O R D E R

On March 12, 2009, Nexus Communications, Inc. d/b/a TSI ("Nexus") filed a petition for an expansion of its designation as an Eligible Telecommunications Carrier ("ETC") for the purpose of receiving low-income federal universal service support. Nexus is currently authorized to provide competitive local exchange services ("CLEC")¹ and interexchange services ("IXC")² in Kentucky. Nexus was granted ETC status for its wireline services by Commission Order dated August 29, 2006.³

In its current application, Nexus states that it would like the Commission to clarify that it may use its current ETC designation for wireline offerings and extend that

¹ The utility identification number for the CLEC is 5053480.

² The utility identification number for the IXC is 22205348.

³ Case No. 2005-00474, *Application of Nexus Communications, Inc. for Designation as an Eligible Telecommunications Carrier*. Nexus was granted ETC status for the Cincinnati Bell Telephone Company study area. In that proceeding, Nexus had also requested designation in the service areas for Kentucky ALLTEL, Inc. and BellSouth Telecommunications, Inc., but those designations were denied by the Commission.

designation to the provision of wireless offerings within the same service area.⁴ Additionally, Nexus would like the Commission to find that it is eligible to claim Universal Service Fund support to provide wireless Lifeline and Link-Up services in the Cincinnati Bell Telephone Company and the BellSouth Telecommunications, Inc. d/b/a AT&T Kentucky service areas.

The Commission has reviewed its records but finds no indication that Nexus is separately registered as a wireless utility in Kentucky. Nexus' current application specifically concerns its request for ETC designation for the provision of its wireless services. Nexus' wireless services are provided solely in the form of resale. Nexus states that it resells service on a retail basis from wireless providers such as Verizon and AT&T. Those resold services are provided under the Nexus name. Nexus states that, as a wireless reseller, it does not need a license with the Federal Communications Commission, as the underlying carriers possess all of the necessary licenses. This Commission has previously stated by Order that it will not require tariffs for wireless services.⁵ However, the Commission requires that wireless carriers register with the Commission and pay assessments, pursuant to KRS 278.130.⁶ In that Order, the Commission made no distinction between facilities-based carriers and resellers.

⁴ Petition at 4.

⁵ Administrative Case No. 359, *Exemption for Interexchange Carriers, Long-Distance Resellers, Operator Service Providers and Customer-Owned, Coin-Operated Telephones*, and Administrative Case No. 370, *Exemptions for Providers of Local Exchange Service Other than Incumbent Local Exchange Carriers* (Ky. PSC Aug. 8, 2000 at 2).

⁶ Id.

Nexus desires an extension of its ETC designation but wants that extension to apply to a utility service it has not previously notified the Commission that it intends to provide. The Commission has not previously allowed a telecommunications utility to extend its ETC status to the provision of services that are not registered with the Commission, and the Commission declines to make an exception in this instance. The Commission finds that, before undertaking a review of Nexus' ETC petition, the company must file with the Commission a notice of intent to do business as a wireless utility.⁷ Once notification is made, Nexus should amend the ETC application to reflect that it is registered to provide wireless service in Kentucky.

IT IS THEREFORE ORDERED:

1. Within 20 days of the date of this Order, Nexus shall separately register as a wireless utility with the Commission. The notice of intent to do business shall be filed in this proceeding and a copy shall also be forwarded to the following:

Kentucky Public Service Commission
Attn: Annual Reports Branch
211 Sower Boulevard
P.O. Box 215
Frankfort, Kentucky 40602

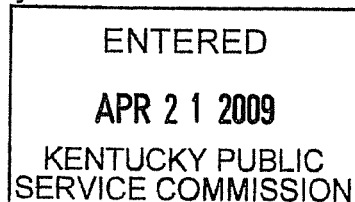
2. If Nexus Communications, Inc. fails to separately register as a wireless provider, the Commission shall dismiss the petition, without prejudice, by separate Order.

ATTEST:



Executive Director

By the Commission



⁷ Id. at 2.

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