

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

WINDSTREAM NORLIGHT, INC. REQUEST TO)
RELINQUISH DESIGNATION AS AN ELIGIBLE) CASE NO. 2015-00081
TELECOMMUNICATIONS CARRIER)

ORDER

On June 14, 2004, the Commission granted the request of Cinergy Communications Company ("Cinergy") for designation as an Eligible Telecommunications Carrier ("ETC") in the BellSouth Telecommunications, LLC d/b/a/ AT&T Kentucky ("AT&T Kentucky") service area.¹ On October 12, 2006, the Commission granted the request of Cinergy for supplemental designation as an ETC in additional service areas in Kentucky.² Cinergy was authorized to receive high-cost and low-income support for the purpose of providing Lifeline service. On October 10, 2007, Cinergy notified the Commission that its name had changed to Norlight, Inc. On April 2, 2011, Norlight, Inc. notified the Commission that its name had changed to Windstream Norlight, Inc. ("Windstream Norlight").

¹ Case No. 2004-00131, *Petition of Cinergy Communications Company for Designation as an Eligible Telecommunications Carrier in the Commonwealth of Kentucky* (Ky. PSC June 14, 2004).

² Case No. 2006-00089, *Supplemental Petition of Cinergy Communications Company for Designation as a Eligible Telecommunications Carrier in Additional Service Areas* (Ky. PSC Oct. 12, 2006).

On March 19, 2015, Windstream Norlight filed a letter notifying the Commission of Windstream Norlight's intent to relinquish its ETC status in Kentucky.³ The letter also stated that Windstream Norlight's customers would be transferred to Talk America Services, LLC ("TAS") as part of the spin-off transaction discussed in its Asset Transfer Application filed with the Commission on August 7, 2014; the Commission approved the Asset Transfer on December 4, 2014.⁴ Windstream Norlight requests that its ETC designation be relinquished as of March 31, 2015. The Commission will treat the letter as a Petition.

Windstream Norlight is a facilities-based wireline provider. Windstream Norlight states that it has no Lifeline customers at the time of the Petition.⁵ Windstream Norlight will not continue to provide service and its residential customers will be transferred to TAS.⁶

³ On March 11, 2015, Windstream Norlight tendered notice of its intent to relinquish its ETC status in Kentucky in a letter signed by an attorney who is not licensed to practice law in Kentucky. Pursuant to 807 KAR 5:001, Section 4(4), an attorney representing a corporation before the Commission must be licensed to practice law in Kentucky. Subsequently, Windstream Norlight replaced the March 11, 2015 letter with its March 19, 2015 letter that was filed by an attorney licensed to practice law in Kentucky.

⁴ Case No. 2014-00283, *Application of Windstream Kentucky East, LLC and Windstream Kentucky West, LLC (1) For a Declaratory Ruling that Approval is Not Required for the Transfer of a Portion of Their Assets; (2) Alternatively for Approval of the Transfer of Assets; (3) For a Declaratory Ruling that Communications Sales and Leasing, Inc. is Not Subject to KRS 278.020(1); and (4) For All Other Required Approvals and Relief* (Ky. PSC Dec. 4, 2014).

⁵ Petition.

⁶ Pursuant to the Application filed in Case No. 2014-00283, *Windstream Kentucky East, LLC and Windstream Kentucky West, LLC* (Ky. PSC Aug. 7, 2014), TAS will seek authority to provide telecommunication services in Kentucky by separate notice in accordance with the procedures established by the Commission in its Orders in Administrative Case No. 359, *In the Matter of Exemptions for Interexchange Carriers, Long-Distance Resellers, Operator Service Providers and Customer-Owned, Coin-Operated Telephones* (Ky. PSC June 21, 1996) and Administrative Case No. 370, *Exemptions for Providers of Local Exchange Service Other than Incumbent Local Exchange Carriers* (Ky. PSC Jan. 8, 1998).

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. The incumbent Local Exchange carriers, AT&T Kentucky and Windstream Kentucky East, are designated as ETCs in the area served by Windstream Norlight, 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 Windstream Norlight is designated an ETC in Kentucky, it is unnecessary to provide notice to those carriers to permit them to purchase or construct facilities to ensure that customers will continue to receive service.

47 U.S.C. § 214(e)(4) states in part:

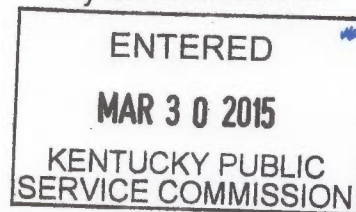
A state commission . . . shall permit an eligible telecommunications carrier to relinquish its designation as such a carrier in any area served by more than one eligible telecommunications carrier. An eligible telecommunications carrier that seeks to relinquish its eligible telecommunications carrier 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 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.

IT IS THEREFORE ORDERED that:

1. Windstream Norlight's request to withdraw as an ETC is granted.
2. This case is now closed and removed from the Commission's docket.

By the Commission



ATTEST:



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