

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PETITION OF TRACFONE WIRELESS, INC.)	
TO AMEND ITS DESIGNATION AS AN)	
ELIGIBLE TELECOMMUNICATIONS)	CASE NO.
CARRIER TO RECEIVE KENTUCKY)	2019-00185
UNIVERSAL SERVICE SUPPORT FOR)	
LIFELINE SERVICE)	

ORDER

On November 24, 2010, in Case No. 2009-00100,¹ the Commission approved TracFone Wireless, Inc.'s (TracFone) petition for designation as an eligible telecommunications carrier (ETC) for the purpose of offering Lifeline and Link Up Service to qualified low-income households in Kentucky. TracFone, at the time of its petition requesting approval as an ETC, did not request universal support from the Kentucky Universal Service Fund (KUSF). On November 22, 2016, TracFone filed in Case No. 2009-00100 a petition to amend its designation as an ETC to be eligible to receive support from the KUSF.

Prior to the TracFone's filing of its petition to amend, the Commission, on February 1, 2016, initiated an investigation into the KUSF as a result of a severe revenue shortage that left the KUSF unable to meet its financial obligations.² On March 10, 2017, the Commission issued an Order in Case No. 2016-00059 that limited KUSF support solely

¹ Case No. 2009-00100, *Petition of TracFone Wireless, Inc. for Designation as an Eligible Telecommunications Carrier in the Commonwealth Of Kentucky for the Limited Purpose of Offering Lifeline and Link Up Service to Qualified Households* (KY PSC Nov. 24, 2010).

² Case No. 2016-00059, *An Inquiry Into the State Universal Service Fund* (Ky. PSC Feb. 1, 2019).

to landline Lifeline customers.³ The Commission subsequently, on April 20, 2017, stayed enforcement of the March 10, 2017 Order to determine the effect that enactment of Senate Bill 10,⁴ which amended portions of KRS 278.5435, would have on the Commission's decision to limit KUSF solely to landline Lifeline customers. After the stay, the Commission processed no pending ETC applications from wireless carriers seeking to be approved to receive reimbursement from the KUSF.⁵

On May 20, 2019, the Commission issued an Order in Case No. 2016-00059,⁶ citing changes in several factors upon which it had based its March 10, 2017 Order, establishing a comment cycle on the KUSF investigation. The May 20, 2019 Order requested comments on several issues, including comments on the possibility that the Commission might amend previous decision limiting KUSF support and extend the support to voice-only Lifeline offerings for both wireless and wireline ETCs.

Given that the Commission has established a comment cycle in Case No. 2016-00059 and has indicated that it might reconsider its March 10, 2017 Order, the Commission finds that it will now process TracFone's pending petition to amend its ETC designation to include support from the KUSF. However, rather than address TracFone's petition in Case No. 2019-00100, the Commission finds that a new docket should be established to consider TracFone's petition to amend. The Commission also finds that,

³ Case No. 2016-00059, *An Inquiry Into the State Universal Service Fund* (Ky. PSC Mar. 10, 2019).

⁴ 2017 Ky. Acts Ch. 43.

⁵ See e.g., Case No. 2016-00276, *Petition Of IM Telecom, LLC Dba Infiniti Mobile for Designation as an Eligible Telecommunications Carrier in the Commonwealth of Kentucky*, (Petition filed July 29, 2016).

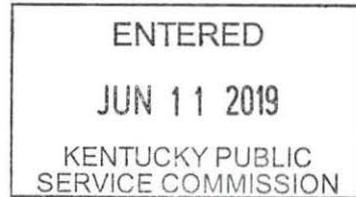
⁶ Case No. 2016-00059, *An Inquiry Into the State Universal Service Fund* (Ky. PSC May 20, 2019).

given the passing of time since TracFone filed its petition to amend, TracFone should file an updated petition to amend in this proceeding.

IT IS THEREFORE ORDERED that within 30 days of the date of the entry of this Order, TracFone shall file with the Commission an updated petition to amend its ETC designation.

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By the Commission



ATTEST:


Executive Director

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