

421 West Main Street  
Post Office Box 634  
Frankfort, KY 40602-06  
[502] 223-3477  
[502] 223-4124 Fax

February 26, 2018

**HAND DELIVERED**

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

RECEIVED  
FEB 26 2018  
PUBLIC SERVICE  
COMMISSION

Mark R. Overstreet  
(502) 209-1219  
(502) 223-4387 FAX  
moverstreet@stites.com

RE: **Case No. 2017-00416**

Dear Ms. Pinson:

Enclosed please find and accept for filing the original and ten copies of the joint motion of AT&T Kentucky and the Wireless ETCs for waiver of hearing and request for expedited treatment.

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

Very truly yours,

  
Mark R. Overstreet

MRO

cc: Douglas F. Brent

RECEIVED

FEB 26 2018

PUBLIC SERVICE  
COMMISSION

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

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

**JOINT MOTION OF AT&T KENTUCKY AND THE WIRELESS ETCs  
FOR WAIVER OF HEARING  
AND REQUEST FOR EXPEDITED TREATMENT**

AT&T Kentucky<sup>1</sup> and the Wireless ETCs<sup>2</sup> respectfully jointly move that the Commission waive the evidentiary hearing and the remainder of the current procedural schedule and, following the lead of all thirteen other states which have ruled on AT&T relinquishment petitions to date, expeditiously enter an order granting AT&T Kentucky’s Petition to relinquish its ETC designation in portions of Kentucky. Although the Wireless ETCs have intervened,<sup>3</sup> they do not dispute that AT&T Kentucky meets the standard for relinquishment. Under federal law, at 47 U.S.C. § 214(e)(4), AT&T Kentucky has a right to relinquish its ETC designation for any area where another ETC is present. As demonstrated in AT&T Kentucky’s October 20, 2017, Petition, there are at least 14 and in some instances as many as 19 other ETCs serving the areas AT&T Kentucky

<sup>1</sup> BellSouth Telecommunications, LLC d/b/a AT&T Kentucky.

<sup>2</sup> Airvoice Wireless, American Broadband and Telecommunications Company, Boomerang Wireless, i-wireless LLC, Ready Wireless, SI Wireless, LLC, and Telrite Corporation.

<sup>3</sup> On February 14, 2018, the Wireless ETCs also filed three Requests for Information. AT&T responded to the Wireless ETCs’ discovery on February 21, and the Wireless ETCs are satisfied with those responses. No other requests for information were submitted in the case prior to the Commission’s deadline for discovery.

is relinquishing. *Pet. at 3, Exh. C.* Kentucky consumers educated about the Lifeline program are well aware of those other options. From 2008 through June, 2017, 91% of AT&T Kentucky's Lifeline subscribers left AT&T, presumably for one of their many other options. By the end of June, 2017, AT&T Kentucky served less than 1% of Kentucky's Lifeline subscribers. *Pet. at 6-7.*

The Wireless ETCs do not dispute any of that, and, indeed have been among the various competitive providers able to respond to Kentucky Lifeline consumers' exodus from AT&T Kentucky. Rather, their intervention in this proceeding is intended to drive home another important point. At the same time Kentucky's Lifeline-eligible subscribers are moving to wireless ETCs to take advantage of the affordable mobility they offer, the Commission, in a separate proceeding, is considering whether to eliminate the ability of those users to be supported by the Kentucky Universal Service Fund. Case No. 2016-00059. The point the wireless carriers want to make in this case – and it is a point with which AT&T Kentucky agrees<sup>4</sup> – is that it would be a policy mistake to curtail wireless carriers' ability to participate in the state USF when, clearly, the vast majority of Kentucky Lifeline subscribers are relying on wireless carriers for their Lifeline service.

But that is an issue that will be resolved in Case No. 2016-00059, not here. In this case, the only issue before the Commission is whether AT&T Kentucky meets the federal standard for Relinquishment. The Wireless ETCs do not dispute that point. The evidence AT&T has put forward shows that it meets the standard for relinquishment. No one else has intervened in this matter. There are no further issues the Commission needs to explore in this proceeding.

---

<sup>4</sup> See AT&T Kentucky Comments on Rehearing pp. 1-3, 5. *In the Matter of: An Inquiry Into the State Universal Service Fund*, Case No. 2016-00059 (May 10, 2017).

WHEREFORE, the Parties jointly move that the Commission rescind and waive the remainder of its procedural schedule in this matter and, as soon as practicable, issue an Order granting the relief AT&T Kentucky requested in its October 20, 2017 Petition.

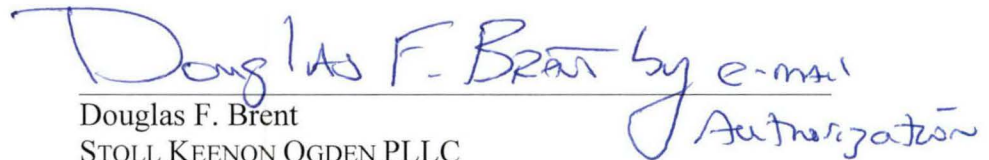
Respectfully submitted this 26<sup>th</sup> day of February, 2018.

BY:



Mark R. Overstreet  
**STITES & HARBISON PLLC**  
421 West Main Street  
P.O. Box 634  
Frankfort, Kentucky 40602-0634  
(502) 223-3447 (Telephone)  
(502) 223-4387 (Facsimile)  
[moverstreet@stites.com](mailto:moverstreet@stites.com)

*Counsel to AT&T Kentucky*



Douglas F. Brent  
STOLL KEENON OGDEN PLLC  
2000 PNC Plaza  
500 West Jefferson Street  
Louisville, Kentucky 40202  
(502) 568-5734  
[douglas.brent@skofirm.com](mailto:douglas.brent@skofirm.com)

*Counsel for Airvoice Wireless, American Broadband and Telecommunications Company, Boomerang Wireless, i-wireless LLC, Ready Wireless, SI Wireless, LLC, and Telrite Corporation*